



Strasbourg, 6 June 2024

T-PVS/Files(2024)58

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

---

**Open File 2019/5**

# **Habitat destruction in Mersin Anamur Beach (Türkiye)**

**TERMS OF REFERENCE FOR A BERN CONVENTION  
ON-THE-SPOT APPRAISAL**

*Document prepared by  
the Secretariat of the Bern Convention*

---

## 1. BACKGROUND OF THE CASE-FILE

The complaint 2019/5 concerns an alleged breach of the Bern Convention related to habitat destruction caused by constructions on a 13km stretch of Karaağaç Beach (Mersin Anamur Beach in Türkiye). The beach is a nesting site for several sea turtle species including the Loggerhead sea turtle (*Caretta caretta*), Green sea turtles (*Chelonia mydas*) and Nile soft-shelled turtles (*Trionyx triunguis*) which are strictly protected species under Appendix II of the Bern Convention.

Sea turtles and their habitats are protected in Türkiye by international and national legislation, in particular the Bern and Barcelona Conventions, as well as Land Hunting Law coded 4915, Environment Law No. 2872 and Circular of the Conservation of Sea Turtles No. 2009/10. According to the latest, four zones are defined from the sea to the land: A 1<sup>st</sup> Protection Zone, which extends from the coastline to the land for 65 meters; a 2<sup>nd</sup> Protection Zone, which starts from the end of the first zone and until shore edge line in the land; and then a buffer zone and an impact zone. No structures (facilities, stalls, cafes, tea houses, etc.) can be built in the 1st Protection Zone; sand extraction, access of motorised vehicles and access at night are also forbidden. The conditions in the 1<sup>st</sup> Protection Zone also applies to the 2<sup>nd</sup> Protection Zone the sole exception for temporary structures.

The first contested work consisted of the Municipality of Anamur pouring soil over the dune area to modify the beach and planting trees to create a **Picnic area** in Karaağaç. Further to an inspection on site on 10 June 2019, the Mersin Provincial Directorate of the Ministry of Agriculture and Forestry decided that this was illegal work, was to be stopped, and that the Municipality had to rehabilitate the beach and take out planted trees and soil under the inspection of the Directorate no later than 16 July 2019. The Municipality was also fined 180.489 Turkish Lira (approximately €22.846 as of 2019 Euro exchange rate). The Municipality did not obey the rehabilitation decision and appealed to the administrative court for the stay of execution and not to pay the administrative fine. In January 2021, the National Court decided to dismiss the appeal filed by the Municipality. Despite this, the Municipality didn't pay the fine but rehabilitation work in the Picnic area in Karaağaç was made. The complainant nevertheless noted that rubble and soil remained.

According to the complainant, the additional activities led to the degradation of the nesting area and included excess water and soil flow down to the beach, causing damage on the structure of the sand area and existing nests, illegal sand extraction and touristic pressure on the nesting areas, which resulted in an increase in vehicle accessing the beach since entrance to the beach was not blocked, beach furniture (starting from 3-5 meters from the shoreline and left on the beach even during the night for the whole summer season), light and sound pollution (with noisy and brightly parties or wedding ceremonies on the beach including sometimes fireworks, bright light from street lamps, hotels, tea gardens, apartments) and littering (no sufficient cleaning of the beach, no activity to increase awareness to keep the environment clean, and no sanctions against litterers). In addition, the complainant regretted that there was not enough persons to control the nesting beach (only 1 person allocated for 12,7 km beach to check nests but not warning any violating organisation or keeping the records of violations) and that the nests were insufficiently protected.

The Anamur **Coastal Arrangement Project** started in September 2020. It includes, among other equipment, bicycle and walking paths, green areas, sport parks, mini golf, children playgrounds, pergolas and sitting benches, showers, toilets, cafeterias, patisseries, and tea gardens. Additionally, many trees have been planted along with a grass lawn and irrigation system. For its construction, soil was poured onto the sandy beach area to plant the imported trees and grass, with added fertilizer. The distance of the soil area to the shoreline varies between 40 to 50 meters, or possibly less in some areas, which is less than the limits of the 1<sup>st</sup> Protected Zone (which is supposed to be 65m from the coastline). A low wooden border is installed to prevent mixing of the imported soil with the sand. According to the national authorities, the nesting band is expected to be marked with wooden piles to avoid the entrance of vehicles and lighting within the project area should be red and face the interior. Activities like concerts, festivals, parties, weddings, etc., which may cause discomfort to the turtles are not allowed. Information and warning signs about turtles is expected to be placed in the beach entrance areas. Wastewater that will originate from the shower cabins specified in the project should be discharged into the sewerage systems of the municipality Plants. The construction of the Coastal Development Project took place in several successive phases, along the beach. Phase I was completed in May 2022. The

Government authorities stated in September 2022 that Illegal tea gardens, makeshift cafes and irregular structures in the project implementation areas have been removed and that some of the activities mentioned in the project were cancelled and some were relocated. Despite a request by the Standing Committee to halt it, Phase II of the Project (with the same kind of equipment as in Phase I) was approximately 90% completed in August 2023. The constructions included heavy machinery and continued in the nesting season as well. According to the complainant, this project completely destroyed the 2<sup>nd</sup> protection zone and seriously damaged the 1<sup>st</sup> protection zone. A 3<sup>rd</sup> phase of construction is expected to follow.

The complainant submitted several petition letters to oppose many aspects of the Coastal Arrangement project, together with court proceedings. It also highlighted the general lack of consideration of local NGOs by the authorities and called on the authorities to collaborate and communicate with them. The complainant requested that the authorities enforce and penalise perpetrators for violations of the protection measures. It also requested that more staff be allocated to ensure efficient monitoring and caging of the nests, or that work with a university be organised by the authorities. The complainant also noted that the conservation status of the area between Dragon Rivulet, Mamure Castle, and the Pullu Forest Camp (which is the densest nesting area) was reorganised by a new Circular of 29 July 2023 (Government Official Gazette number 32263). Considering that this was the first step to narrow down the protected area as a preparation for future zoning changes, it requested to return to the previous protection status of this area. It also asked the national authorities to ensure that local authorities and local businesses comply with Turkish National law and the Bern Convention's Recommendation No. 66 (1998).

After reeds were cut, a stone wall was constructed in 2022 along the **banks of the Dragon rivulet**. While the complainant argued that this destroyed the natural riverbank habitat of the threatened Soft Shell Nile Turtles (*Trionyx triunguis*), the Government authorities argued that, according to the results of the UBENIS Project that the General Directorate of Nature Conservation and National Parks conducted, no records of Soft Shelled Nile Turtle nesting was found in that area. At its 43<sup>rd</sup> meeting in December 2023, the Standing Committee urged the authorities to prevent further stone wall construction along the Dragon River that impacts on the nesting activity and habitat of the *Trionyx triunguis* turtles. This request was reiterated by the Bureau at its March 2024 meeting.

A process towards **geothermal drilling license** was launched in 2022, with the preparation of an Environmental Impact Assessment initiated. One of the three drilling foreseen was expected to be located between Dragon Rivulet and Mamure Castle, covering the nesting beach which hosts the highest density of *Caretta caretta* nests on Anamur nesting beach. The complainant reported that, if the power plant was to become operational, it would damage the nesting beach due to gas emission, water and sand pollution, and noise pollution. The geothermal energy exploration permit in the EIA Range-1 area (close to the Anamur Turtle Nesting area) had not been granted. However, the company submitted this termination decision to the court. In addition, geothermal exploration activities in the areas of EIA Range-2, which is approximately 2200 meters from the shoreline, and EIA Polygon-3, located at a distance of 730 meters, were deemed suitable conditionally. At its 43<sup>rd</sup> meeting in December 2023, the Standing Committee urged the authorities to suspend the geothermal drilling license, which covers the nesting beach, until an EIA process by an independent scientific team evaluates its impact. This request was reiterated by the Bureau at its March 2024 meeting.

The Bureau of the Bern Convention repeatedly expressed its concern that no rehabilitation work has begun, and that an even larger development project was planned. At its September 2020 meeting, it decided to elevate the complaint to a Possible File, thus bringing it to the attention of the 40<sup>th</sup> Standing Committee which shared the Bureau's deep concern and urged the national authorities to halt any current or future development works of the local Municipality on the fragile nesting habitat, encouraged them to continue discussions with the Municipality on alternative projects, and to involve local environmental NGOs in any decision-making. The Standing Committee noted with concern in December 2022 that construction permits had been issued for phase I of a coastal development. Despite a few positive steps undertaken by the national authorities, the Standing Committee shared the Bureau's consideration that the situation was alarming and decided in December 2022 to open the file. At its 43<sup>rd</sup> meeting in December 2023, the Standing Committee stressed its extreme concern with the situation in Mersin Anamur Beach and strongly condemned the destruction of the beach area. It urged the Turkish authorities to halt Phase II of the coastal development project and to ensure that no other coastal

development projects extend to other areas of the beach. It requested information from the authorities on the mitigation measures put in place and what post-construction monitoring was foreseen. It also urged the Turkish authorities to dismiss the zoning plan change affecting the nesting beach that was approved by the Municipality of Anamur and the Mersin Metropolitan Municipality on 9 February 2021; perform an assessment for the restoration status of Karaağaç Beach and publish the official sea turtle nest numbers marked by the Nature Conservation and National Parks official for each section of the Anamur nesting beach (for the past 5 years and future years). Finally, the Standing Committee decided to mandate an on-the-spot appraisal (OSA) to take place in 2024 to assess the situation on-site, subject to the agreement of the Turkish authorities, and urged the Turkish authorities to halt any construction until then. The Turkish authorities expressed their agreement for the OSA in their report of 5 February 2024.

In March 2024, the Bureau also acknowledged the complainant's ongoing concerns that violations of the national legislation to protect the sea turtles and nesting habitat continue to occur without any consequence for the perpetrators: in particular sand extraction from the beach, vehicles accessing the beach, business expansions, as well as light and noise pollution. It urged the national authorities to ensure that local authorities and local businesses comply with Turkish National law and Bern Convention's Recommendation No. 66 (1998).

## **2. OBJECTIVES OF THE MISSION**

On the basis of the instructions by the Standing Committee, the information provided by the authorities, complainant NGO and other stakeholders, as a reference point, the objectives of the mission are, through research, on-site assessment, and discussions with relevant stakeholders, to:

1. Collect information on the initial state of the nesting beach to be able to compare with the current state, in particular the number of nests registered before the work started and in 2023.
2. Assess the actions taken to stop sand extraction from the nesting beach, vehicles access on the beach, light and noise pollution, removal of beach furniture at night, collect of littering and treatment of waste water, small business expansion and any other illegal activities.
3. Assess the feasibility of a restoration of the nesting beach.
4. Assess whether there are sufficient information and warning signs about turtles in the beach entrance areas.
5. Collect information on the possible consequences of the changes in the conservation status of the area between Dragon Rivulet, Mamure Castle, and the Pullu Forest Camp as reorganised by a new Circular of 29 July 2023 (Government Official Gazette number 32263).
6. Collect information on the state of play of current internal court proceedings and their possible outcomes.
7. Assess the state of collaboration and communication between the authorities and civil society

### *Concerning the Karaağaç Picnic Area*

1. Assess the state of rehabilitation of the area.

### *Concerning the Coastal Arrangement Project*

1. Assess whether the Coastal Arrangement Project is sufficiently protecting the nesting beach (in particular, as concerns the 1<sup>st</sup> Protection Zone, is the limit of 65 meters from the coastline forbidding any structures so that the turtles can lay their eggs sufficient and respected? Is the 2<sup>nd</sup> protection zone sufficient and respected?).

2. Collect information on any further projects and assess whether they are compatible with the protection of the nesting sites.

*Concerning the banks of the Dragon rivulet*

1. Collect data concerning the presence of Soft-Shelled Nile Turtles (*Trionyx triunguis*) nests on the banks of the Dragon rivulet and assess a potential destruction of the habitat due to the construction of the stone wall on the banks of the Dragon rivulet.
2. Assess the feasibility of a restoration of the banks of the Dragon rivulet.

*Concerning the geothermal drilling license*

1. Assess whether geothermal exploration activities could have an impact on the nesting beach, and whether an Environmental Impact Assessment of these activities have been duly carried out.

*Concerning the zoning plan change of the nesting beach approved by the Municipality of Anamur and the Mersin Metropolitan Municipality on 9 February 2021*

1. Assess to what extent the zoning plan change affects the nesting beach and, if necessary, the measures to be taken so that there are no negative consequences for the beach.

The international independent expert may also add any other objectives further to the information collected while preparing for the OSA or during the visit, subject to the agreement of both parties to the case.

### **3. MISSION DELIVERABLES**

Based on the findings of the mission, the expert shall submit a written report of a maximum of 20 pages, including proposed recommendations to the national authorities on conforming with the Bern Convention, taking into account [Recommendation No. 66 \(1998\)](#) on the conservation status of some nesting beaches for marine turtles in Türkiye, as well as the [Guidance Tool](#) on Conservation of sea turtles nesting sites which was endorsed by the Standing Committee at its 43rd meeting in 2023.

The recommendations shall be accompanied with a monitoring plan for their implementation and shall be examined and possibly adopted by the Standing Committee to the Bern Convention.

### **4. MISSION TEAM PARTICIPANTS, NATIONAL AUTHORITIES AND OTHER STAKEHOLDERS TO BE INVOLVED**

#### **4.1. Mission team**

- International independent expert
- Bern Convention Secretariat

#### **4.2. Governmental and local authorities**

- General Directorate of Nature Conservation and National Parks of the Ministry of Agriculture and Forestry of Türkiye
- General Directorate of Environmental Impact Assessment and Monitoring of the Ministry of Environment, Urbanisation and Climate Change of Türkiye
- General Directorate of Security (Turkish Police Service) of the Ministry of Internal Affairs of Türkiye
- General Directorate of Gendarmerie of the Ministry of Internal Affairs of Türkiye

- Inspection Board Presidency of the Ministry of Internal Affairs of Türkiye
- Mersin Division Directorate of Nature Conservation and National Parks
- Mersin Provincial Directorate of Ministry of Environment, Urbanization and Climate Change
- Mersin Provincial Directorate of the Ministry of Agriculture and Forestry
- Mersin Provincial Directorate of Ministry of Culture and Tourism
- Mersin Coast Guard Command
- Mersin Regional Directorate of GD State Hydraulic Works
- Mersin Metropolitan Municipality
- Anamur Municipality
- Other relevant ministries/agencies/institutions of Türkiye
- Other relevant regional and local authorities

#### **4.3. Other stakeholders**

- MERÇED (Mersin Çevre ve Doğa Derneği - Mersin Environment and Nature Association) (complainant)
- MEDASSET - Mediterranean Association to Save the Sea Turtles
- Other relevant NGOs, e.g. Akdeniz Kaplumbağaları ve Doğa Koruma Derneği – Mediterranean Turtles and Nature Conservation Association (AKKAP), Sualtı Araştırmaları Derneği – Underwater Research Association (SAD)
- Representatives of the National Sea Turtle Scientific Committee
- Scientific and academic community
- Local community representatives

## **5. FUNDING AND ORGANISATION OF THE MISSION**

Funding for covering costs of the on-the-spot appraisal (Fees for the international independent expert and travel and accommodation costs of the Mission team) will be borne by the Bern Convention.

International logistical arrangements will be done and coordinated by the Bern Convention Secretariat.

The Turkish authorities are kindly requested to organise and provide local logistics, such as arranging meetings scheduled with all stakeholders, field visits, providing local transportation for the mission team free of charge, providing interpretation and translation of documents if required.

## **6. DATES**

The mission is scheduled to take place on 2-4 July 2024.