

CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY
AS WATERFOWL HABITAT

RAMSAR CONVENTION MONITORING PROCEDURR

REPORT NO. 8: RAMSAR SITES IN GREECE [presently listed as report no. 6]

I) GENERAL INTRODUCTION

1. Each Contracting Party to the Ramsar Convention (“Convention on Wetlands of International Importance especially as Waterfowl Habitat” Ramsar, 1971) “shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance” (Article 2.1 of the Convention). The Contracting Parties “shall designate at least one wetland to be included in the List” (Article 2.4) and “shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List” (Article 3.1). Furthermore, each Contracting Party “shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for continuing bureau duties” (Article 3.2).

2. These are the principal stipulations of the Convention concerning wetlands included in the Ramsar List. Successive meetings of the Conference of the Contracting Parties (held in 1980 at Cagliari, Italy, in 1984 at Groningen, Netherlands and in 1987 at Regina, Canada) have devoted special attention to the conservation of listed wetlands and to the best ways of avoiding “change in ecological character”.

3. Conference Document C.3.6 of the Regina meeting (“Review of national reports submitted by Contracting Parties and Review of implementation of the Convention since the second meeting in Groningen, Netherlands in May 1984”) included a section (paragraphs 66 to 107) entitled “Changes in the ecological character of listed wetlands”. This section recalls that it is “essential that, after a wetland has been designated for the List, its conservation status should be maintained”, and that “the concept of preventing change in the ecological character is fundamental to the Ramsar Convention”. Paragraphs 74 to 107 then review the various wetlands on the List where such changes have occurred, are occurring, or are likely to occur.

4. During the discussion of these paragraphs, several delegates emphasized the importance of avoiding changes of this kind in listed wetlands and the Conference approved a Recommendation (C.3.9.) on this matter. The Recommendation (text attached to the present document) urges Contracting Parties to take swift and effective action to prevent any further degradation of sites and to restore, as far as possible, the value of degraded sites; the Recommendation requests Contracting Parties in whose territory are located the sites identified in Conference Document C.3.6. as having incurred or being threatened by damage, to report to the Convention Bureau the actions undertaken to safeguard these sites.

5. At the fourth meeting of the Ramsar Convention Standing Committee, the members (Pakistan, Canada, Chile, Netherlands, Poland, Switzerland, Tunisia and USA) and observers (United Kingdom, IUCM, IWRB and WWF) considered the best way of promoting the

implementation of Recommendation C.3.9. A “Monitoring Procedure” (the text of which is attached to the present document) was adopted by the Standing Committee as a procedure to monitor Ramsar sites, and has been used since February 1988 by the Convention Bureau.

6. As a result of the discussions which took place at the Regina Conference on the conservation status of Ramsar sites in Greece (all of which were mentioned in document C.3.6.) as well as on the basis of further information available, the Convention Bureau communicated with the Greek Government with a view to initiating the “Monitoring Procedure”. In their reply, the Greek authorities were very forthcoming and it was agreed that a preliminary fact-finding visit by a consultant, Dr. Cyrille de Klemm, would take place from 6 to 10 November 1988 to be followed by a second mission in the Spring of 1989 for further discussions and visits to selected sites.

7. The report which follows is based on the discussions which took place during the first visit. It deals mostly with legal and institutional problems, the solution of which would seem to be an important prerequisite for the long-term conservation of Greek Ramsar Sites. Certain technical problems which were specifically referred to by the Greek authorities during the visit are also mentioned.

8. Arrangements for the visit were most satisfactory and the efforts made by Mr. Vournas, Director of Environmental Planning, and Ms. Rania Spiropoulou of the Nature Management Section were greatly appreciated and contributed considerably to the success of this mission.

9. The visit was organized as follows:

a) 6 November (Sunday). Dinner with Ms. Spiropoulou; general overview of the wetland situation and related problems in Greece.

b) 7 November. Meeting with members of the Nature Management Section: Mrs. Kourteli, Head of Section, Ms. Daskalaki, Legal Consultant, and the people responsible for the various Ramsar Sites - examination of the general situation; review of the Environment Protection Act of 1986 and of its potential for wetland conservation. Dinner with Ms. Spiropoulou to continue discussions.

c) 8 November. Meeting with Mrs. Bazon (Land Planning Directorate), Mr. Petamides (Head of Game Management Department in the Ministry of Agriculture), Ms. Stavropoulou (Department of Environmental Protection in the Ministry of Agriculture). Meeting with the President (Mr. Dragoumis) of the Hellenic Ornithological Society, together with the Vice President (Mr. Tsougrakis) and Secretary (Mrs. Tsakona) of that NGO.

d) 9 November. Meeting with Mr. Pappas from the Hellenic Agency for local Development and local Government. Discussion on contractual policies for development and on the role of NGOs. Meeting with the Director of Environmental Planning, Mr. Vournas and members of his staff, including Mrs. Spala who usually represents Greece at Council of Europe meetings. Further discussion with Ms. Spiropoulou and working dinner with Mrs. Spala.

e) 10 November. Meeting with individual staff members of the Nature Management Section responsible for the various Ramsar Sites - identification of assistance needs.

II) LEGAL AND INSTITUTIONAL BACKGROUND

1. Constitution The Greek Constitution of 9 June 1975 (article 24) provides that the protection of the natural and cultural environment is an obligation of the State. The State must take special measures, preventive or repressive for the purpose of its conservation.

2. Forestry Legislation

Until the adoption of the Act of 1986 on the Protection of the Environment, legislation relating to protected areas was a part of forestry legislation. The relevant act is Law Decree 996/1971 which was incorporated in the Forest Code. This text provides for the establishment of national parks and other forms of protected areas. The administration of protected areas is carried out by the Forestry Department of the Ministry of Agriculture. Individual areas are managed by the local Forest District offices and supervised at central level by the National Park Section and Game Management Section of the Forestry Department. There do not seem to be specific management bodies and staff assigned exclusively to individual parks. It is planned, however, to set up in the near future, within forest district offices, separate sections to deal with the protection and management of the most important areas.

The only Ramsar site which has the status of a protected area is Prespa, which was established in 1974 as a National Park.

Pursuant to article 31 of the Act on the Protection of the Environment of 1986, all protected areas designated previously under the Forest Act will have to be redesignated by presidential decrees. None, however, of these redesignations seem to have been made so far.

3. Planning Legislation

a) A number of activities are subject to planning controls outside urban areas, particularly under an Act of 31 May 1985 (No 270). This applies to agricultural establishments (e.g. greenhouses, water storage facilities, pumping, irrigation, drainage projects, fish farms, industrial establishments, office buildings, supermarkets, buildings for telecommunications and electricity supply, etc.). Separate texts regulate mining and quarrying and the construction of tourist facilities. Planning permission is granted by the local planning office in each Prefecture (district) or by the Central Government.

Under the 1976 Spatial Planning Act, there is a Spatial Planning Council in which all ministries participate, which deals with projects of national importance. In the case of the scrap-yard in the Nestos Ramsar site, it is this body which granted planning permission against the advice of the Ministry of Planning and the Environment.

b) With regard to the construction of houses in rural areas, there are no zoning plans. It would seem that the general rule is that the owner of an area of at least 4000 square metres is always free to construct a house (subject to certain size restrictions) on his plot. The fact that until recently there seemed to be no Land Register in Greece complicates the situation.

c) Under article 29 of Act 1337 of 1983 which is still in force, "controlled construction areas" must be established by presidential decree in areas such as coastal areas or lake shores where special environment protection measures are required. In such areas specific land uses,

including the construction of houses, may be regulated according to the capacity of the land. Very few of these controlled areas have been established so far, perhaps no more than ten. One of them is a turtle nesting area on the Island of Zakynthos.

d) Under the new Act of 1986 on the Protection of the Environment (article 23), it is now possible by presidential decree to designate “zones of reinforced protection” where specific land-use restrictions, in addition to those which apply to the country as a whole, may be established and in respect of which coherent environment conservation programmes may be developed.

The main purpose of these zones seems however to be pollution control.

e) Under article 24 of the 1986 Act, it is also possible, by presidential decree, to designate “zones for the development of production activities” (i.e. industry, mining, tourism) where special restrictions, in particular with regard to the density of construction, are applicable and in respect of which special management regulations may be adopted. These zones may be established, as appropriate, within the “controlled construction areas” mentioned above.

4. The Act on the Protection of the Environment of 1986 (No 1650)

This Act is the first comprehensive environment protection law adopted in Greece. Its purposes, as listed in article 1, include the prevention of pollution, the promotion of well-balanced development, and the maintenance of renewable natural resources and of the ecological balance of natural ecosystems. The main features of the Act with regard to the protection of natural areas and landscapes are as follows:

a) five categories of protected areas are established. Although they have been given different names, they would seem to correspond in fact to strict nature reserves, nature reserves, national parks, natural monuments and protected landscapes.

b) protected areas are established by presidential decrees on the basis of a special study proving the importance of the area to be protected and the advisability of the protection measures proposed. The designation of a protected area within a “controlled construction area” must be effected by the decree establishing that area.

c) Presidential decrees establishing protected areas lay down the restrictions that are necessary for the protection of such areas. They also designate the government services responsible for the management of the area and may designate special bodies for that purpose. They may require environmental impact assessments for activities in respect of which such assessments would not normally be a legal requirement. Whether such assessments have to be made for activities outside the protected area when they may affect the integrity of the area is unclear.

d) An evaluation of all designated protected areas must be carried out every five years. The boundaries of the areas as well as the restrictions which are necessary for their protection may be modified as a result of this review.

e) Pending the adoption of the presidential decree required for the formal designation of a protected area, a provisional designation may be made by ministerial order. Such an order is, however, only valid for two years. It may be extended for another year in exceptional cases.

5) Institutions

a) The Forestry Department

So far, the only agency that has a budget and staff to manage protected areas has been the Forest Department in the Ministry of Agriculture. At central level there is a National Parks Section which deals with all protected areas established under forestry legislation, a Game Management Section, which deals with hunting regulations and which may establish game refuges (there are more than 300 game refuges in Greece, where hunting is prohibited), and an Environment Protection Section which has an advisory and coordinating role. The latter section which is not a rule making agency has the special task of coordinating conservation activity between the Ministry of the Environment and the other sections of the Ministry of Agriculture in charge of agricultural development.

b) The Ministry of the Environment The Ministry of the Environment is at the same time the Ministry of Planning and Public Works. Most of its environmental activities are concerned with pollution. There is, however, a section of very dedicated people dealing with the natural environment. This is the Nature Management Section, a small section consisting of a total of twenty-one people, including only eight professionals. For the time being there are no field staff whatsoever.

The jurisdiction of the Ministry of the Environment over the establishment and management of protected areas is, to a certain extent, unclear. According to the 1986 Act, the establishment of protected areas is made by presidential decrees adopted upon the proposal of the Ministry of Agriculture, Environment and Industry. Similarly, interim protection orders must be made jointly by the Ministers of Agriculture and of the Environment. In addition, the authority in charge of the management of each individual protected area is to be determined by the presidential decree establishing that protected area. In other words, it is by no means certain that the Ministry of the Environment will be the agency responsible for protected areas. It is, however, assumed within the Ministry, that it will at least play a leading role with regard to the establishment and management of those protected areas that do not come under forest legislation. For the time being, with its small staff and limited means, the Nature Management Section is concentrating on the preparation of the designation of the ten Ramsar sites (the 11th, Prespas, is a national park managed by the Ministry of Agriculture) and on the protection of two important coastal areas: the turtle nesting beaches at Zakynthos and the Northern Sporades National Park which is important for the protection of the monk seal.

c) The National Environment Agency

Chapter VI of the 1986 Act provides for the establishment of a National Environment Agency, as an autonomous body under the control of the Ministry of Environment. This agency, which would have the power to make rules, will serve as an advisor to the Ministry. It will have an important role in respect of research and monitoring. So far the presidential decree which is necessary to establish the Agency does not seem to have been adopted.

d) Local Authorities

Local Authorities are called to play an important role in the implementation of the 1986 Act.

The power to designate protected areas and to determine the boundaries of such areas may be transferred to the Prefects (i.e. the representatives of the central government at local level) under article 21.5 of the 1986 Act. In addition, under article 27 of that same Act, any of the powers exercised by the Minister of the Environment under the Act may also be transferred to the Prefects.

There are no specific provisions in the Act relating to the role of municipalities in respect of the establishment and management of protected areas. Article 21,3, however, provides that the proposed decrees relating to the establishment of protected areas and to the restrictions to be applied therein shall be communicated to the persons concerned. This is taken to include the municipalities of the area in question.

Under the Act of 1984 (No 1916) it is now possible for public sector institutions to enter into contracts with local government authorities for the preparation and performance of development programmes and projects and for the provision of particular services. Their purpose is to involve local government in the development and decision making processes and to approach the complex problems, including the ecological problems, generated by economic development through a democratic planning procedure.

This new approach is at present applied to the development programme of the Amvrakikos area which includes the Ramsar Site (see below).

A special agency was established three years ago to promote that policy: the Hellenic Agency for local Development and local Government. It is a private law corporation whose main shareholder is the State. The Agency has representatives in each Prefecture. It is intended that it will have an environment specialist in at least each of the nine regions of the country within one or two years. The Agency will initially finance the full amount of the projects. It is expected, however, that in the future there will be substantial contributions from the EEC Integrated Mediterranean Programme (IMP) and from the municipalities themselves.

The Agency intends inter alia to establish a working group to develop a methodology for the carrying out of environmental impact assessments.

e) NGOs

The role of NGOs in Greece is becoming increasingly important and many new NGOs have now been established. The Hellenic Ornithological Society seems to be particularly active. Other influent NGOs include the Hellenic Society for the Protection of Nature and the Centre for Environmental Studies. The Friends of Prespa played a particularly important role towards curbing the EEC financed activities which were destroying the Site.

The Agency for local Development and local Government expect to work with conservation NGOs, in particular WWF, on many of its future projects.

It would seem, however, that Greek NGOs may not always be sufficiently familiar with the scientific aspects of conservation. The establishment of the Centre for Environmental Studies could help to resolve this difficulty and it intends to establish a network of scientists with a good knowledge of environmental problems, to provide the necessary scientific information

to NGOs. The legal standing of NGOs to challenge, in the Council of State, administrative decisions which may have been taken in violation of conservation legislation remains unclear and does not seem to have been tested so far in legal proceedings.

III) MAIN LEGAL AND INSTITUTIONAL PROBLEMS RELATING TO THE IMPLEMENTATION OF THE RAMSAR CONVENTION

1. General Wetlands Policy

Outside the Ramsar sites little seems to have been done, either from the legislative or from the administrative point of view, to develop a general wetland conservation policy. Under land-use planning legislation it is possible, however, to establish "controlled construction areas" in ecologically sensitive areas and particularly in wetlands. Furthermore, many activities which could be destructive to wetlands are now subject to planning permission. This provides a legal basis under which it could be possible, without necessarily establishing protected areas, to delineate zones where "controlled construction areas" could be established and a strict implementation of planning permission legislation enforced, to preserve particularly important wetlands.

An inventory of Greek wetlands was made in 1984 and cooperation was instituted with the Land-use Directorate and the Ministry for the purpose of developing a conservation policy. Proposals for the conservation of certain wetlands were made to some local authorities. For instance in the island of Euboea, these proposals were accepted and three wetlands are now protected by local regulations. The Ministry only informs the local authorities of the existence of important sites and of the main conservation measures that should be taken. It does not make its own regulations to preserve them. The extent to which those areas are effectively protected under local land-use controls is, however, unclear. With its present budget and staff, it is unlikely that the Ministry of the Environment will be able to do much more. Ideally, however, the development of a comprehensive wetlands action plan including the determination of conservation priority, should be an objective to keep in mind for the future.

The Forest Department, since 1985, has also undertaken to protect on its own initiative a certain number of wetlands which are important for water birds, for the purpose of implementing in a general way article 4 of the EEC Bird Directive. While this may operate satisfactorily, in the absence of any specific legal text, on land managed by the Forest Department, it is doubtful that it can be generalised. In addition, the Forest Department, which is also responsible for hunting, has prohibited shooting in many Greek wetlands. There are now 300 game refuges in Greece where hunting is completely prohibited and many of these are wetlands.

The Department does not, however, have enough staff to ensure that the prohibitions are always enforced effectively.

2. Listed Ramsar Sites

The new 1986 Act which is to be used as a basis for the legal protection of the ten Ramsar Sites, which are at present still unprotected, contains many gaps and inconsistencies, which may result in serious implementation difficulties and jurisdictional conflicts. In addition, none of its implementing presidential decrees seem to have been issued so far. The Ministry of

Environment intends to make official designations of at least some of the sites in the very near future. These include Messolonghi, Amvrakikos, Kerkini and Visthonis. These, however, shall only be provisional designations valid for a period of two or three years pending the adoption of the presidential decree required by the Act. Provisional designations may be made by ministerial orders. The Act, however, provides that such orders be signed by all the ministers concerned, including necessarily the Ministry of Agriculture. To secure the consent of the other ministries requires lengthy negotiations. This is one of the reasons why the designations have been delayed so far. In the meantime, damaging activities to certain listed sites can continue to proceed. This is clearly an unsatisfactory situation as the very purpose of provisional designations would seem to be to prevent damage to the sites until such time as permanent protection has been decreed. This is the consequence of the jurisdictional conflicts which result from the Act itself and obviously from the political situation as well.

Another difficulty results from the need to “validate”, that is to say to prove, the importance of the area to be protected and the advisability of the protection measures proposed. This made it necessary to carry out for each site very comprehensive studies which are by no means complete, without which no presidential decrees for the protection of individual sites can be adopted.

Another cause for the delay was the necessity to contact local authorities and communities on the future boundaries of the proposed protected areas and evaluate the nature and cost of compensation measures. This negotiation process is now about to be completed. In some cases, the boundaries of the sites as proposed at present will probably have to be adjusted. Where no agreement can be reached, the Ministry will make a final decision.

It is intended that the Ramsar sites will constitute the core areas of larger protected areas which will be zoned into three different types of zones with different degrees of protection. There will be a management structure with a director, a technician, an administrator and guards who will have the power to bring offenders to court. There will also be a small research budget, and perhaps an advisory council where local authorities will be represented. The Ministry of the Environment will have to be consulted in respect of any activity in the prohibited area. It is hoped that it will be possible to finance the management of the Sites by EEC ACE project assistance.

Under article 21,2 of the 1986 Act, management plans must be prepared for all protected areas. According to article 18,5, such management plans must specify the protection measures required, organizational and operational rules, as well as the conditions or restrictions which are imposed on the exercise of activities or the carrying out of works in such areas. Care should, however, be taken, it would seem, to ensure that a certain management flexibility be retained and that detailed management regulations be left, as much as possible, to the discretion of the authority in charge of the protected area concerned.

If such regulations were included in presidential decrees which are very rigid instruments, the possibility of amending them as the need arises would probably be very difficult.

Another extremely important point which does not seem to have been settled is the category of protected areas which will be used for designated Ramsar Sites.

Most of the Greek Ramsar Sites are large wetland areas where many economic activities, including agriculture and fishing, are and will continue to be pursued. It would seem, therefore, that the instrument best adapted for their protection is the “Ecological Development Areas” as defined in paragraph 5 of article 19 of the 1986 Act. These are equivalent to protected landscapes and nature parks (IUCN/CNPPA category 5) a type of protected area which is completely new to the Greek context. Such areas may be zoned and include strict nature reserves and nature reserves which could then be established for the protection of core areas.

As the legal status and regime of protected landscapes or nature parks is bound to be fairly complex and as the 1986 Act is, to say the least, extremely sketchy in that regard, there would seem to be a need for a presidential decree implementing article 19,5 of the Act and laying down more precise rules on the way this new type of institution is to operate.

If this is not done, there is a serious risk that presidential decrees establishing individual “Ecological Development Areas” may be adopted in an uncoordinated way. Information on how this type of institution functions in such countries as Italy and Spain could perhaps be useful to the Greek authorities. Of particular importance would seem to be the development of rules or guidelines on the best way to integrate conservation and economic activities. Ideally, as in certain Italian regions, nature parks should constitute autonomous planning units with their own zoning regulations and powers to grant permits, thus limiting as much as possible interference by other government departments and authorities. Alternatively, some form of institutionalised cooperation between the various government departments concerned, local authorities and the local population could be developed.

An interesting experiment which is currently going on and which, if successful, could be expanded to other Ramsar sites is that of the Agency for the Development of Amvratikos Gulf (ETANAM). This Agency which was established by the Hellenic Agency for local Development and local Government acts as a consultant for the development of the area in a way which is compatible with the conservation of its natural values. It will try in particular to develop extensive agriculture, local fisheries, fish farming and alternative forms of tourism. ETANAM started to operate in the Spring of 1988. Financial and technical support is being provided by the Greek Government.

With regard to the financing of integrated conservation and development projects in “Ecological Development Areas”, consideration could be given to the possibility of declaring such areas “Environmentally Sensitive Areas” in the sense of article 19 of EEC Regulation 797/85 on the improvement of the efficiency of agricultural structures. This would make it possible for the Greek Government to grant aid to farmers in these areas who undertake to farm environmentally important areas so as to preserve or improve their environment. In addition, financing should be sought for integrated projects under the IMP. The EEC ACE Directive could also be used to contribute to the financing of specific conservation projects in “Ecological Development Areas” particularly in the cores.

3. Specific Legal Problems

The Ministry of the Environment is hampered in its conservation efforts by the existence of certain legal deficiencies which make certain actions impossible.

These include the legal impossibility to conclude research contracts with scientists such as ecologists, ornithologists, etc; and no power to acquire land for conservation or to subsidize NGOs to acquire land. Admittedly, under article 22,2 of the 1986 Act, the expropriation of private land is possible when absolutely necessary to do so to achieve conservation objectives of public interest. But the decision to expropriate must be taken by a joint ministerial order made by different Ministers after a protracted procedure. In addition, as the expropriation procedure is to be carried out by the Ministry of Agriculture at its own expense, the land will remain under the control of that Ministry. The whole procedure would seem to take about five years and compensation paid to the land owners less than the value of the land. The procedure seems to be extremely unpopular.

4. International Problems

EEC money was used to alter certain Ramsar sites, in particular Prespa. On the other hand EEC money, particularly under the ACE programme, has been used to finance conservation projects.

Admittedly, as Ramsar sites are still not designated as special bird areas under the EEC Bird Directive (except for Prespa which was recently designated), one could argue that there was no obligation on the part of the EEC not to finance activities that would alter the ecological conditions of these sites. This interpretation would, however, ignore the general provisions of article 4 of the Directive which clearly requires that particular attention be paid to the protection of wetlands of international importance, whether or not they have been designated as special protection areas by Member States. Clearly, therefore, there is a need for better coordination within the EEC, especially with regard to the IMP, of development and conservation activities. As, however, the Prespa case has now been publicised widely and caused considerable scandal, one may be more confident that better coordination will now take place within the EEC Commission and in Greece.

Particular attention should however be paid to the operation of the IMP in as much as it seems that projects financed under that programme were the main cause of the alteration of Ramsar sites. With regard to the financing by the EEC of Conservation projects at Ramsar listed wetlands, the main if not the only source so far, seems to have been the ACE programme. The Greek authorities have expressed the intention of using financing possibilities under the Less Favoured Areas Directive in the future. But the main source of funds could clearly be the IMP. Possibilities under that Programme should therefore be explored as a matter of urgency.

b) Neighbouring Countries

Problems may arise in the future with regard to the water supply of certain Ramsar sites whose watershed is shared with neighbouring countries. For instance, the watershed of wetlands in Thrace and Macedonia are shared with Bulgaria and Yugoslavia, which are both parties to Ramsar. Consideration could be given to using article 5 of the Convention to develop joint water management schemes. Other wetlands are shared with non-parties. This is the case at Evros (shared with Turkey) and Prespa (shared with Albania). In these cases, unless the countries concerned join the Convention, article 5 will be inoperative. There is, however, apparently a convention on the conservation of the environment in the Balkans

which is in the course of negotiation. It would be useful to have some information on that convention.

IV) SPECIFIC POINTS RELATING TO INDIVIDUAL RAMSAR SITES

1. Prespa

The damage caused to Prespa, a site which according to an official of the Forest Department has been all but destroyed, also has a legal cause. It would seem that the core area of the Park is limited to the lake waters. All of the surrounding area is therefore only a buffer zone in regard to which there are, it would appear, no protection regulations. As a result, there was nothing that could prevent drainage and tree felling in that zone.

As for the fish farm that was built on the Egret feeding grounds on a part of the lake shore which is periodically flooded, it certainly affected the core, although it seems to have been argued that there was no clear legal delimitation of the core and that any area which was not permanently under water was in the buffer zone. Clearly, therefore, the designation of Prespa as a national park should be revised and a new designation made under the 1986 Act establishing a well delimited buffer zone and providing for the regulation of activities in that zone.

As to the repairing of the damage which has been caused, it would seem that the EEC has indicated that it will not pay to repair damage caused by EEC funded projects. Limited funds seem to have been obtained under the ACE Regulation for the replanting of trees and other action of limited scope.

2. Messolonghi

Outside financing is required for the three following purposes:

- a) to compensate the salt works company for the destruction of unused pre-heaters.
- b) to destroy a dyke in the middle of the bay which has become useless as the harbour is now condemned as a result of siltation. Small parts of the dyke should however be kept as islets for bird breeding. A careful ecological study is required.
- c) signs will be necessary to inform the public of the prohibitions in force in the different zones of the area.

3. Kotichi

This site is located on the Greek western bird migration flyway. It is not currently covered by the monitoring programme of the Greek Ornithological Society. A bird study should be carried out and financed by outside sources.

4. Kerkini

Technical assistance is required for the accelerated re-creation of biotopes destroyed after the rise of the water level resulting from the construction of the second dam. These biotopes will eventually reconstitute themselves naturally, but this process is extremely slow.

5. Axios

Technical assistance is required to determine the best method to achieve the secondary treatment of wastes now released in the wetland. It would be extremely useful to be informed on experience acquired elsewhere with regard to the treatment of waste released in ecologically important areas. Proposals have been made to install deposition basins, but the Ministry of the Environment would like to be certain that this is the best solution.

6. Amvrakikos

There is a proposal to dig ditches to protect bird breeding areas and important areas for fish from pollution especially pollution from pig-sties. It is expected that plants growing in or near the ditches (*Tamarix*, *Cyperus*) will thrive on the pollutants. They will have to be mown periodically. A general study will be undertaken on pig farming in the area with a view to limiting the number of pig-sties.

7. Koronia

The area has not been sufficiently studied. It suffers from heavy pollution and land reclamation. Run-off should be re-directed away from the lake. A thorough study is required.

V) RECOMMENDATIONS

1. Ecological Development Areas, as defined by article 19,5 of the 1986 Act, seem to be the type of legal instrument that is the best adapted to the conservation and management needs of large wetland areas. A presidential decree implementing article 19,5 should be developed and adopted as soon as possible to provide a common legal basis for the subsequent adoption of individual decrees relating to specific sites. Of particular importance would seem to be to provide for the possibility to give to such areas a sufficient degree of administrative autonomy so that they may be managed as complete units regardless of the ministerial jurisdiction of the Prefectures (At Amvrakikos, for instance, the area is shared by three Prefectures) or of the division of jurisdiction between different ministries over land and marine areas.

Consideration should also be given to make it a legal requirement to characterise all Ecological Development Areas as “controlled construction areas”.

Legal texts on similar institutions in countries such as Italy and Spain, together, if possible, with information on how nature parks operate in practice in these countries should be of interest to the Greek Ministry of the Environment and the Bureau is prepared to forward such information as it is able to acquire.

2. A review of Greek planning legislation at present in force would appear to be useful. In particular the effectiveness of the present procedures for the establishment of “controlled construction areas” and of the rules and procedures in force concerning the granting of permits for certain activities, destructive to wetlands, should be carefully examined. The

advisability of instituting a system of permits for any activity that may alter the ecological functions of wetlands, along the lines of the Danish or Spanish systems, could be explored.

3. Once the necessary legal instruments for the protection of individual areas have been adopted, there will be a need to develop detailed management plans. The legal instruments which will be the best adapted for that purpose need to be identified. Ideally, such plans should be developed, and possibly also adopted by the authority in charge of each individual protected area. If this is believed to be possible, powers to do so should be given to the authority concerned by the presidential decree instituting the area, along the lines of similar provisions which appear in many Italian regional laws.

4. Legal obstacles which may impede conservation action by the Ministry of the Environment should be identified and remedies sought. Examples of such obstacles are the impossibility for the Ministry to enter into research contracts on such matters as ecological research and the rules which prevent that Ministry from acquiring land for conservation. Such matters could be dealt with by statutory instruments implementing certain particular provisions of the 1986 Act. For instance, the matter of research contracts could be dealt with in the ministerial decision referred to in the last sentence of the first paragraph of article 21,1.

5. The possibility to develop a system of management agreements, whereby land owners would commit themselves in exchange of payments to farm their land, especially wetlands, in a way that preserves the natural environment. Examples on how this system works in other European countries (e.g. the Federal Republic of Germany, The Netherlands and the United Kingdom) could be provided by the Bureau.

6. Means to attenuate potential jurisdictional conflicts between ministries or between ministries and local authorities should be investigated.

7. Consideration should be given to the possibility, through appropriate legislative action, to assist NGOs in their conservation tasks by giving them opportunities to be consulted when decisions affecting the natural environment are taken, by giving them legal standing in courts and by granting them subsidies, particularly for the purpose of acquiring and managing land for conservation. The possibility to conclude management agreements with NGOs for the management of State nature reserves should also be investigated.

8. In order to carry out the necessary legal research to implement the above recommendations (which should include research in comparative law), and to assist government departments, local authorities and NGOs in taking appropriate legal action, it is suggested that a small group of Greek environmental lawyers, knowledgeable in conservation problems and Greek administrative law, be established on an informal basis. This group could review the present legal situation in the field of nature conservation, particularly with regard to wetlands, identify weaknesses and gaps and make proposals particularly with regard to the contents of the presidential decrees and ministerial decisions which shall have to be taken in the future to give full effect to the 1986 conservation Act.

9. There is a definite need to develop guidelines, with outside assistance, on a number of technical and ecological aspects of wetland conservation and wise use, as for instance:

a) extensive agriculture and livestock raising;

b) dredging of wetlands threatened by siltation;

c) identification, protection and management of the critical habitats of fish of commercial importance; this may go a long way towards securing the support of the local fishing communities;

d) restoration or regeneration of endangered habitat types, such as the Hodja Orman bottomland Forest in the Nestos River floodplain (Heliotis. Wetlands of Greece - Wetlands, vol 8, p25).

e) identification and protection measures required for endangered wetland habitat types, in particular peatlands, alluvial and bottomland forests, riparian marshes and meadows:

On some of these matters, suggestions were made by Greek officials that workshops could be organised with the assistance of the Ramsar Bureau, WWF, etc. and in cooperation with universities such as the University of Thessalonika. The following subjects could be addressed:

- fishing and agriculture in Greek Ramsar Sites;

- guidelines on fish farming, well adapted to the Greek reality, such a workshop should provide for the participation of local investors; site visits should also be organised.

10. The EEC is not a party to the Ramsar Convention and cannot accede to it as there is no provision in the Convention relating to the accession of economic integration organizations. However, as all EEC Member States, except Luxembourg, are now parties to Ramsar, and have, therefore, accepted the wise use obligation contained in the Convention, it would seem that the EEC could and should endorse this obligation as a matter of policy. Furthermore, as Ramsar Sites in Community Member States will often also be EEC special bird areas, the Commission has a legal obligation not to contribute to their destruction. Finally, if the new proposed draft EEC Directive on the protection of habitats is adopted, there will be further obligations to preserve endangered habitat types and the habitats of species other than birds, including many wetland species.

It would seem, therefore, that closer ties should be established between the EEC Commission, particularly DG XI, and the Ramsar Bureau in order to try to find joint solutions to present problems and avoid the repetition of cases like Prespa.

Among the subjects which could be considered are:

- how can the Integrated Mediterranean Programme be used to promote integrated wetland development, conservation and management.

- what additional sources of funding can be found to finance conservation action at specific locations, particularly in the core areas of protected wetlands.

The Ramsar Convention Bureau has indicated that it looks forward to continued contacts with the authorities in Greece to pursue these matters further.

C. de Klemm

Consultant to the Ramsar Bureau

December 1988 / 9033s

Encs : Recommendation C-3.9 Text of the "Monitoring Procedure"