

Promoting awareness of wildlife crime prosecution and liability for biodiversity damage in NATURA 2000 areas in Crete



“Tackling environmental crime with the help of Geographic Information Systems (GIS) and Databases”

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Environmental Law Observatory of West Crete**



**Right and Liability
for the Environment**

Conference: “Protecting habitats and endangered species in Europe through tackling environmental crime”
Heraklion, October 23-24, 2018

The LIFE14/GIE/GR/000026 project is funded at a percentage of 60% from the LIFE financial instrument “Environmental Governance & Information” of the European Commission, while a part of the Associated Beneficiaries own funds was covered by the Greek Green Fund.



Main Goal/ Plan of the presentation

GOAL: To demonstrate the effectiveness of using Geographic Information Systems (GIS) and Databases for tackling environmental crime

PLAN:

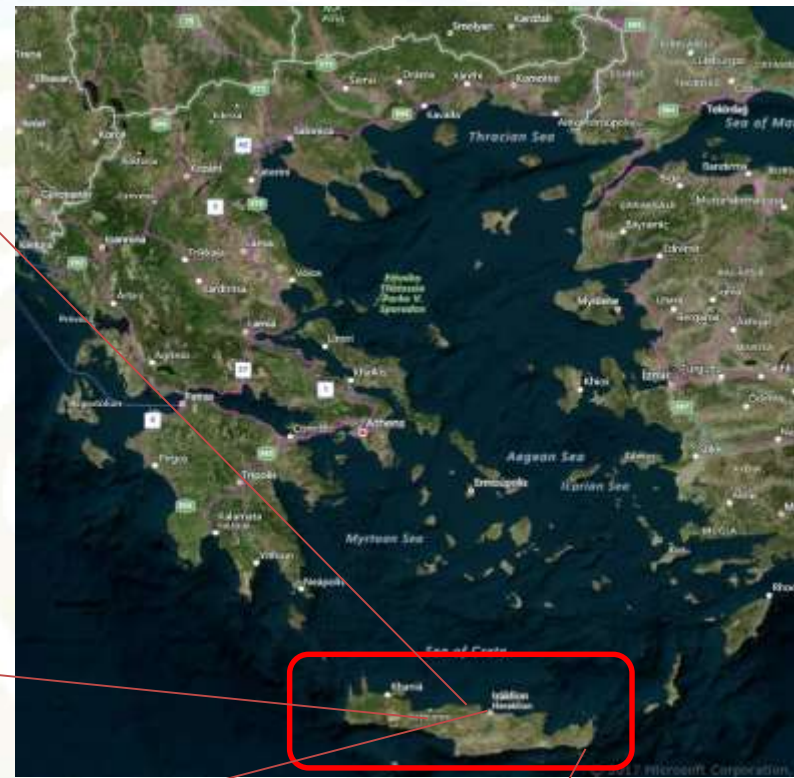
1. The Environmental Law Observatories of Crete in the frames of LIFE 14/GIE/GR/000026 Project (LIFE NATURA THEMIS)
2. GIS as a tool to tackle effectively environmental crime/ The LIFE NATURA THEMIS GIS MAP
3. Shared databases as a tool to tackle effectively environmental crime/ A successful example through the experience of ELO West Crete
4. Important conclusions/ proposals



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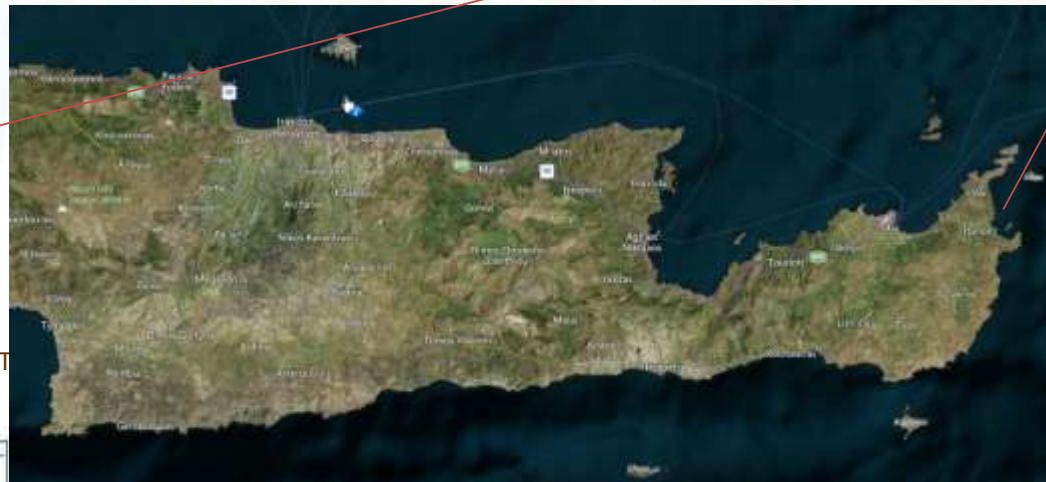


Crete in Greece



West Crete

East Crete



Financial instrument
in

Why in Crete?



30% of the total area of Crete belongs to
NATURA 2000 network



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The unique characteristics of the Environmental Law Observatories of Crete

1. First time a Lawyers' Bar Association gets involved in a European Project
2. The Lawyers' Bar Association is responsible for the operation of the Observatories: independent operation, objective information
3. **Record and analysis of Criminal Environmental Law Court Cases** and the imposed Administrative Fines, regarding the respective regions, with emphasis on NATURA 2000 sites
4. Import of collected data **in a geo-informatics (GIS) map**, accessible to the public, through the project's website (<http://www.lifethemis.eu>)



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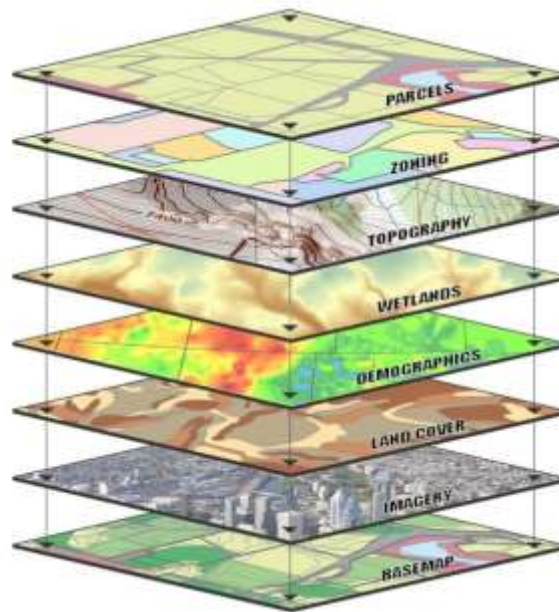


Environmental
Law Observatory
Crete



Defining Geographic Information Systems (GIS)

- A powerful *set of tools* for collecting, storing, retrieving, transforming, and displaying spatial data from the real world. (Burroughs, 1986)



GIS DATA LAYERS

Many different types of data can be integrated into a GIS and represented as a map layer.

Examples can include: streets, parcels, zoning, flood zones, client locations, competition, shopping centers, office parks, demographics, etc.

When these layers are drawn on top of one another, undetected spatial trends and relationships often emerge. This allows us to gain insight about relevant characteristics of a location.



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LIFE NATURA THEMIS' GIS MAP for collected information by public agencies



- Public agencies with preliminary investigation or administrative powers are constantly addressed (Coastguards, Fire Services, Environmental Departments of Prefectural Unities, Courts of 1st Instance, Court of Appeal).
- None of the public agencies keeps systematically electronic data regarding environmental law compliance except for the Fire Services.
- None uses GIS for the collection and assessment of data. Even the national electronic environmental register does not use GIS!
- The action of the Association Bars has been thus proven necessary

Import of collected data **in a geo-informatics (GIS) map**, accessible to the public through the project's website (<http://www.lifethemis.eu>)



LIFE NATURA THEMIS
National Society for the Environment

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Research Findings: Spatial distribution of recorded offences

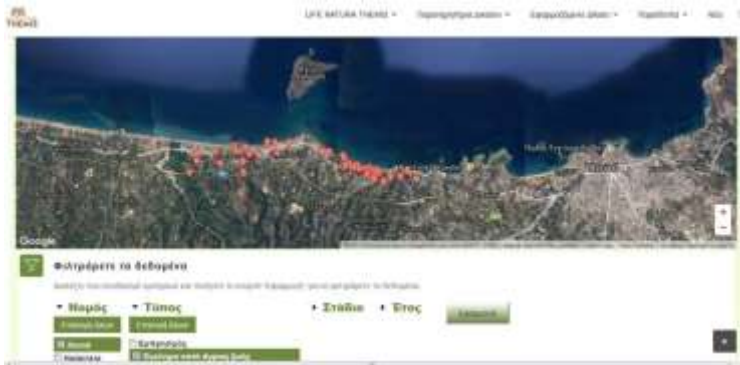


Fig. 1: The example of violation of *Caretta-caretta* protection rules in Chania region



Fig. 2: The example of seashore degradation in Rethimnon



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More results emerging when applying more search filters

FILTER THE DATA

Choose a combination of criteria and press 'Apply' to filter the data.

County

- Select All
- Chania
- Heraklion
- Lassithi
- Rethymno

Type

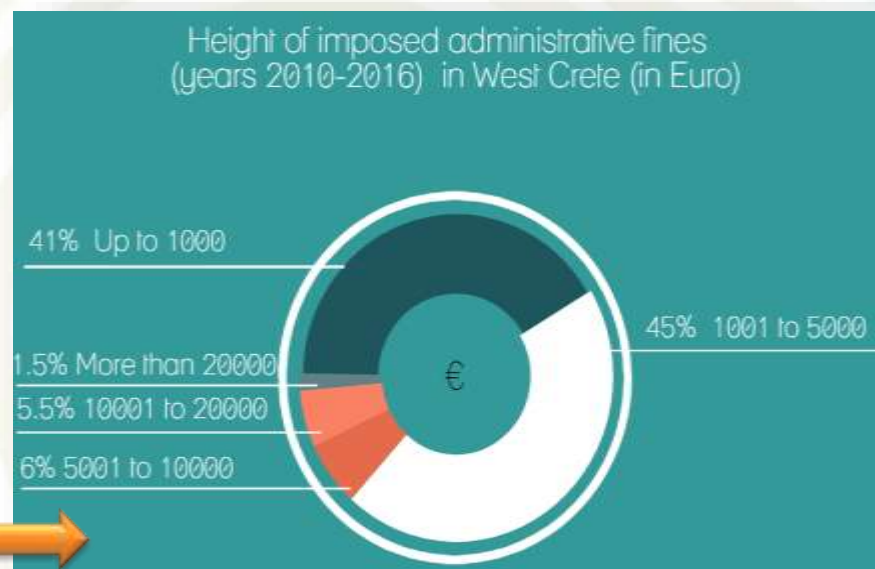
- Select All
- Conflagration
- Crime against wildlife
- Grazing illegal
- Hunting illegal
- Illegal camping
- Illegal economic activity
- Logging illegal
- Marine environment degradation
- Oil factory sewage
- Poison baits
- Road construction
- Seashore degradation
- Soil degradation
- Stone pit illegal
- Surface water degradation
- Unauthorized construction
- Waste dumping
- Illegal land clearing

Complaint status

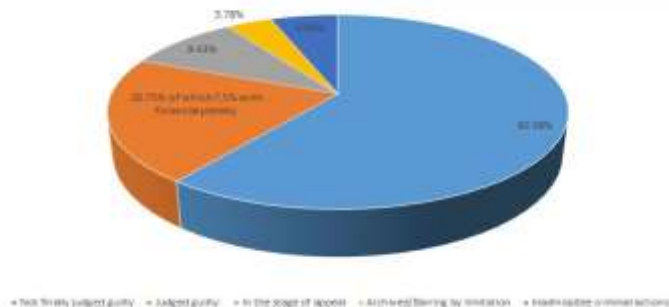
- Select All
- Acquittal-Not guilty
- Appeal
- Barring by limitation
- Conviction-Guilty
- Criminal prosecution
- Filing (acc. Art. 43 Penalty Procedure)
- Filing due to lapse (acc. to Law 4198/13)
- Filing due to unknown perpetrators
- Fine between 1,001 - 5,000 €
- Fine between 10,001 - 20,000 €
- Fine between 5,001 - 10,000 €
- Fine over 20,000 €
- Fine up to 1,000 €
- Preliminary investigation
- Prosecution stop
- Punish by fine
- Remediation of environmental goods
- Unknown status

Year

- Select All
- 2015 and later
- 2014
- 2013
- 2012
- 2011
- 2010 and earlier



Judicial status of environmental crimes in Chania (1st Trimester 2016-53 cases)



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THEMIS
National Authority
for Research and
Technological Development



Innovation/Advantages of developed GIS map

- It is easy for everybody to extract information about the recorded offences as well how the respective public agencies tackled each one of them.
- Transparency is achieved with respect to personal data protection!
- Direct monitoring of the efficiency of the relevant public agency is enabled, “hotspots” of criminal activity and environmental degradation are targeted.
- Public agencies easier realize their individual responsibility for preventing and remedying environmental damage.
- Further spatial analysis of imported data will conclude to guides for prefectural strategies against environmental offences



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Obstacles confronted so far/ Conclusions

- The collection of imported data is extremely time- consuming in order to ensure they are reliable (lack of official electronic data, lack of staff and IT services in the relevant public agencies, reluctance of the authorities to provide the data). Extract of the necessary information manually among thousands of irrelevant other files!
- Special license from Data Protection Authority necessary (for court files)!
- GDPR compliance necessary!
- **Despite all obstacles the LIFE NATURA THEMIS GIS MAP can be used as a road map to show how with GIS we are able to** monitor better the Environmental Law compliance, to highlight major systematic gaps that make room to potential Environmental Law offenders, to provide environmental information to the public and finally to boost the adequate Environmental Law and Policy adjustments.



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Shared databases as a tool to tackle effectively environmental crime/ A successful example through the experience of ELO West Crete

- Crete is one of the main cheese producers in Greece: a lot of sheep/goat farms
- Specific morphology of Crete: a lot of mountainous / less favored areas

→ Fire has been used by farmers in Crete as a tool to create grazing land or improve the quality of the grazing land from earliest times

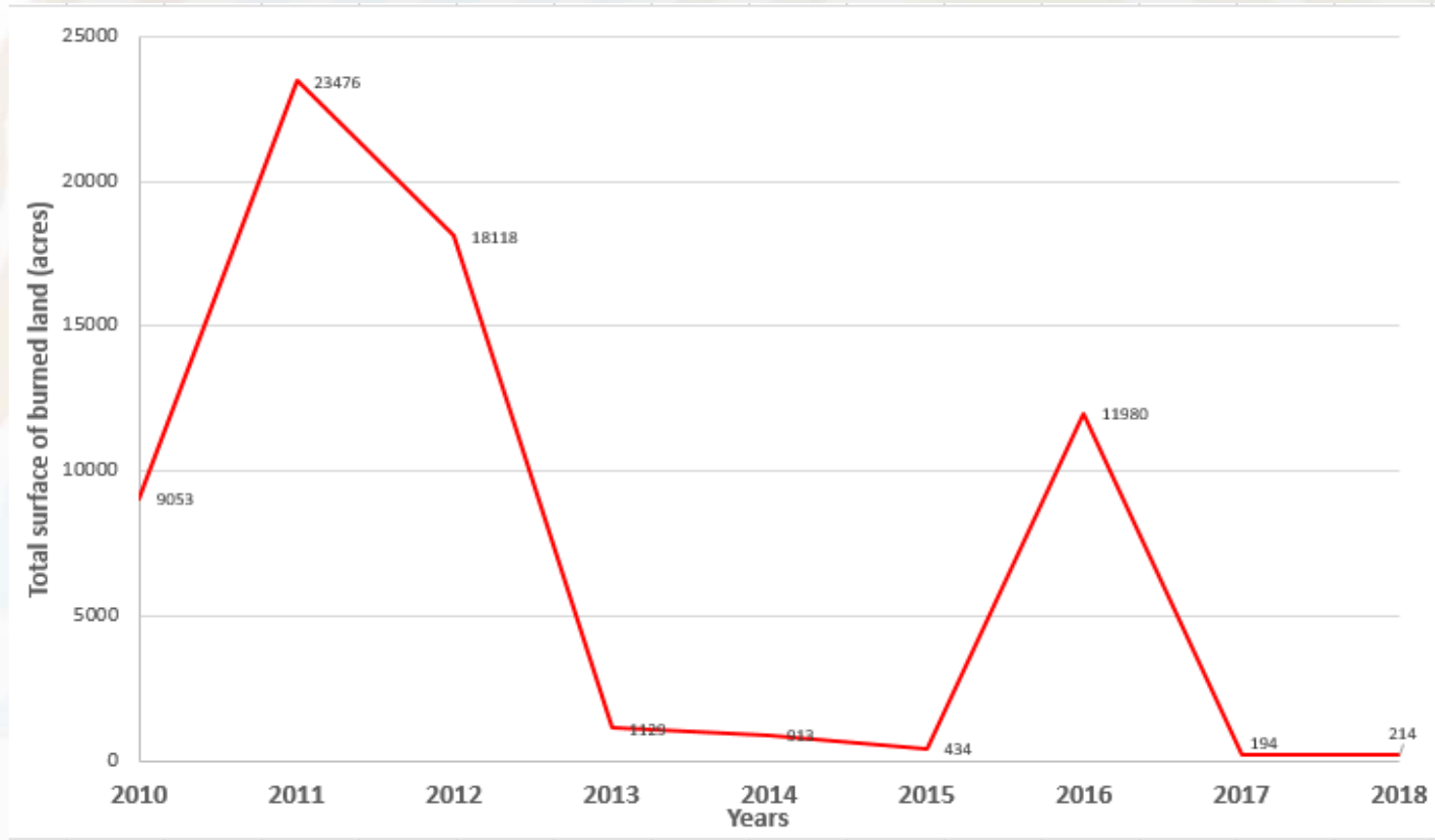
→ Farmers most common offenders of arson crimes in Crete (very rare in Crete fires due to natural causes)



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Monitoring arson cases from the Fire Service's files- the example of Rethimnon Fire Service

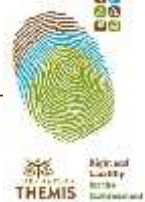


Significant decrease of burned land over the years!

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The main reason of the decrease: Shared data base since 2013 between the Fire Service and the Greek Payment Authority of Common Agricultural Policy Aid Scheme – OPEKEPE and elimination of fires set by farmers



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The Greek Payment Authority of Common Agricultural Policy Aid Scheme - OPEKEPE

- ✓ The Greek Payment Authority of Common Agricultural Policy Aid Scheme has digital map files with the data of farmers and their grazing land
- ✓ The data can be directly viewed through the shared database by the Fire Service Officers, and thus lead in seconds to possible offenders
- ✓ Farmers living in mountainous and less-favored areas when accused of any crime (including arson crime) are not only facing imprisonment but also the immediate cessation of their special European subsidies until it is proved that they are innocent (according to Ministers' decision- FEK 393/B'/7-3-2008)



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Simultaneous actions: Informative Campaign to the farmers - Dissemination of the legislation: Announcements in villages taking into account the psychology of the certain target group

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΥΠΟΥΡΓΕΙΟ ΠΑΡΑΧΩΡΗΣΗΣ ΕΡΓΩΝ
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ΕΚΑ - ΔΙΕΥ. Π.Υ. ΚΡΑΤΗΣ
Η ΣΥΝΤΗΡΗΣΙΑ ΑΙΔΕΛΑΝΟΥ
ΚΑΤ. Π. ΑΝΑΡΧΑΡΗΤΗ 13
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ΕΝΗΜΕΡΩΣΗ ΠΟΛΙΤΩΝ

Ανακοινώνεται ότι σύμφωνα με την Ελληνική Νομοθεσία, για λόγους που κληθούν από τη διερεύνηση από εμάς ή από τρίτους, προβαλλόμενα να παραστεί:

Αναπείθιστο δικαστήριο προεδρίαση από το Ανακριτικό τμήμα της Περιφερειακής Υπηρεσίας με αρμοδιότητα για την Ελληνική Αστυνομία, για τον έλεγχο της άδειας/των και σε θέση περιτήρησης οικοδομικής ή βιοδομικής και αυτιχορουν, όπως είναι στα αποτυπωμένα χρονικά πλαίσια, σύμφωνα με το άρθρο 243 του Κ.Π.Δ.)

Επείς βρισκεί επιβάλλονται βασικές ποινικές κινήσεις σύμφωνα με τον Ποινικό Κώδικα και Ποινή φυλάκισης από 2 έτη έως ισόβια

β) Χρηματική ποινή από 3.000 ευρώ έως 180.000 ευρώ, (άρθρο 264, 289 και 266 του Π.Κ.)

Ταυτότα να δικαστικο εγγραφή αποδομήση (επιδομήση) από τον Ο.Π.Ε.Κ.Ε.Π.Ε., όσον βεβαιώνει για ποινικά αδικήματα, στην τις κινήσεις τους (δηλαδή εάν υπάρχουν ενδείξεις ναυτικής οδούτων πράξεων των ίδιων ή μελέτη των οικοδομικών τους), ή, παρεμφερή με σκοπό την βελτιστοποίηση. Οι παραπάνω υποδομήσεις, να κοινητίζονται τα στοιχεία των χρημάτων που έχουν εισπραχθεί από την δικαστική αποδομήση (επιδομήση) άρθρο 11 & 15 της Κ.Υ.Α. 8837-3-06, ΦΕΚ 3183ΒΙ(2006).

Λόγω πρόθεσης για δασική έκταση ή δασος, η κοινή ποινική κινήσεις, ως αναδομήσει (άρθρο 41 του Ν. 399/1978)

Ανακοινώνεται όμοια στην Ο.Π.Ε.Κ.Ε.Π.Ε. η απόφαση κληθείς της έκπληξης ως αναδομήσει, προκειμένου να εξετασθεί από την αρμόδια υπηρεσία που δύνανται όπως ανατροφοδότης που εξδοκούν και την την κληθείς και στο (έως) υπολογισμένο η βιοδομική, όπως επίσης αποκλείεται υποδομήσει ποινή κινήσεις και επιδομήσει σε αυτήν (άρθρο 100 του Ν.Δ. 86/1988), και να παραδοθήσει τον συνολικό κληθείς μετρο και (1) Εως φυλάκισης και χρηματικό πρόστιμο (άρθρο 70 του Ν. 399/1978)

Επείς χηρο μας το 95% των περιουσιών προκαλύπτει από τον άνθρωπο...
Η ψωση είναι η ζωή μας, μην την καταδικάζουμε...
Αν κληθείς σου κινήσεις ίσως προλάβουμε το κληθείς...

Ο Ανακριτής
Δημοσθένης Β. Μπουλιώτης
Αναπείθιστος

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Characteristics of the specific shared database

- The shared database was an idea of local Fire Services, not central authorities (political cost often hinders the implementation of such measures on a national level)
- Not only technology but also an approach adjusted to the specific targeted group (informative campaign to the farmers)
- Significant decrease of fires, although very few cessations of European subsidies actually took place!!

- Effective measure of prevention

although according to the **new decision**

**by the Minister of Agricultural Policy in Greece:
(FEK 1275/B' /4-5-2016):**

Farmers living in mountainous and less- favored areas when accused of any crime (including arson crime) **are NOT ANY MORE facing the immediate cessation of their special European subsidies** until it is proved that they are innocent



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Important Conclusions/ Proposals

- Traditional sanctions for environmental crime are less effective
- Modern technology provides us with new tools to combat environmental crime
- Environmental Law and Policy call for constant adjustments, in order to ensure their effectiveness in on- going environmental problems, global or local
- Towards a new era where Law and Technology will be at the service of the Environment?



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Thank you for your attention! Questions?

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