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Sustainable Monitoring, Planning and Management of
High Environmental Value Areas to Control Natural Resources Degradation**

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**Planning and Sustainable
Management of Coastal Zones and
High Environmental Value Areas**

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TABLE OF CONTENTS

	<i>page</i>
ACKNOWLEDGEMENTS	7
FOREWORD	9
INTRODUCTION	11
Concept Note THE MANAGEMENT OF ENVIRONMENTALLY HIGH-VALUE AREAS IN THE MEDITERRANEAN COASTAL ZONES: THE PROJECT INNOVA AND ITS RELEVANCE IN THE CONTEXT OF THE EU STRATEGIES <i>C. Bogliotti</i>	13
SESSION 1 FINAL NETWORKS' MEETING OF INNOVA PROJECT	
THE INNOVA VISION IN MONITORING, PLANNING AND MANAGEMENT OF HIGH ENVIRONMENTAL VALUE AREAS <i>C. Bogliotti, R. Grittani and G. Ladisa</i>	19
LEGISLATIVE FRAMEWORK ON MANAGEMENT OF HIGH ENVIRONMENTAL VALUE AREAS <i>I. Canfora, A. Angiuli, A. Genovese, D. A. Mangialardi, R. Marseglia and F. Prete</i>	39
AN ICT-BASED PLATFORM TO SUPPORT PROTECTED AREA MANAGEMENT THE INNOVA APPROACH <i>A. Bonifazi, R. Grittani and G. Trisorio Liuzzi</i>	59
DEVELOPMENT PROCESS AND CURRENT IMPLEMENTATION STATUS OF INNOVA COMPUTERIZED PLATFORM <i>G. Bruno, D. Caivano and G. Visaggio</i>	73
COMMON GUIDELINES FOR PLANNING, MANAGEMENT AND EVALUATION IN HIGH ENVIRONMENTAL VALUE AREAS <i>A. Bonifazi, F. Buono, A. Celino, R. Grittani, K. Pediaditi and G. Trisorio Liuzzi</i>	85
INDICATORS TO MONITOR PROTECTED AREA SUSTAINABILITY: THE INNOVA INDICATOR HANDBOOK <i>C. Belean, K. Pediaditi, Y. Gadanakis, P. Nyktas, Y. Meramveliotakis and N. Dermanakis</i>	93
INNOVA PROTECTED AREA "MANAGEMENT PRACTICES DATABASE" <i>A. Bonifazi, R. Grittani, C. Zaccone and G. Trisorio Liuzzi</i>	103

LEGISLATIVE FRAMEWORK ON MANAGEMENT OF HIGH ENVIRONMENTAL VALUE AREAS

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INTRODUCTION

The research hereby summarized has been conducted by the Faculty of Law team of the University of Bari (UNIBA).

All Partners involved in the Project have been asked to fill and return a template arranged in order to know their Country situation of protected areas and environment legislative framework and many have responded positively and also contributed by sending the main national laws in force regarding protected areas and the environment in general.

Thus, the UNIBA team has been able to merge this information with the studies carried out independently and subsequently draft and deliver an accurate Report.

The Report includes two parts. The first concerns the International and EC legislation regarding protected areas, and a second part detailing each single Partner's legislative framework (i.e. Italy, Cyprus, Egypt, Greece, Malta, Turkey) pertaining to the institution, classification, regulation and management of protected areas. The present article summarizes the results of this second part of the research (for the complete work, see the INNOVA website).

During the various phases of the research, a common methodological approach has been followed. The results have therefore been reported according to the same paragraphs scheme, although they have been subdivided by Country.

ITALY

1. Presence of protected areas in the national legislation. Framework legislation. Object and aim of national legislation concerning the protection of environment.

The Framework **Law no. 394 of 1991** defines, qualifies and protects protected areas as particular environmental assets and constitutes the first level of regulation in the system. The 1991 Law also creates the official List of protected areas. Further to their insertion in the official List, natural areas are protected according to a perspective involving State, regions and local bodies, through the provision of general principles (Title I and, specifically for regional protected natural areas, Title III) and of organs according to the system functionality.

In 1992, the Italian legal system finally implements the "Wild Birds" Directive with **Law 11 February 1992, no. 157**, so called "Hunting Law", which is followed by the institution of Special Protection Areas (SPAs), by regional initiative.

In 1997, the Habitat Directive is also implemented in Italy with the **D.P.R. (Decree of the President of the Republic) 8 September 1997, no. 357**, relating to the definition and application of conservation measures necessary for the restoration of natural habitats and protected species, as subsequently modified by **D.P.R. 12 March 2003, no. 120**.

In 1998, as **Law 9 December 1998, no. 426** comes into force, involving "*New interventions in the environmental field*", some substantial modifications are made to some fundamental provisions of the Framework Law.

The Framework Law endures some radical modifications also in the light of **Legislative Decree 31 March 1998, no. 112**. The Legislative Decree introduces in the existing legislative scenario some new

“fundamental guidelines”, such as: the ground defence, the infrastructures network articulation, the cities and metropolitan areas system. It awards to the State only duties of national relevance (as per art. 52) listed in art. 69. The other administrative functions are of the regions' and local bodies' competence.

In 2000, the Ministry of Environment approves, with Decree of 3 April 2000, the list of SPAs, designated according to the Directive 79/409/EEC and of the sites of Community importance suggested according to the above mentioned Directive 92/43/EEC.

The set of rules regarding the protection of high environmental value areas is composed of the **Legislative Decree no. 42/2004 “Cultural Assets and Landscape Code” according to art. 10 of Law 6 July 2002, no. 137** - (Official Gazette 24 February 2004, no. 45), modified by the new **Code of the environment, Legislative Decree no. 156/06**. Art. 1 of the Decree states that “as per art. 9 of the Constitution, the Republic protects and develops the cultural heritage coherently with the attributions of art. 117 of the Constitution and according to the provisions of the present code”, given that the protection and development of the cultural heritage contribute to preserve the memory of the national community and of its territory and to promote the cultural development. Art. 2 defines the cultural heritage as the complex of cultural and landscape assets.

2. Types of protected areas provided for in national legislation and classification criteria.

The 1991 Framework Law defines protected natural areas according to the purposes of conservation and development of the high environmental and naturalistic value which characterises them. **Art. 1** of the Framework Law includes in the assets composing the “natural heritage” all physical, geological, geomorphologic and biological formations, or groups of them, with a relevant naturalistic and environmental value. The Law enumerates four typologies of protected natural areas: national parks, regional natural parks, national and regional natural reserves and (national and international) protected marine areas. The distinction between them is based on the criterion of the territorial dimension of the involved interests (**article 2**).

Furthermore, natural reserves can be divided in:

- **strict natural reserves**: these are areas in which the natural resources are rigorously protected by restricting the human presence for strictly scientific and supervision purposes;
- **natural oriented reserves**: in these areas the managing strategy is aimed at controlling the enjoyment of the territory according to its environmental characteristics and to the development of its full naturalistic potentialities (for instance, through forms of environmentally sustainable tourism);
- **biogenetic natural reserves**: in these areas the primary goal is to preserve the genetic heritage of the plant and animal species which are endangered because of human activities, environmental or geographic isolation;
- **animal populating reserves**: these areas are managed primarily in favour of fauna emergencies present therein and are composed of reserves hosting animal species protected both at a national and international level.

The legislator leaves to the Protected Natural Areas Committee (as per art. 2, par. 5 - Said Committee has subsequently been suppressed by art. 7 of Legislative Decree 28 August 1997, no. 281) possible further classifications which are to be respondent to the protection demands. Thanks to this provision, the above mentioned classification is widened by the **Committee decision of 21 December 1993**, which takes the number of protected natural areas categories to seven, by adding to the previous ones: interregional natural parks, wetlands of international importance and, through a generic recall, other protected natural areas.

Other protected natural areas are identified in environmental associations oasis, in sub urban parks, in natural monuments, etc., which are not part of the previous categories.

The 1993 classification is later overcome by the **Ministry of Environment decision of 2 December 1996**, which places side by side to the other categories the new ones of Special Protection Areas (SPAs) and of Special Areas of Conservation (SACs). Therefore, protected natural areas are definitively classified in: **national parks, regional and interregional natural parks, natural reserves, wetlands of international interest, other protected natural areas, special protection areas (SPAs), special areas of conservation (SACs), terrestrial and marine retrieval areas.**

Thanks to this decision, SPAs are hence declared to be equal to other protected natural areas, although the EC legislator had conceived and protected them for different purposes. A consequence of this is the complete subjection of SPAs to the protected areas Framework Law and a lack of a specifically conceived regime.

Art. 142 of the Cultural Assets Code, radically modified by Legislative Decree no. 152/2006, further defines "Areas protected by law".

3. Internal organization of protected areas. Institutional subjects in charge of protected areas' management.

Art. 8 of the 1991 Framework Law defines the procedures to be carried out in order to set up protected natural areas, whereas **art. 18** establishes the procedure for the institution of protected marine areas.

Art. 1, paragraph 5, Law no. 157/1992, aimed at the protection of wild fauna, according to the prescriptions of the EC legislator and observing constitutional criteria of environmental protection, gives to Regions and - in case of inactivity - to Minister of Environment with Minister of Agricultural Policies, the power of institution of the SPAs alongside the avifauna migration routes, with the aim of allowing the conservation "in accordance with the ecological needs, of internal and neighbouring habitats".

Art. 117, letter s) of the Constitution, as modified by Constitutional Law no. 3/2001, gives the State the exclusive legislative competence on the "environment, the ecosystem and cultural assets". The same article also gives concurrent legislative competence to the State and the Regions on matters concerning the "valorisation of cultural and environmental assets and the promotion and organisation of cultural activities" (meaning that in those areas the State will set the fundamental principles and the Regions will legislate).

On the other hand, **art. 3, paragraph 2**, of Decree no. 357/1997 defines the procedures in order to designate the special Areas of Conservation (SACs), giving the related competence to the Minister of Environment, who designates "with his own decree adopted in agreement with each interested Region" the "sites of Community importance as «Special Areas of Conservation»".

The procedure of designation and institution of Special Protection Areas (SPAs), with the aim of preserving the avifauna (art. 4 of the "Birds" Directive 79/409/EEC) is different from the procedure relating to the sites of Community relevance.

The Framework Law regarding the protected areas (**art. 9**) provides that parks and other equivalent areas are managed by:

- the Park Authority, which has public legal status, registered office in the territory of the park, is subjected to the vigilance of Minister of Environment and consists of the President, the Governing Council, the Executive Council, the Council of Auditors and the Community of the Park;
- the Community of the Park, which is constituted by the Presidents of the regions and provinces, by the Mayors of the municipalities and the Presidents of the mountain territorial associations in which the park areas are located, and represents the consulting and proposing organ of the Park Authority.

The functioning and exercise of the allowed activities within the territory of the park is regulated by the Park Regulations, adopted by the Park Authority, even at the same time as the Park Plan (**art. 12**) and anyhow not later than six months from the approval of the latter. **Art. 11** of the Framework Law indicates in particular the contents of the Park Regulations.

The management of marine protected areas is regulated by **art. 19** of the 1991 Framework Law.

4. Permitted and forbidden activities within the protected areas.

Articles 6 and 11 of the 1991 Framework Law on protected areas enforce the prohibition of performing activities and "works which may endanger the safeguard of the environment and of

protected natural habitats, and in particular of the protected flora and fauna and their habitat", and bans a series of other activities listed therein.

Art. 6 of the Framework Law also provides that "in case of necessity and urgency, the Minister of Environment can, by way of justified measure, once the Committee has been heard, allow derogations of the safeguard measures in question, by prescribing the rules of implementation of works suitable for the safeguard of the natural environment and places integrity".

The same Law also provides, in case of breach of the above mentioned prohibitions, the issue of criminal sanctions and fines.

On the other hand, **art. 13** of the Framework Law admits that, within the territory of a protected area, certain activities are carried out, and authorizes activities, operations, installations and works which have been previously authorized or granted through specific authorization (Nulla Osta).

Also, the *Code of cultural and environmental goods* prohibits certain activities within the landscape goods, but states that no authorisation is required for particular activities listed in **art. 149** (article modified by Legislative Decree no. 157/2006).

5. Instruments to develop activities within the protected areas and control instruments on forbidden activities.

Article 14 of the 1991 Framework Law identifies the initiatives for economic and social development, by providing that: "1. In compliance with the purposes of the Park, of the constraints set by the Plan and by the Regulations of the Park, the Community of the Park promotes the initiatives aimed at improving the economic and social development of the communities residents inside the Park and in the adjacent territories (...)".

Article 29 of the Framework Law disciplines the powers of the Administration Body of the protected area, providing that: "1. The legal representative of the Administration Body of the protected area, if an activity in violation of the Plan, Regulations or of the specific authorization (Nulla Osta) is exercised, orders the immediate suspension of the activity and however orders the restoration or the reconstitution of plant or animal species at the offender's expense, with the joint liability of the ordering customer, of the company owner and of the director of works, in the case of construction and conversion of buildings (...)".

The sanctions system decided by the legislator in 1991 is instead designed according to the provisions of **article 30**.

The supervising functions on landscape assets are governed by **article 155** of the *Code of Cultural Assets* (paragraph 1, as replaced by the Legislative Decree no. 157/2006).

The whole Part Four of the *Code of Cultural Assets and Landscape*, on the other hand, establishes an articulated sanctioning system, involving both administrative and criminal sanctions.

The first apply in the case of:

- breach of obligations and orders provided (**article 167**);
- breach in the field of billposting (**article 168**).

The second apply in case of:

- works executed in the absence of authorisation or in contrast with it (**article 181**).

CYPRUS

1. Presence of protected areas in national legislation. Framework legislation. Object and aim of national legislation concerning the protection of environment.

Nature protection has been subject to legislation and measures in Cyprus since the early 60s (Town and Country Planning Law, Forest Law, Fisheries Law, Law on Game and Wild Birds, a number of International Conventions).

The main relevant law on the environment at present is the **Forest Law No. 14/1967**, which is concerned with the protection and management of forests on a sustained yield basis, protection of important ecological features and the establishment of State Forest protected areas, specified as Permanent Forest Reserves, National Forest Parks and Nature Reserves. The sites are classified according to Part I, Article 3 of the Forest Law. The Council of Ministers may, by notice published in the official *Gazette* of the Republic, declare any main state forest, or part thereof, under the three above-mentioned classes.

The protection, preservation and management of marine and coastal areas and species is regulated by the **Fisheries Law (No. 61(I)/2001)** and the **Law on the Protection and Management of Nature and Wildlife (No. 153(I)/2003)**. This latter regulates the protection of biological diversity, mainly via the identification of special areas of protection and protected species of fauna and flora, the adoption of management plans, the assessment of environmental impacts from projects and programmes in areas of special interest and the control of the release into the environment of alien species.

The introduction of genetically modified organisms is regulated by **Law No. 160(I)/2003**, which transposed Directive 2001/18/EC. Generally, Cyprus has a highly restrictive policy for such releases.

The **Game and Wild Birds Protection and Development Law No. 39/1974** (amended in 1991 and 1996) is concerned with control of hunting and protection of non-game (migratory) birds. Under this legislation it is possible to protect game and wild birds by the establishment of temporary or permanent game reserves. Hunting legislation is enforced through the Game Fund Service of the Ministry of the Interior.

The **Foreshore Protection Law of 1934** (Cap. 59 and Laws nos. 22/61, 17/64 and 8/72) defines the foreshore as all lands within 100 yards of the high water mark. It provides for coastal zones of exceptional beauty which may be declared off limits to construction of any kind, up to 90m inland; fisheries management is regulated through the Fisheries Law and the relevant fisheries regulations.

The **Town and Country Planning Law No. 90/1972** is one of the basic environmental laws. It provides for an integrated environmental plan for the island and includes chapters on the fixing of "areas of special social, historical, architectural or cultural interest or natural beauty and other subjects of wider or local interest"; for the preparation of plans for protecting areas with special importance including "nature protection areas" and the provision of areas for tourism or other purposes. It also states that the Minister has the power to issue orders to set up protected areas for natural sites having "special national character". Through the Town and Country Planning Law, areas of aesthetic and landscape value have been declared as Coasts and Areas for the Protection of Nature and Protected Landscapes, with very prohibitive provisions as far as development control is concerned.

The most recent laws transposing the nature-related EU Directives (basically Habitats and Wild Birds), are the mentioned Law on the Protection and Management of Nature and Wild Life (No.153(II)/2003) and the **Law on the Protection and Management of Wild Birds and Game (No. 152(I)/2003)**.

In the framework of the EU Network "NATURA 2000", a scientific list of areas, including important types of habitats and species of fauna and flora, was prepared. Almost all the types of habitats of Cyprus and most of the endemic ones will be included within boundaries of areas of the Network.

2. Types of protected areas provided for in national legislation and classification criteria.

With regard to preservation of nature, landscapes and forests, there are three types of areas on the basis of national legislation:

- (a) **Areas of Exceptional Natural Beauty;**
- (b) **Protected Areas or Landscapes;**
- (c) **Seashores and Areas in which Nature is protected.**

According to Forest Law, State Forests are protected areas, sub-specified as:

- **Permanent Forest Reserves**
- **National Forest Parks**
- **Nature Reserves**

According to Cyprus Forest Law, flora and fauna are totally protected within a Nature Reserve. Cyprus has already identified areas of high ecological importance according to the EU Habitats and Birds Directives, and the proposed list of sites has been compiled for inclusion into the "NATURA 2000" Network.

Other types of classifications include the following:

- **Marine Reserves**

These are established under the Game and Wild Birds Protection and Development Law, No 39 of 1974.

- **Permanent Game Reserves**

These were designated under the Game and Wild Birds Protection and Development Law No. 39/1974 according to which the shooting, pursuing or catching of any bird is forbidden.

- **Foreshore Protection Zone**

The Foreshore Protection Law establishes a foreshore protection zone where it is prohibited to perform certain works, build or construct various structures and buildings, dispose waste, park vehicles or place objects on the beach.

3. Internal organisation of protected areas. Institutional subjects in charge of protected areas' management.

At the national level, the Council of Ministers has overall responsibility for the formulation of environmental policy, which is coordinated through the Ministry of Agriculture, Natural Resources and Environment (MANRE), responsible for the implementation of government policy in the fields of agriculture, breeding, natural resources, and environment. The Council for Environment has wide representation and advises the Minister, and thereby the Council of Ministers, on environment and sustainable development issues.

Responsibility for environmental issues is shared between several Ministries (mainly the MANRE and the Ministry of Interior Affairs) and Departments. The Environment Service is a department residing within the MANRE, mandated to advise on environmental policy, ensure implementation and policy enforcement and coordinate the process for adoption of EU environmental policy and legislation.

The Department of Fisheries and Marine Research is responsible for the marine biodiversity and within its mandate of activities the conservation of endangered marine species (turtles, monk seal, dolphins etc.) and habitats (e.g. Posidonia beds) is a priority.

Forests are being managed by the Department of Forests of the Ministry of Agriculture and Natural Resources. The Department of Forests is responsible for creating, maintaining and improving picnic and camp sites as well as for looking after the National Forest Parks in the State Forest. The Director of the Department of Forests may, with the approval of the Minister of Agriculture, make regulations in respect of each class of protected area (**art. 6 and 7 of the Forest Law**).

4. Permitted and forbidden activities within the protected areas.

Building is permitted in the Residential Area of the three villages. The Building Area is restricted within certain limits defined by the Department of Town Planning (Ministry of Interior Affairs).

Agriculture is practiced in the agricultural zone which surrounds the Residential Zone and is about 5 to 10 times larger than the Residential Zone. Small houses, only for private use, may be also built on agricultural land, on any piece of land which is equal or larger than about 3 decares. In the agricultural zone, reallocation of private property may be carried out by the Minister of Interior.

Hunting is allowed on the agricultural land and the forest area which is further than the agricultural zone and often is attached to it. The Game and Wild Birds Protection and Development Law regulates hunting of hares and game birds and prohibits traps for hunting of game species and wild birds.

Construction of roads and other "necessary" works, particularly with regard to water supply, may take place in all zones within forested areas. The Cyprus Forest Law prohibits the lighting of any fire in the forest or within a radius of 1 Km from the boundaries of the forests. Any person who causes a forest fire shall be liable, in case of conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand pounds, or to both such sentences.

The Forest Law prohibits the collection of any non-wood forest products when found in or brought from any State or Private Forest placed under government control, unless permission is granted by the Director of the Department of Forests. The Law provides that harm to or collection of any wild vegetation can be subject to prosecution. Grazing is prohibited in main State Forests; it is only allowed in grazing areas in minor State Forests provided that a license has been obtained. The inhabitants of certain villages close to forests can obtain a license without fee or charge to gather fuel wood from State Forests for their own domestic needs.

Forest logging is prohibited by law, and various programmes for reforestation and woodland regeneration are currently in place by the Forestry Department. Organised units of trained personnel implement the policy for the protection of forests by forest fires.

With regard to marine water pollution, prohibitions are dealt with in **Regulation 14** of the Fisheries Regulations 1991. The same Regulation also deals particularly with the pollution of the "sea area".

5. Instruments to develop activities within the protected areas and control instruments on forbidden activities.

Encouragement of sustainable farming is incorporated into the Rural Development Scheme, to which farmers have responded positively. This target has also been incorporated into the National Forest Programme (2000 to 2009).

Products of the area are mainly agricultural. Tourist activities include visits of local visitors and foreign tourists to the old churches of the area and visits also to the Museum of «cumandaria», a local sweet wine.

Protected tree species include *Olea europaea*, all *Pinus* species and *Ceratonia siliqua*. Some bird species are also protected and hunting is prohibited during spring and summer for regeneration of different bird species. Hunting during the forbidden period implies penalties including imprisonment.

Buildings, if constructed illegally, may be destroyed by the District Officer Authorities.

EGYPT

1. Presence of protected areas in national legislation. Framework legislation. Object and aim of national legislation concerning the protection of environment.

Throughout its long history, the Egyptian government showed interest in certain species of plants and animals and protected them either as sacred or in the pretext of governmental monopoly. This interest continued until the recent times when the **Agricultural Law no. 53/1966** was passed, in which Section 3 dealt with the protection of useful birds, wild animals, etc.

Although its **Constitution of 1971** (amended in 1980 and 2005) contains no mention of a right to the environment or nature protection as such, nevertheless, in the field of environmental legislation, Egypt has introduced a number of laws concerning the conservation of plant and animal life and of nature in general. The Ministry of Agriculture was empowered to put these laws into effect and to follow up their implementation. To achieve this objective, in 1979 the Ministry of Agriculture set up the Egyptian Wildlife Service (EWS) (an authority for the protection of nature).

In 1983, **Law no. 102/1983** was enacted and it set up the legal framework for the declaration and management of protected areas through the system of Nature Protectorates, defined in **article 1**. This law empowered the Prime Minister to designate certain areas to be declared as protectorates.

Environment Law no. 4/1994 provided for the creation of an agency for the protection and promotion of the environment, the Environment Affairs Agency (EEAA), destined to formulate the general policy and to prepare the necessary plans for the protection and promotion of the environment. It should also follow up the implementation of such plans.

This was later followed by signing and ratifying conventions and agreements pertaining to the various aspects of biodiversity conservation.

Environmental issues in Egypt are governed by Law No. 4 of 1994. The law provides for a mandatory environmental review, to be undertaken by the competent administrative authority according to EEAA's instructions, as part of the approval process for all proposed projects.

2. Types of protected areas provided for in national legislation and classification criteria.

According to Law no. 102/1983, **Nature Protectorates** are defined in article 1 as "*any area of Land, or coastal or inland water characterized by flora, fauna, and natural features having cultural, scientific, tourist or aesthetic value. These areas will be designated and delineated by Decree of the Prime Minister upon the recommendation of the Egyptian Environmental Affairs Agency*".

3. Internal organisation of protected areas. Institutional subjects in charge of protected areas' management.

Law no. 102/1983 on Nature Protectorates establishes, in **article 4**, that "*The Administrative Body (responsible for the enforcement of the provisions of this Law and related decrees) will be specified in a separate Decree issued by the Prime Minister. This Administrative Body will be empowered to establish regional offices within the Governorates having protectorates, and will be responsible for the following functions (...)*".

In 1994, Law no. 4/1994 replaced the agency established with the Presidential Decree no. 631/1982 with the Egyptian Environmental Affairs Agency (EEAA). The EEAA became the organization which prepares the preliminary studies underlying the Prime Minister's decisions and follows up their implementation. The task of most sectors of EEAA is policy-making, planning and supervising implementation of plans carried out by governmental and non-governmental organizations (**articles 2 and 5**).

Each protected area is managed by a Body, the members of which are representatives of EEAA, EWS, of the Governorate or of other public offices.

4. Permitted and forbidden activities within the protected areas.

Agricultural Law no. 53/1966 empowered the Minister of Agriculture to compile lists of protected animals and plants, and to issue decrees prohibiting harm to all species in certain areas. In 1979, the Minister of Agriculture issued decree no. 349 to establish the EWS to act as the national instrument in this respect.

Within the authority of the local administrators (Governors), some decrees were issued prohibiting the hunting of birds and wild animals in certain regions, especially the rare and endangered species.

Law no. 102/1983, concerning Nature Protectorates, provides that certain activities are forbidden in these protected areas (**articles 2 and 3**).

Article 28 of Law no. 4/1994 regulates the hunting of wild animals and prohibits the destruction of their natural habitats. This Law also forbids several other activities: the related regulations can roughly be grouped according to the pollutant emissions from various activities (**articles 29, 30 and 31**).

It is also forbidden to import hazardous waste or to allow its entrance into or passage through Egyptian territories (**article 32**). All establishments (industrial and others) are required to ensure that while practicing their activities no leaked or emitted air pollutants (caused by the burning of fuel, etc.) shall exceed the maximum permissible levels (**articles 34, 35 and 36**). It is also prohibited to

incinerate, to dispose of or to treat garbage and solid wastes as well as to spray pesticides or any other chemical compound unless it is done according to the conditions and safety measures specified in the Executive Regulations of the law (**articles 37 to 53 and 60 to 74**).

5. Instruments to develop activities within the protected areas and control instruments on forbidden activities

Law no. 102/1983 on Nature Protectorates deals with penalties and fines imposed in case of breach of its provisions in **articles 7, 8 and 9**.

Also, Law no. 4/1994 further provides for a system of incentives to be offered to those who implement environmental protection activities or projects and sets penalties for those who are in violation of its provisions (**articles 17 and 18 and articles 84 to 101**).

GREECE

1. Presence of protected areas in national legislation. Framework legislation. Object and aim of national legislation concerning the protection of environment.

The Greek national legislation has a unique nature. It is characterised by an enormous production of legislation of any category. Greece has produced until now as much as fifty times the quantity of the legislation of any other European State.

The Greek Constitution provides for the protection of the environment in general. Consequently, it also protects water as a vital element of the natural environment. It states that "*the protection of the natural and cultural environment constitutes a duty of the State and a right of every person*". After the 2001 revision of a number of its provisions, two new constitutional rights have been introduced: the right to the environment, formatted by way of amendment of the (existing) **article 24**, and the right to information, provided by the newly formatted **article 5A** of the Constitution.

One of the first pieces of protected areas legislation enacted in this century in Greece was the Forest Code (**Law no. 4173/1929**) which called for special measures to be taken in the management of certain areas to be known as Protected Forests.

Another important piece of early legislation giving protected status to certain areas was the **Antiquities Law no. 5321/1932**, protecting archaeological features and an area of 500m radius around them (and later extended by **Law no. 1469/1950** to modern monuments and landscapes of natural beauty) automatically, by law, with no need for a special designation.

Referring particularly to nature conservation, it was first initiated in Greece in the form of national parks: the legislative definition of the term "National Park" was born in the **Law no. 856/37** in 1937. The organisation of National Parks' objectives is achieved through the realisation of a two-zoning protection system: the core receiving strict protection and the periphery with moderate level of protection acting mainly as buffer zone.

The next significant proliferation of the protected areas system came in 1971 with **Law no. 996/1971**, which complemented Law no. 856/37: conservation was the primary purpose of the parks with recreation only allowed where conservation values were not compromised. This law also added substantial protection for two more protected categories: Aesthetic Forests and Protected Natural Monuments.

In 1971 the Forest Service, a department of the Ministry of Agriculture, was given supervision of the existing parks as well as the authority to propose new ones which were then created by executive act.

Subsequently, Law no. 860/1976 for Physical Planning and Environment, Law no. 998/1979 for the Protection of Forests and Wooded Tracts of the Country, as well as Law no. 1650/1986 for the Protection of the Environment, provide the basis for the protection of the natural environment and Legislative Decree no. 86/1986 about the Forestry Code is a legal source of protection of forests.

The most significant change to the operation of the protected area system came with the institutional law on the environment, **Law no. 1650/1986** (Government Gazette GG 160/A/86), later amended by law no. 3010/2002 (GG 91/A/02), replacing all previous legislation. It introduced certain changes in site designation procedure and five new categories of protected areas including Marine Parks, and provides for the protection of natural resources and ecosystems, of surface and underground waters as well. **Article 1** of Law no. 1650/1986 concerns the aim of the law itself. This Law follows the screening process for Environmental Impact Assessment, separating projects and activities in three categories, pursuant to **article 3**, depending upon their effects on the environment.

The EC Directive 92/43/EC on the Conservation of Natural Habitats and Wild Fauna and Flora was harmonized in the Greek legal framework by Joint Ministerial Decision 33318/3028/98 (GG 1289/B/98).

The EC Directive 79/409/EC on the Conservation of Wild Birds was harmonized in the Greek legal framework by JMD 414985/1985 (GG 757/B/85) "Management Measures for the Wild Avifauna".

In 1998, pursuant to the regulations of article 5 of the JMD 33318/3028/1998, a commission "NATURA 2000" is established by MD 135286/5447/2002 (GG 1589/B/02).

In 2003, **Law no. 3208/2003** on the Protection of Forest Ecosystem was approved. Article 2 of this Law mentions that the planning of management and exploitation of forest ecosystems and the forestry actions and practices "*have to ensure the protection of the landscape and the conservation of biodiversity*". In this framework, the creation of *agrobiotopes* by environmental organizations and owners of agricultural land is supported financially.

There are plenty more Laws, Presidential Decrees and Joint Ministerial Decisions that have direct effect on Nature Management and have been enacted. Furthermore, there are Laws ratifying relevant International Conventions, Agreements or Protocols, which are complementary to the above mentioned legal framework.

2. Types of protected areas provided for in national legislation and classification criteria.

The main categories of protected areas in Greece are so declared and managed on the basis of Forestry Acts and especially Law no. 996/1971. These areas are distinguished between:

- **Aesthetic Forests** (under forest legislation since 1938)

The term designates wooded areas or natural landscapes of special aesthetic, ecological and tourist value, whose flora, fauna and singular natural beauty must be protected.

- **Natural Monuments/Natural Landmarks**

These are sites of particular palaeontological, geomorphological, and historical importance that cannot be characterized as National Parks or Aesthetic Forests according to Law no. 996/1971.

- **Game Reserves and Hunting Reserves** (protected under the hunting legislation)

These areas compose a network of protected areas where the hunting regulations play an important role in the protection of fauna.

Framework Law no. 1650/1986 for environmental protection, introduced by the Ministry of Environment, Planning and Public Works (MEPPW), lays down guiding rules for nature conservation and management of protected areas. It also provided for the future institution of additional classes of protected areas, such as eco-development, marine parks, etc. through forthcoming legislation. According to **article 19** the protected areas are characterized as:

- **Areas of Absolute Protection of Nature**

These areas are defined by article 19.

- **Nature Protection Areas**

Within these areas, Areas of Strict Nature Protection correspond with IUCN category 1a "**Strict Nature Reserve**" (protected area managed mainly for science), whereas Areas of Nature Protection correspond with IUCN category 1b "**Wilderness Area**" (Protected area managed mainly for wilderness protection).

- **National Parks**

These areas are defined according to article 19, par. 3, of Law no. 1650/1986. According to article 3, paragraph 1, of Law no. 996/1971, areas of special ecological interest due to the rare and variegated indigenous flora and fauna, in respect of their geomorphologic formations, subsoil, water, atmosphere and their natural environment in general, can be declared National Parks. Inside, they can include areas for Strict Nature Protection and areas for Nature Protection.

- **Protected Natural Formations**

These areas are defined according to article 19, par. 4, of Law no. 1650/1986 and correspond with IUCN category III "**Natural monument**" (protected area managed mainly for conservation of specific natural features).

- **Eco-development Areas**

These areas are defined according to article 19, par. 5, of Law no. 1650/1986 and correspond with IUCN category IV "Managed Resource Protected Area" (protected area managed mainly for the sustainable use of natural ecosystems). Eco-development Areas may include Areas of Strict Nature Protection and Areas of Nature Protection.

- **Marine Parks**

These areas are defined by article 19, par. 3, of Law no. 1650/1986.

In the context of International Law and EC Directives that promote protection of the natural environment, 11 wetlands have been considered as specially significant and meriting protection for their natural diversity, under the Ramsar Convention on Wetlands of International Importance, and some 359 sites have been listed as SPAs and SCIs under the so called Habitats Directive and the Wild Birds Directive, as follows:

- **Wetlands of international importance (Ramsar sites).**

These are included in the International Convention of Ramsar (1971) signed by Greece and ratified by virtue of Legislative Decree 191/74.

- **Shelters of wild life** (under forest legislation)
- **Protected areas (SPAs and SCIs).**

Article 21 concerns the designation process of protected areas.

3. Internal organisation of protected areas. Institutional subjects in charge of protected areas' management.

It can be said that management of protected areas was defined in 1999 by Law no. 2742/1999, through the establishment of managing authorities (MAs) and the "NATURA 2000" Committee. The relevant provisions are grouped under chapter V, entitled "*Administration and management of protected areas*". Law no. 1650/1986 was amended by the Law no. 2742/1999 in order to implement the wording that management bodies were to be established for protected areas. For each protected area, a management plan has to be issued and management bodies have to be established.

The MAs were established as conservation bodies legally entitled to take over the administration and management of the NATURA sites from the formal coercive powers and direct State control of forest service (FDOs) and the Ministry of EPPW. Unlike FDOs and the MEPPW, MAs are autonomous and non-departmental boards that were granted the status of an independent agency accountable to the Minister of EPPW.

Most recently, **article 19, paragraph 1**, of Law no. 3208/2003 has established that in the interests of environmental protection and promotion of the national economy, forests whose management and exploitation has been abandoned over the past twenty years come under the management of the competent Forest Authority.

In **article 20** of the same Law the establishment of offices and positions for the implementation of the Convention on international trade in endangered species of wild fauna and flora (CITES Convention) is arranged. Specifically in the Administration of Aesthetic Forests, National Parks and Hunting of the Ministry of Rural Development and Food, which is appointed as the Central

Administrative Authority, a Department entitled "International Conventions" is established and made responsible for the supervision and the implementation of the Convention and the issue of the relevant permits to the Greek State. Respectively, in regional forest administrations, offices entitled "International Conventions" are established, which are assigned to the aforementioned administration and the relevant positions are created.

Until today, 27 Management bodies have been established for protected areas on the basis of Joint Ministerial Decisions.

An internal regulation of protected areas is provided for by **art. 18, par. 5**, of Law no. 1650/1986. **Article 21, par. 2**, in turn, provides that the general terms, restrictions and prohibitions required for the protection of the specific area are determined by the Presidential Decree of designation.

4. Permitted and forbidden activities within the protected areas.

Pursuant to **article 19, paragraph 1**, of Law no. 1650/1986, *"in the areas of absolute protection of nature all activities are restricted. Exceptionally, under the specific regulations of the relevant law, undertaking of scientific research and works aiming at the conservation of characteristics are allowed provided a high degree of protection"*.

In Areas of Nature Protection, all activities that may change or degrade the natural condition, structure or evolution of the natural environment are excluded. According to **paragraph 2 of article 19** of the Law, research activities and traditional ones may be authorized on condition that they do not result in the degradation of the site. Human presence is only allowed for the implementation of permitted activities, and only after authorization granted by the management body. Hunting will be forbidden.

- In National Parks, activities of educative or recreational and traditional character are permitted under condition of non restriction of the balanced preservation of their ecosystems (**art. 19, par. 3**, Law no. 1650/1986). In the National Parks, the construction works, research activities and traditional ones are permitted, subject to the terms and limitations better by the operating and management regulations of the National Park.

In areas of eco-development, certain activities such as agro tourism, camping and small industry related with traditional habits of the population, are permitted (**art. 19, par. 5**, Law no. 1650/1986).

The criteria concerning permitted activities can be identified in the harmonization with the protection of nature and of the site at issue, as well as the adaptability with natural environmental and local architecture.

5. Instruments to develop activities within the protected areas and control instruments on forbidden activities.

Incentives for agricultural eco-compatible activities, promotion of products and services within the area, promotion of tourist activities and preservation of artistic legacy are permitted and encouraged, only in areas characterised as Eco-development Areas, and under the conditions provided by Law no. 1650/1986 and specified by the internal organization of each one of them. As far as protected species and natural habitats preservation are concerned, these activities are permitted in National Parks.

Both criminal and administrative sanctions are provided for individuals (privates and legal persons) found guilty of pollution or degradation of the environment in general and of exercising forbidden activities in protected areas, pursuant to **articles 28, 29 and 30** of Law no. 1650/1986.

The power of authorization to carry out permitted activities within the area has been delegated to the MAs and the Forest authorities. MAs are empowered to exert all functions of plan making, management, research and administration except executive control.

MALTA

1. Presence of protected areas in national legislation. Framework legislation. Object and aim of national legislation concerning the protection of environment.

The duty to protect the environment, both as a duty of every person and as a duty of the Government, was set out in Maltese legislation both in the Preamble to the Environment Protection Act V of 1991 and in Part II of the Environment Protection Act XX of 2001, entitled "*Duty to Protect the Environment*" (articles 3 and 4). The right to information is mentioned in article 23 of the Environment Protection Act of 2001. Maltese legislation implementing Directive 2003/4/EC on public access to environmental information, in force since 17 May 2005 (L.N. 116/05), guarantees the right of access to environmental information held by or for public authorities.

The most important nature conservation legislation therefore is the **Filfla Nature Reserve Act (Act XV of 1988)**, the **Environment Protection Act (Act V of 1991)** and **Environmental Protection Act (Act XX of 2001) - EPA**.

The Filfla Nature Reserve Act declares Filfla a strict Nature Reserve and prohibits access to the site itself except by permission for educational and scientific purposes. All flora and fauna on Filfla are also legally protected by this Act.

The Environment Protection Act no. V of 1991 supplies in Part 1 "*Directives and Codes of Practice concerning the quality of the Environment*".

The new Environment Protection Act was published on the 18th September 2001 as Chapter 435 of the Laws of Malta. It is essentially a framework law with no clear-cut obligations, but through its various mandatory provisions grants the Minister responsible for the environment the possibility to issue subsidiary legislation on various issues related to, amongst others, the protection of biological diversity.

The **Conservation of Wild Birds Regulations (L. N. 79/2006)** transpose Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds into national law.

The **Trade in Species of Fauna and Flora Regulations (L. N. 236/2004)** repealed Legal Notice no. 19 of 1992 and its subsequent amendments. They were drawn up to enable the enforcement of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The **Flora, Fauna and Natural Habitats Protection Regulations (L. N. 257/2003)** mainly transpose the so called Habitats Directive, but also relevant provisions of EU Decisions 82/72/EEC, 82/461/EEC, 93/626/EEC, 97/266/EC, 98/145/EC, 98/746/EC and 99/800/EC, as well as designates Special Areas of Conservation (SAC), according to EU obligations.

The **Development Structure Plan** was drawn up in 1992 and forms the basis of future land use and development policy for the Maltese islands. The stated basic objective of the Structure Plan is that of optimizing the physical use and development of land which respects the environment and, at the same time, ensuring that the basic social needs of the community are, as far as is practical, satisfied.

2. Types of protected areas provided for in national legislation and classification criteria.

There is a multitude of protected areas types in Malta: some owe their origins to locally perceived needs expressed over time while others have been designated to satisfy international obligations.

National designations are:

- **Area of Ecological Importance (AEI)**
- **Site of Scientific Importance (SSI)**

In terms of national designations, 14 sites have been designated since 2002 as Areas of Special Scientific Importance (SSI) and/or Ecological Importance (AEI) under the 1992 Development Planning Act. Currently SSIs and AEIs total 57 sites/areas representing 13% of the total land area.

- **Bird Sanctuary**

In addition to these, 24 Bird Sanctuaries occupy about five percent of Malta's land area. These are regulated by the Conservation of Wild Birds Regulations of 2006.

- **List of Historical Trees having an Antiquarian Importance**
- **Nature Reserve**
- **Nature Reserve (Trees)**

There are also 32 Nature Reserves (29 are Nature Reserves (Trees and Woodlands) and 3 are Nature Reserves at Filfla, Fungus Rock and St. Paul's Islands where access is strictly controlled).

- **No Berthing Zone/No Entry Zone except for fisheries**
- **Special Area of Conservation (SAC)**

According to **article 2** of the Flora, Fauna and Natural Habitats Protection Regulations (L. N. 257/2003), "*Special Area of Conservation*" or "*SAC*" means a protected area and a site of National Importance and of International Importance". These are selected according to the provisions of **article 5** of the Flora, Fauna and Natural Habitats Protection Regulations (L. N. 257/2003).

These areas, together with Special Protection Areas (which primarily cater for the protection of migratory birds), form the "NATURA 2000" Network.

- **Ramsar Sites**

The wetlands at L-Ghadira and Is-Simar are designated Wetlands of International Importance, also known as Ramsar Sites.

- **Specially Protected Areas (SPA)**

Four sites, namely Filfla and the surrounding islands, Hagret il-general, Ghadira and St. Paul's Islands are designated as Specially Protected Areas (SPA Protocol).

3. Internal organisation of protected areas. Institutional subjects in charge of protected areas' management.

The Ministry of Tourism and Culture is responsible for cultural heritage; which includes World Heritage designated sites. The operational work of this Ministry is carried out by Heritage Malta.

The Ministry for Rural Affairs and the Environment (MRAE) is responsible for the formulation and implementation of policies relating to the promotion of sustainable development, protection and management of the environment and the sustainable management of natural resources. It is also responsible for protected areas.

The designation, planning and drafting of management plans of such sites is operated through Malta Environment and Planning Authority (MEPA) which falls under the responsibility of MRAE. The PARK dept is responsible for the restoration of the countryside including the creation of parks for recreation and ecological purposes. Afforestation and habitat creation also falls within its responsibility. MEPA is responsible for implementing Government policy with regards to the regulation of the environment. Amongst the entities responsible for the enforcement and administration of environmental law, MEPA is the predominant player: it is a statutory authority, independent of the government, set up under the Planning Development Act (Chapter 356 of the Laws of Malta).

A newcomer to the Maltese environmental scene is the *National Commission for Sustainable Development* (NCSD). This entity was set up in February 2002, in the aftermath of the United Nations Conference on Environment and Development.

The Environment Landscapes Consortium (ELC) deals with the embellishment and landscaping of urban areas whilst the Department for Parks, Afforestation and Countryside Restoration (PARK) is responsible for afforestation and the maintenance of rural areas and national parks. As none of these entities can provide strategic environmental policy direction, the Directorate of Environment Policy and Initiatives was set up in September 2005 to advise the Ministry on the formulation of environmental policy, own all policy options developed within the Ministry and ensure that policy options are implemented through the development and execution of appropriate programmes.

No one single institution is responsible for all protected areas although they are all regulated by environmental and development legislation. These are mainly administered by MEPA, although *ad hoc* committees have been set up for specific protected areas.

4. Permitted and forbidden activities within protected areas.

In protected areas, agricultural activities are generally permitted. Building development is controlled by MEPA: a designation of ODZ (Outside Development Zone) severely limits development other than tourist establishments, schools, and major infrastructural projects. Development within protected areas necessitates full Environmental Impact Assessment. Therefore, Environmental Impact Assessment is mandatory for any development of a permanent character within protected areas.

Other regulated activities are hunting and trapping (forbidden within Protected Areas), trespassing (forbidden on Filfla and General's rock except for special permits issued by MEPA for research purposes), recreation activities (controlled to minimise environmental impact), fishing (still permitted around Filfla and at Dwejra).

The Filfla Nature Reserve Act no. XV contains regulations stating that nothing may be killed, captured, collected, trapped, commercially exploited or removed from the reserve except with the written permission of the Minister. Camping is not permitted and written permission of the Minister responsible for the environment is required for access, and then only on educational and scientific grounds. Generally, it can be said that all activities which impact on the environment require approval from the authorities, in the form of a permit or licence.

5. Instruments to develop activities within the protected areas and control instruments on forbidden activities.

There are no specific activities or procedures developed for protected areas. For organic farming incentives include a subsidy of EUR 600/Hec and marketing and educational assistance by the Agri Dept for whoever wishes to revert to organic farming. MTA (Malta Tourism Authority) is specifically charged with responsibility for promoting tourist activity within Malta. This would include tourist activity within protected areas.

Heritage Malta is responsible for the management of cultural heritage sites. The Superintendent for cultural heritage is legally responsible for preserving and conserving artistic and cultural heritage.

Enforcement of environmental law is principally carried out by MEPA through the hand of its enforcement officers. Various aspects of environmental law enforcement, however, fall (occasionally, jointly with MEPA) within the portfolio of other State entities such as the Malta Maritime Authority, the Malta Resources Authority, the Executive Police and the local wardens.

The general rule is that a person who carries out an activity, of whatever nature, for which a licence is required or acts in breach of any condition attached to such a licence, will be guilty of a criminal offence (**art.11, paragraph 3 of 2001 Environmental Protection Act**). The Malta Police force (mainly the Administrative Law Enforcement section - ALE) is responsible for enforcement regulations applicable to protected areas' other than development.

TURKEY

1. Presence of protected areas in national legislation. Framework legislation. Object and aim of national legislation concerning the protection of environment.

The Turkish Constitution (1982) stipulates that "*the State shall take the necessary precautions towards the protection and utilization of natural resources*" and it has some general clauses broadly related to its conservation. For example, **article 56** states that "*Everyone has the right to live in a healthy, balanced environment. It is the duty of the State and citizens to improve the natural environment, and to prevent environmental pollution*"; whereas **article 63** states the principle of protecting cultural and natural resources "*The State shall ensure the conservation of the historical,*

cultural and natural assets and wealth, and shall take supportive and promotive measures towards this end".

The modern concept of the protected nature conservation area was introduced in 1949, with legal establishment of national parks coming into being on 5 September 1956, under **Forest Law no. 6831/1956**. The law categorised forest ownership into State Forest, Forests of organizations belonging to legal persons and Private Forests; being further sub-divided into Protection Forests, National Parks and Production Forests.

In 1983 the Ministry of Agriculture, Forestry and Rural Affairs enacted the current **National Park Law no. 2873/1983** in order to establish the principles governing the selection and designation of national parks, natural monuments and nature reserve areas; a law concerned with the protection, development and management of such protected areas without spoiling their natural characteristics.

In the same year the **Environment Law no. 2872/1983 (amended by Law no. 5491/2006 "concerning the amendment of the Law on Environment")**, with prime objectives of general protection of the environment and the prevention of pollution, was enacted by the Ministry of Environment. Under this Law zones of special protection of the environment, special protected areas, can be declared. An enabling act of 19 October 1989 provided for protected zonation within these areas.

In addition to the protected areas governed by the National Park Law, a series of game forest sites was established on state forest and notified under Hunting Law No. 3167/1937 (substituted by **Law no. 4915/2003 "on Terrestrial Hunting"**): game breeding and protection areas, game breeding stations, game reintroduction areas and biogenetic or nature conservation areas.

Additional laws relating to protected areas include **Law No. 2863/1983 "on conservation of cultural and natural heritage"**, (administered by the Ministry of Culture and Tourism), amended in 1987 by Law no. 3386; and Law No. 1380/1971 for the protection of water resources, management and improvement (**Fisheries Law**), amended by **Law no. 3288/1986**.

In the 1980s, the **Law of the Bosphorus no. 2960/1983** was enacted in order to protect the cultural, historic and scenic beauty of the Bosphorus region. In 1990 the **Coastal Law no. 3621/1990** was adopted which would delimit the coastal zone and prohibit building within this area.

At the international level, Turkey has entered a number of cooperative agreements and legal obligations. Turkey is party to the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention, 1994) and its Ministry of Environment has issued in 2002 a **Regulation on Conservation of Wetland** for the implementation of said Convention.

Although Turkey is not a member state of the European Community and not party to the 1979 EC Wild Birds Directive, 79 important bird areas (EC special protection areas) have been identified. Other important laws are the followings:

Law no. 5491/2006 "concerning the amendment of the Law on Environment" Article 1 (amending article 1 of Law on Environment no. 2872/1983) states that: *"The purpose of this Law is to protect the environment, which is the common asset of all the living beings, in line with the principles of sustainable environment and sustainable development"*. **Article 3** sets the general principles pertaining to the protection and improvement of the environment and the prevention of pollution. **Article 6** amends article 9 of Law no. 2872, including the header, as follows: *"The Protection of The Environment" article 9.*

Forest Law no. 6831/1956 - National forests (state forests) are established to preserve nature and some urban and/or agricultural land from erosion. Forest recreation areas are established for tourist, cultural and public recreational purposes. Section 1 identifies the object of the Law, as **articles 1 to 6** concern the description, partition, administration and auditing of the Forests.

National Park Law no. 2873/1983 - According to **article 1**, *"The Objective of this Act is to arrange the principles pertaining to choosing and determining the national parks, parks of nature, monuments of nature and nature preservation areas which carry values at national and international level and to preserve, develop and manage these without spoiling their features and characteristics"*. There are 25 articles cited in the Law: **article 2** defines the four main protected area categories.

Law no. 4915/2003 “on Terrestrial Hunting” - The objective and scope of this Law are clarified in **article 1**.

Law no. 2863/1983 on the Conservation of Cultural and Natural Heritage - Articles 1 and 2 of this Law explain “*Aim*” and “*Content*” of the same.

Regulation on Conservation of Wetland - Part 1 of the Regulation concerns “*Purpose, Scope, Legal Basis and Definitions*” (**articles 1 and 2**).

2. Types of protected areas provided for in national legislation and classification criteria.

Protected area designations, as defined in **article 2** of the 1983 National Parks Law, include the following:

- National Parks

The pieces of nature that, from the aspects of science and aesthetics, possess nationally and internationally rare natural and cultural resource values as well as areas of preservation, rest and tourism.

- Nature Parks

Parts of nature that have the features of a flora and wild life and which are suitable as a resting place for the public and their being entertained in an integrated scenario.

- Natural Monuments

Parts of nature that are protected within the scope of national park principles and possess the features of nature as well as the qualities that events of nature create besides scientific value.

- Natural Conservation Areas

Parts of nature that carry importance in terms of science and training and which include rare, and/or endangered ecosystems, species and natural events that are required to be preserved and reserved for only scientific and training purposed utilization.

- Specially Protected Areas

These areas are established pursuant to **article 6** of Law no. 5491/2006.

- Wildlife Reserve Areas

They are areas which are reserved in order to protect the game and wild animals whose populations are decreasing, in their natural environments with their habitats without influencing the ecosystem characteristics.

- Wetland Areas/Ramsar Sites

These areas are defined by **article 4** of the Regulation on Conservation of Wetlands.

- Natural Sites

These areas are defined under **article 3** of the Law on conservation of the cultural and natural heritage.

- Conservation Forests

Article 23 of the Forest Law defines these areas.

- Genetic Conservation Areas

These are the areas exhibiting rare or endangered habitats, unique ecosystems, protected by legislative status in national level.

- Seed Stands (Gardens)

There are quite many criteria in selecting the areas proposed by different organizations and institutions throughout the country to be declared as SPAs.

3. Internal organisation of protected areas. Institutional subjects in charge of protected areas' management.

Various institutions, ministries and organizations have undertaken duties and responsibilities for conserving biological diversity. There is no overall coordinating system for conservation activities in Turkey. While the Ministry of the Environment creates policies, planning and co-ordination for environmental protection, some other institutions and ministries such as Ministry of Forestry, Ministry of Agriculture and Rural Affairs, Authority of Specially Protected Areas carry out implementation activities.

On 8th may 2003 the Ministry of Environment was merged with the Ministry of Forestry with Law no. 4856 (the new Ministry was named "Ministry of Environment and Forestry"). According to article 2 of this Law, the new Ministry is commissioned with, *inter alia*, monitoring developments carried out at international level, coordinating and cooperating with other organizations and institutions. The Ministry is also the main organization responsible for the identification, planning, conservation and management of protected areas, protected by the Act of National Parks and the Act of Land Hunting. The General Directorate of Forest and Village Affairs conducts various projects concerning forest villages.

Determination, planning and management of protected areas are carried out by the General Directorate of Nature Conservation and National Parks, which is also is vested in the responsibility of identifying the species to be conserved, managing wildlife, making the legal arrangements regarding the management of wildlife, issuing hunting licenses and regulating hunting. The General Directorate monitors hunting activities through the Central Hunting Commission composed of central and local units of the Ministry, and associations for hunting and marksmanship.

The Authorities of Specially Protected Areas (ASPAs) are attached to the Ministry and responsible for the protection, planning and management of 13 Specially Protected Areas (SPAs). At the local level, governor's offices are in charge of regulating the SPAs.

The Ministry of Culture and Tourism monitors the protection and management of preservation sites designated as such in accordance with the Act on Governing Preservation of Cultural and Natural Resources. The Ministry designates and preserves the natural, historical, archaeological and urban sites in order to hand down these natural and cultural endowments to future generations.

As far as Forests are concerned, **article 3** of the Forest Law gives the Forest General Directorate the authority to "*separate, arrange and direct national parks, natural parks, natural monuments, natural protection areas and woody promenade areas to provide scientific research, protect the nature, provide beauty of country, provide possibility for touristy activities, meet requirements of sportive and resting activities*". According to **article 23** of the same Law, The Ministry of Agriculture can designate protection forests and also determine and announce their limits to near villages and counties. Their land registration, arrangement and usage methods with conditions and basis are determined by Ministry of Agriculture. Also, **article 5** gives the Ministry of Agriculture the power to decide about administration and benefit of establishment of a facility in forests, which do not belong to legal persons and arranged by State departments for private aims.

Article 7 of the National Parks Law states that permissions for all activities are granted through the Ministry of Agriculture and Forestry, except for historic and archaeological sites (which come under the jurisdiction of the Ministry of Culture and Tourism);

Article 7 of the Law on terrestrial hunting is called "*Management of Hunting and Wild Life*" and states that the work and operations related with the management of hunting and wild life, fields, hunting grounds, stations and the facilities will be carried out by the Ministry of Environment and Forestry after the opinions of the related institutions are obtained. Hunting is controlled by Ministry of Forestry based on decisions of the National Hunting Commission, the main monitoring body for hunting, composed of stakeholders from local and central government well as well as the hunter associations.

Responsibility for grassland rests with Ministry of Agriculture and Rural Affairs. However, the grasslands within boundaries of forests are among responsibilities of Ministry of Forestry. Ministry of Agriculture and Rural Affairs also has the authority over the use of pesticides and chemicals.

The National Parks Fund has been established under the authority of the Ministry of Agriculture and Forestry, to meet the expenditures incurred in the protection, repair, maintenance, publicity and operation of the facilities located in areas covered by the National Park Law, 1983.

Article 8 of the National Parks Law concerns land-lease permits which expire after 49 years, after which time all facilities should be transferred to the Treasury. It is possible to extend the lease of land to 99 years.

Article 16 refers to protection services and prosecution by forest guards in accordance with Forest Law No. 6831.

Articles 17 ("Establishment of the Fund"), **18** ("Fund Income") and **19** ("The utilization of the Fund") deal with the national park fund.

Penalties are dealt with in **Articles 20** and **21**.

4. Permitted and forbidden activities within the protected areas.

Section 5 of the National Parks Law is entitled "*Protection*". **Article 14** "*prohibited Activities*" specifies that "*At places that are within the scope of this Act;*

- a) *The natural and ecological balance and natural ecosystem values cannot be disturbed;*
- b) *The wildlife cannot be destroyed;*
- c) *All kinds of interventions that may cause the characteristics of these fields to be lost or changed along with the acts and operations that may cause problems such as pollution of soil, water and air pollution as well as other environmental issues cannot be carried out;*
- d) *Production of all kinds of forestry products, hunting and grazing that may disturb the natural balance cannot be conducted;*
- e) *Other than the structures and the facilities that are mentioned in the approved plans and the facilities that are required for the defence systems of General Staff, unless there is a necessity that is final and cannot be avoided in terms of public interest, under no condition shall any facility and structure be built or operated or housing shall be established outside the settlement sites within these areas".*

With regard to forests, the Constitution of the Republic of Turkey forbids actions, which might damage forests. Furthermore, "*offences committed with the intention of burning or destroying forests or reducing forest areas shall not be included within the scope of amnesties or pardons (...)*".

Section III of the Forest Law, entitled "*Protection of Forests*", forbids e.g. to collect forest seeds or any kind of forest flora, medical and industrial plants and gallnut and to get soil or sand for one's own needs without commercial purposes. However, in **article 37** of the Forest law, rights to use forest products is defined.

Also the Regulation on the Conservation of Wetlands provides for water usage, sand extraction and other activities.

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