

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



“The use of European subsidies as a tool to prevent environmental crime in targeted groups: The spectacular decrease of fires set in grazing lands by farmers in West Crete”



Right and Liability
for the Environment

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Environmental Law Observatory of West Crete**

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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 European subsidies as a tool to prevent environmental crime in targeted groups

PLAN:

1. The LIFE 14/GIE/GR/000026 Project (LIFE NATURA THEMIS) and the Environmental Law Observatories of Crete
2. Arson Crime: a major environmental law crime in Greek Criminal Law Code
3. Fires set in grazing lands by farmers in Crete
4. Monitoring fires in West Crete- Statistical analysis
4. The role of European subsidies in minimizing fires set in grazing lands by farmers
5. The change of the legislation- the current situation
6. Important conclusions/ proposals

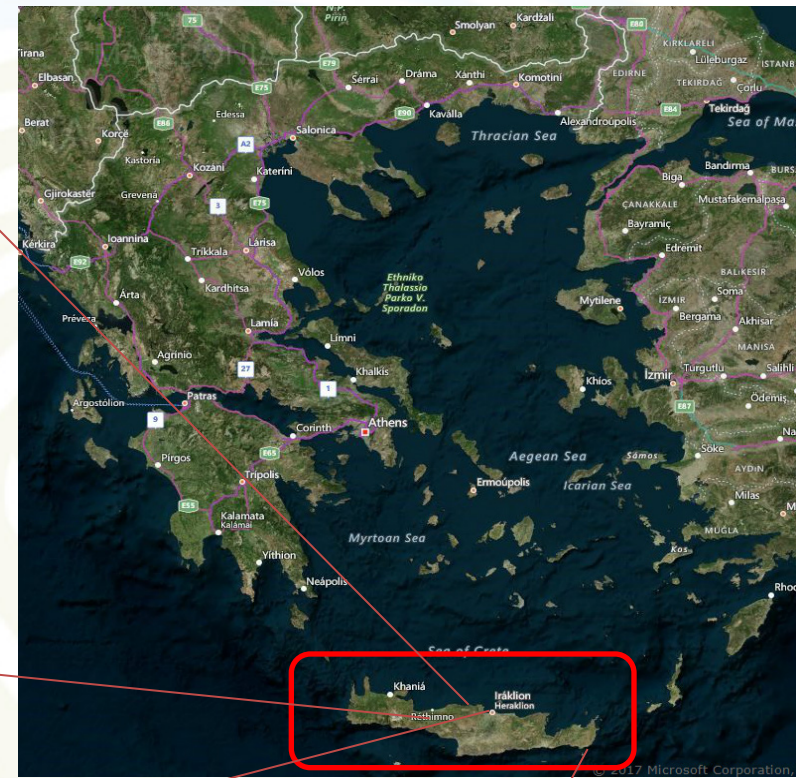


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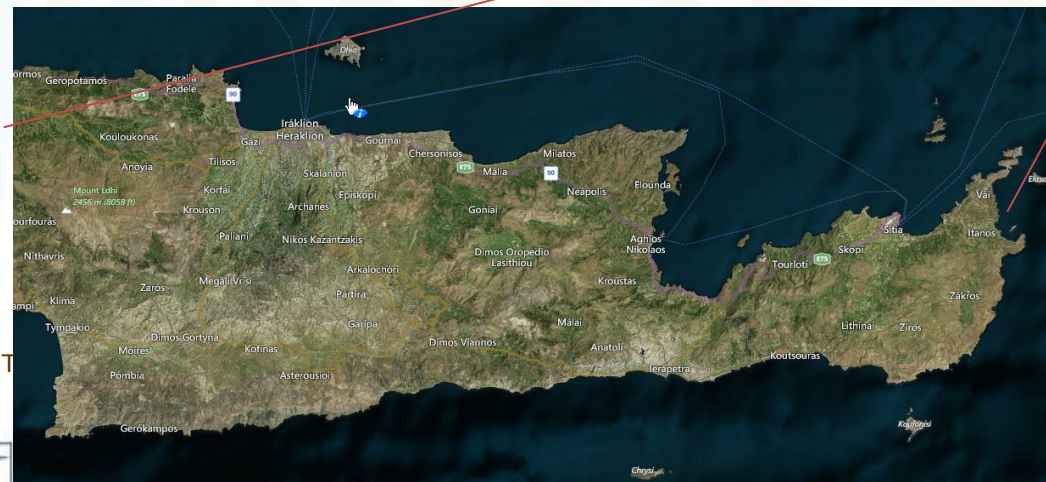
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Crete in Greece



West Crete



East Crete



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LIFE NATURE
THEMIS

Museum
of Crete



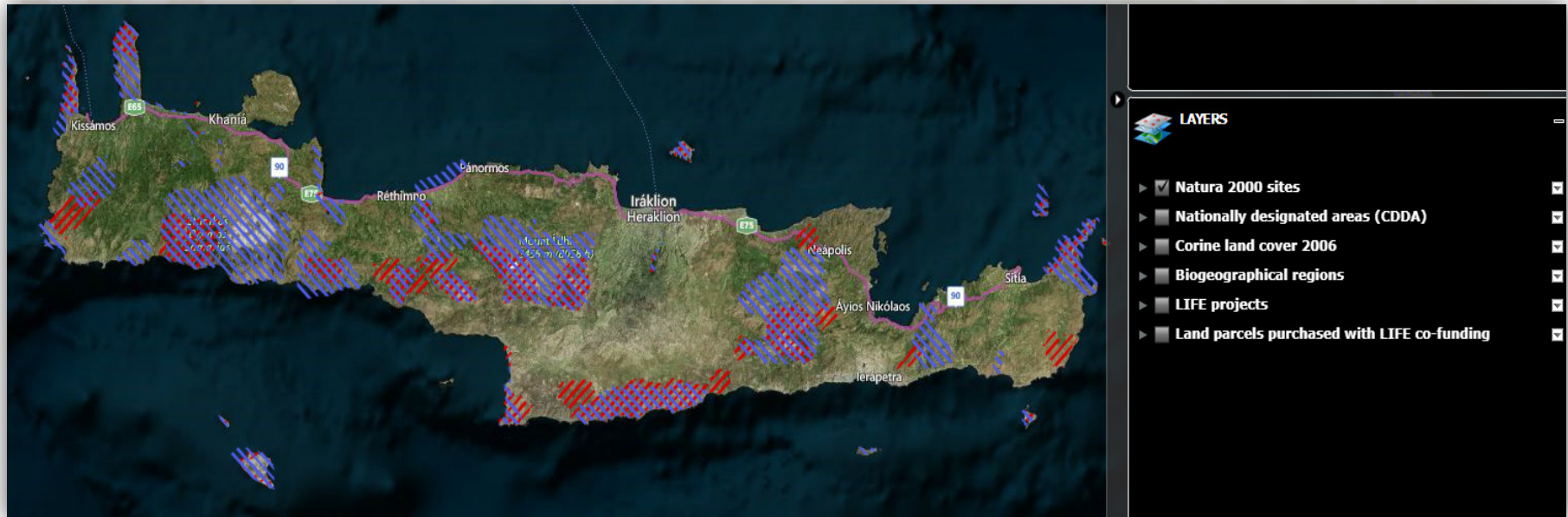
Heraklion Bar Association

Ministry of the Environment
and Energy



financial instrument
in

Why in Crete?



30% of the total area of Crete belongs to
NATURA 2000 network (53 protected areas)



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Realization of the idea to establish an Environmental Law Observatory in order to provide information to the public

The LIFE14/GIE/GR/000026 Project
(Promoting awareness of wildlife crime prosecution and liability for biodiversity damage in NATURA 2000 areas in Crete)

- **Themis in mythology is a Titan gifted with a legislative power.** As child of Uranus and Gaia, Themis is meant to be the protector of law on sky and earth punishing any infringement thereon.
- Contractor of the project is the University of Crete - Natural History Museum of Crete and the partners are, SYGAPEZ, the Greek Nature Protection Society (EEPF), the **Bar Association of Chania** as well as the Heraklion Bar Association.

Among the **key objectives of LIFE NATURA THEMIS project** are:

- To provide electronic, accurate and objective environmental information to the public with emphasis to the NATURA 2000 areas
- To familiarize prosecutors, investigating officers and related public services with the competencies and the protection status of the protected (NATURA 2000) areas
- The development of the necessary skills of investigating officers in order to prevent and effectively prosecute environmental crime

The realization of these objectives is based on the primary material first time gathered in cooperation with the competent authorities and local residents, by the two Environmental Law Observatories.

The material is accessible to the public, on the official website of the project: <http://www.lifethemis.eu>



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The unique characteristics of the Environmental Law Observatories of Crete

1. First time a Lawyers' Bar Association 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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Arson crime: a major environmental law crime in Greek Criminal Law Code

According to articles **264, 265, 266, 267** of the Greek Criminal Law Code:

- ✓ Penalties **up to five years imprisonment** when arson crime by negligence
- ✓ Penalties **up to life imprisonment** when arson crime on purpose

Even controlled burning is not permitted (for burning crop residues): From **1 May till 31 October due to specific features of the Mediterranean climate (dry warm summers)-extremely high risk of fire**



Fire as a tool to create grazing land or improve the quality of the grazing land in Crete

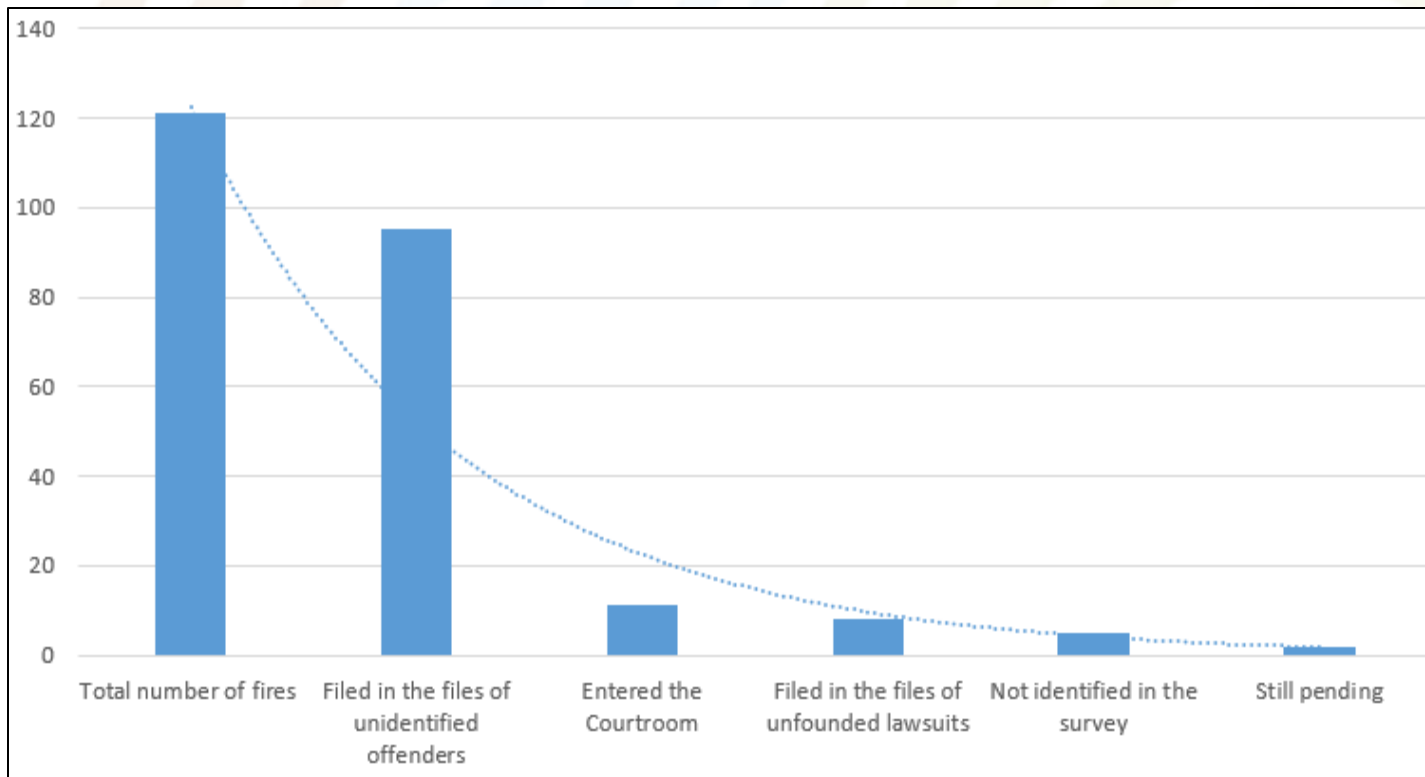
- Crete is one of main cheese producers in Greece: a lot of sheep/ goat farms
 - Specific morphology of Crete: a lot of mountainous / less favored areas
- Fire has been used by farmers in Crete as a tool to create grazing land or improve the quality of the grazing land from earliest times
- Farmers most common offenders of arson crimes in Crete



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Monitoring the progress of arson cases from the Fire Service in Public Prosecutor's files



(*Year 2010-
Rethimno
region)

Only 9% of
arson cases
actually entered
the Courtroom!

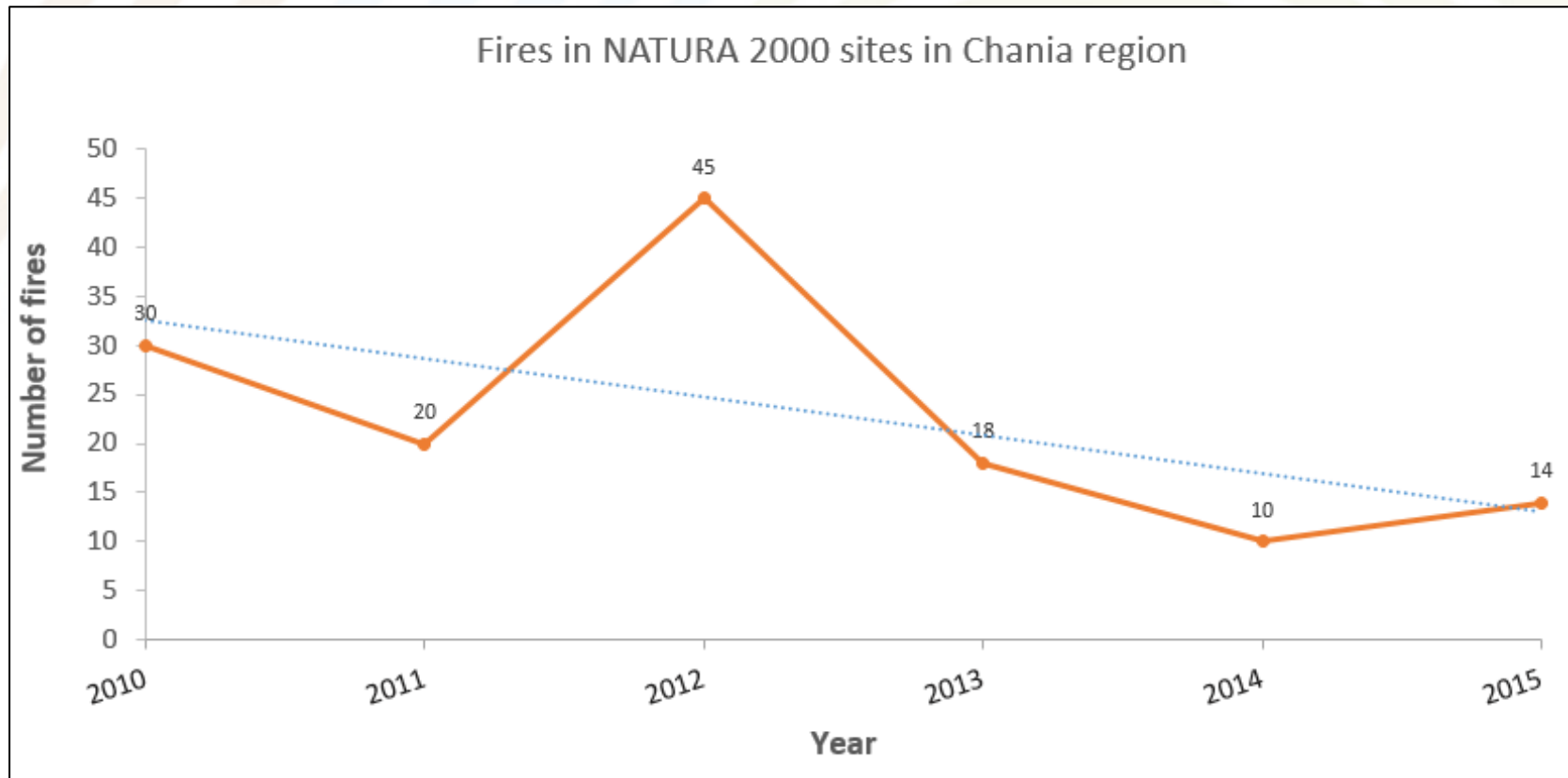


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Monitoring the decrease of fires in Chania region



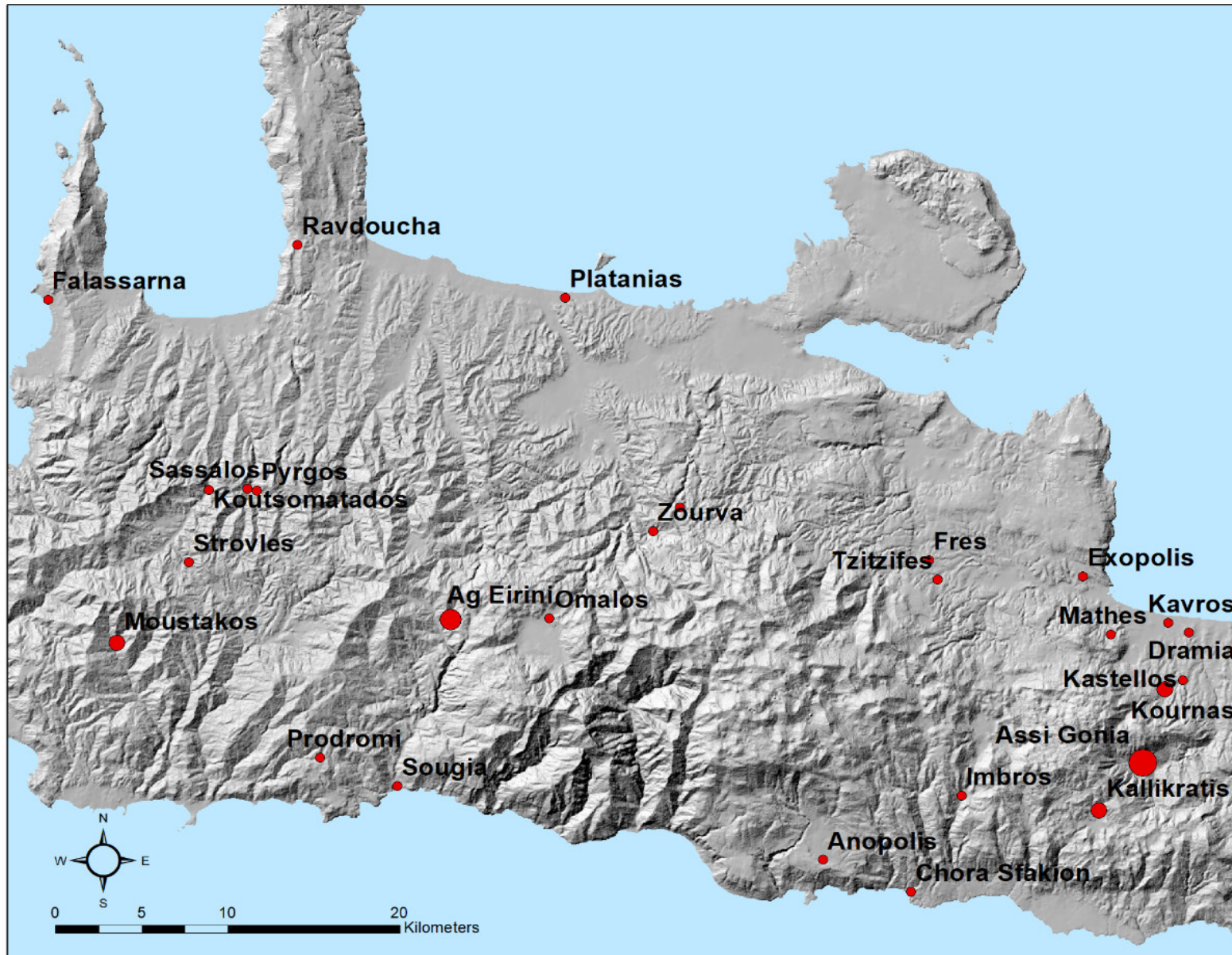
Decrease of fires almost 70%!

(*Data not including data from the Fire Service of Vrisses)

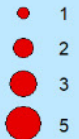
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Fires in NATURA 2000 sites in Chania region - 2013

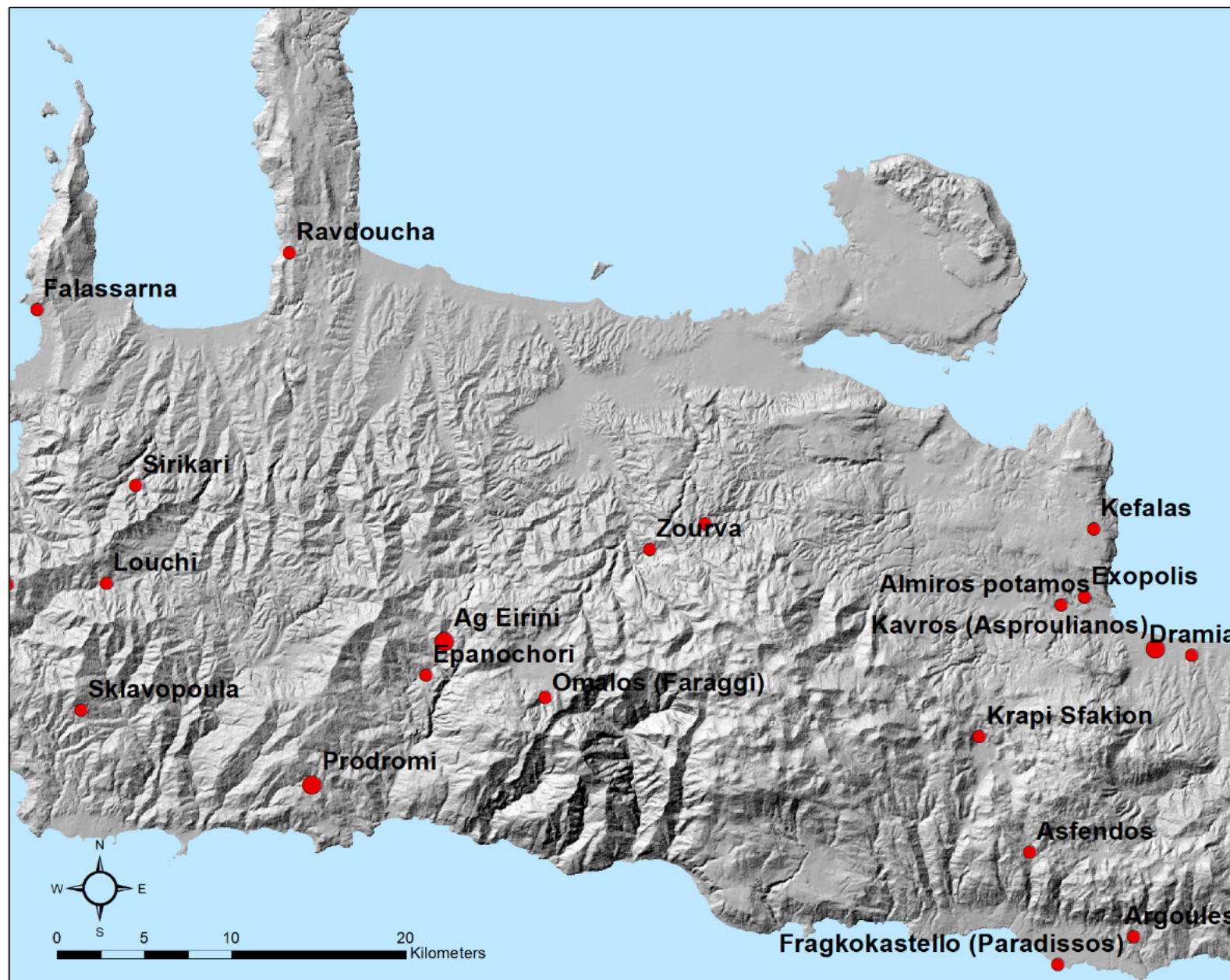


Number of Fires



Maria Maniadaki

Fires in NATURA 2000 sites in Chania region - 2015

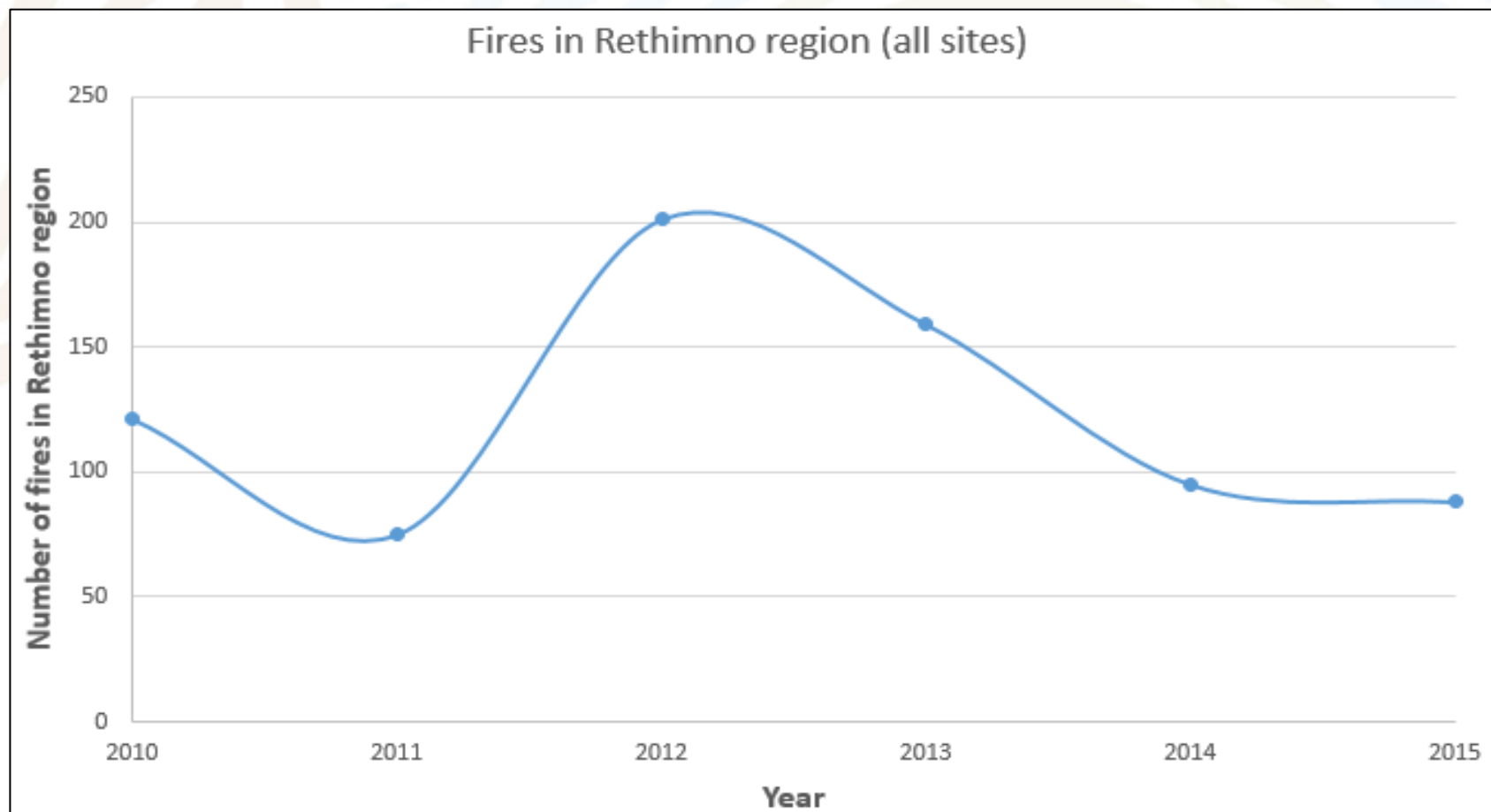


Number of Fires



Maria Maniadaki

Monitoring the decrease of fires in Rethimno region



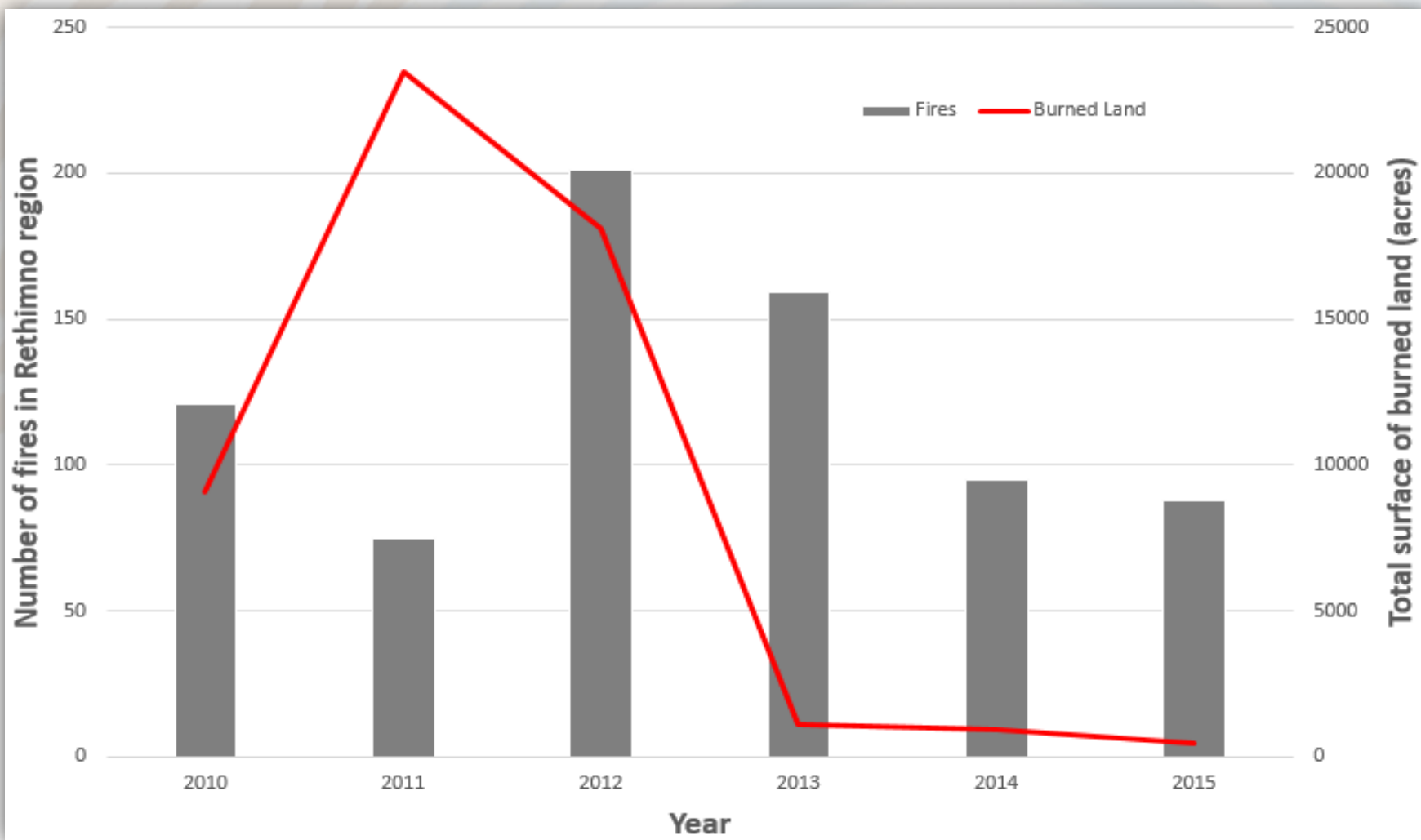
Decrease of fires more than 50%!

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Decrease of burned land more than 90% !

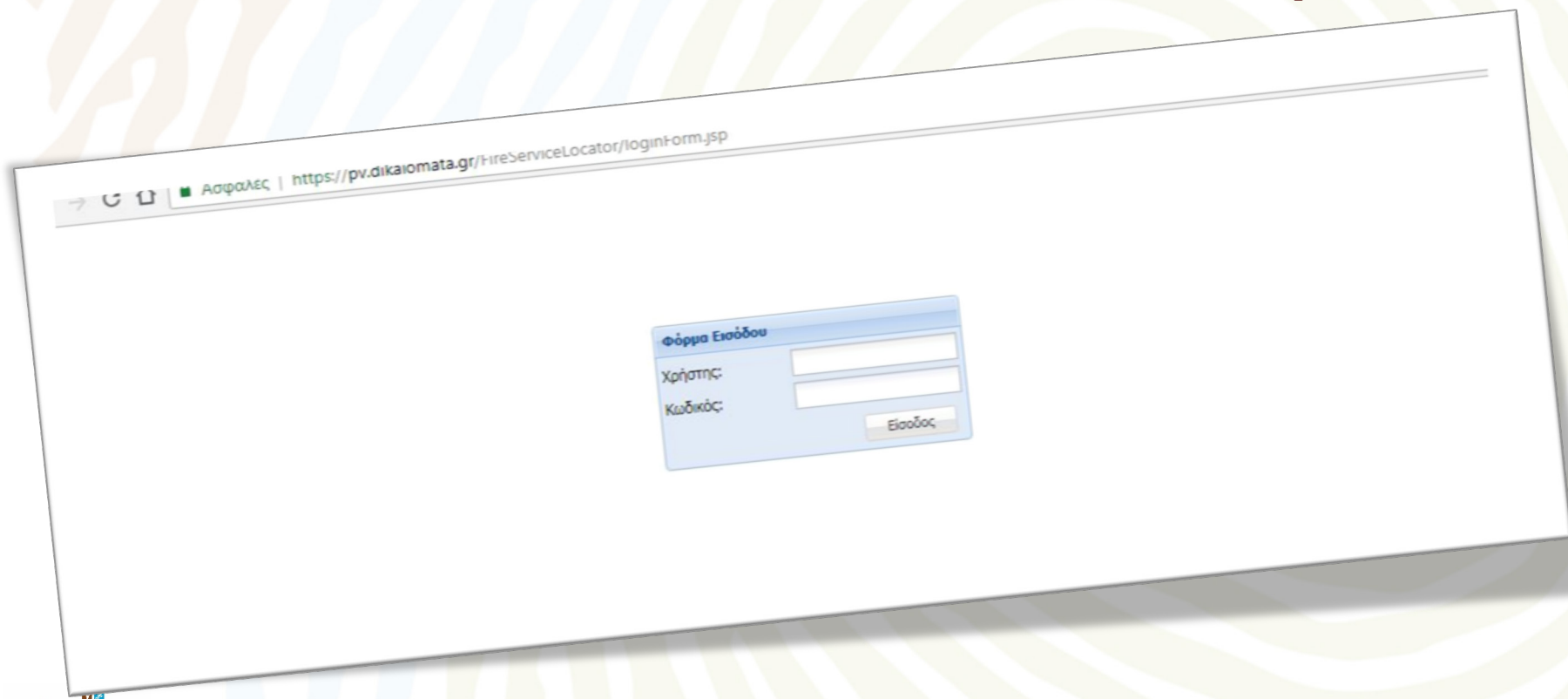
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The reason of the huge decrease: Shared data base since 2013 between the Fire Service and the Greek Payment Authority of Common Agricultural Policy Aid Scheme – OPEKEPE and elimination of fires set by farmers



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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 data base 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

ΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΡΓΕΙΟ ΔΗΜΟΣΙΑΣ ΤΑΞΗΣ
ΣΤΑΣΙΑΣ ΤΟΥ ΠΟΛΙΤΗ
ΔΙΟΙΚΗΣΗΣ ΠΡΟΣΤΑΣΙΑΣ
ΓΕΙΟ ΠΥΡ/ΚΟΥ ΣΩΜΑΤΟΣ
/ΚΗ Δ/ΣΗ Π.Υ. ΚΡΗΤΗΣ
Η ΥΠΗΡΕΣΙΑ ΚΙΣΣΑΜΟΥ
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ΕΝΗΜΕΡΩΣΗ ΠΟΛΙΤΩΝ

ενημερώνουμε ότι σύμφωνα με την Ελληνική Νομοθεσία, για εκτάσεις που κήκαν από εμπρησμό από
θεση ή από αμέλεια, προβλέπονται τα παρακάτω:

Αυτεπάγγελα διενεργείται **προανάκριση** από το Ανακριτικό τμήμα της Πυροσβεστικής Υπηρεσίας σε
συνεργασία με την Ελληνική Αστυνομία, για την ανακάλυψη του δράστη/τών και σε θετική περίπτωση
ακολουθείται η διαδικασία του **αυτοφώρου**, (όταν είναι στα απαιτούμενα χρονικά πλαίσια, συλλήψη
δράστη, απολογία κατηγορουμένου και παραπομπή του στον Εισαγγελέα). (άρθρο 243 του Κ.Π.Δ.).

Στους δράστες επιβάλλονται βαρύτερες **ποινικές κυρώσεις** σύμφωνα με τον Ποινικό Κώδικα:

α) Ποινή φυλάκισης από 2 έτη έως ισόβια.

β) Χρηματική ποινή από 2.900 ευρώ έως 150.000 ευρώ. (άρθρα 264, 265 και 266 του Π.Κ.).

Ταύουν να δικαιούνται **εξισωτική αποζημίωση (επιδότηση)** από τον Ο.Π.Ε.Κ.Ε.Π.Ε., όσοι διώκονται για
ποινικά αδικήματα, ασχέτως καταδίκης τους (δηλαδή εάν υπάρχουν ενδείξεις ενοχής αξιόποινων πράξεων
των ιδίων ή μελών των οικογενειών τους), π.χ. πυρκαγιά με σκοπό την βελτίωση βοσκότοπου. Οι
παραπάνω υποχρεούνται, να **επιστρέψουν το σύνολο των χρημάτων που έχουν εισπράξει** από την
εξισωτική αποζημίωση (επιδότηση) (άρθρο 9 & 15 της Κ.Υ.Α. 693/7-3-08, ΦΕΚ 393/Β/2008).

Εφόσον πρόκειται για δασική έκταση ή δάσος, η καμένη περιοχή κηρύσσεται ως **αναδασωτέα** (άρθρο 41
του Ν. 998/1979).

Διοικηθείται άμεσα στον **Ο.Π.Ε.Κ.Ε.Π.Ε.** η απόφαση κήρυξης της έκτασης ως αναδασωτέας, προκειμένου
να εξαιρεθεί από την οικονομική ενίσχυση που δίνονται στους κτηνοτρόφους που έβασκαν εκεί πριν την
πυρκαγιά και στο έξης **απαγορεύεται η βόσκηση**, όπως επίσης αποκλείεται οποιαδήποτε μορφή
νέγκρεας και επέμβαση σε αυτήν (άρθρο 105 του Ν.Δ. 86/1969), ενώ οι παραβάτες των ανωτέρω,
μωρούνται μέχρι **ένα (1) έτος φυλάκισης και χρηματικό πρόστιμο** (άρθρο 70 του Ν.998/1979).

Στην χώρα μας το 95% των πυρκαγιών προκαλούνται από τον άνθρωπο . . .
Η φύση είναι η ζωή μας, μην την καταδικάζουμε . . .
Αν αλλάξουμε συνήθειες ίσως προλάβουμε το κακό . . .

Ο Διοικητής
Δημοσθένης Δ. Μπουλουράκης
Αντιπυράρχης

ΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΡΓΕΙΟ ΕΣΩΤΕΡΙΚΩΝ ΚΑΙ
ΔΙΟΙΚΗΣΗΣ ΑΝΑΣΥΓΚΡΟΤΗΣΗΣ
ΓΕΙΟ ΠΥΡ/ΚΟΥ ΣΩΜΑΤΟΣ
/ΚΗ ΠΥΡ/ΚΗ Δ/ΣΗ ΚΡΗΤΗΣ
Η ΥΠΗΡΕΣΙΑ ΚΙΣΣΑΜΟΥ
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ΕΝΗΜΕΡΩΣΗ ΠΟΛΙΤΩΝ (2)

ενημερώνουμε ότι σύμφωνα με την Ελληνική Νομοθεσία, και συγκεκριμένα με την υπ' αριθ. 87834/31.7.
/ιο του ΟΠΕΚΕΠΕ, ισχύουν τα παρακάτω :

**περίπτωση που αναφέρεται εγγράφως προς τον ΟΠΕΚΕΠΕ από τις αρμόδιες υπηρεσίες τ
σβεστικού Σώματος ότι προκλήθηκε πυρκαγιά από καύση υπολειμμάτων καλλιεργειών ή καύ
/ας με υπόδειξη του γεωγραφικού σημειώματος των αγροτεμαχίων στα οποία σημειώθηκε, η αρμό
/εσιακή Δ/ση του ΟΠΕΚΕΠΕ αναζητά μέσω του Πληροφοριακού Συστήματος, εάν το αναφερόμ
/μάχιο δηλώθηκε στην Ενιαία Αίτηση Ενίσχυσης από συγκεκριμένο γεωργό. Εφ' όσον έχει δηλωθεί
/ός ενημερώνεται με συστημένη επιστολή, ότι σύμφωνα με το αντίστοιχο έγγραφο του Πυροσβεστι
/ος, υπέπεσε στην παράβαση «Μη ορθή διαχείριση υπολειμμάτων καλλιεργειών» και θα
/θει κύρωση Πολλαπλής Συμμόρφωσης, καταχωρίζεται στο Πληροφοριακό Σύστημα έντυπο ειδί
/η Πολλαπλής Συμμόρφωσης για καύση υπολειμμάτων, με παράβαση στην απαίτηση Α.7, μεγέ
/ότησης και έκτασης εντός εκμεταλλεύσης, εκτός και αν από το έγγραφο του Πυροσβεστικού Σώμ
/πει ότι η συγκεκριμένη καύση προκάλεσε πυρκαγιά και σε εκτάσεις εκτός της συγκεκριμένης εκμετάλλευ
/η έκταση της παράβασης χαρακτηρίζεται ως εκτός εκμετάλλευσης. Παράλληλα προστίθεται παρατήρησ
/ρά του σχετικού εγγράφου του Πυροσβεστικού Σώματος».**

ρεσία μας απευθύνει έκκληση προς όλους τους πολίτες, να μην κάνουν χρήση φωτιάς για τις αγρ
/γασίες, ιδιαίτερα τις ημέρες με υψηλές θερμοκρασίες και δυνατό άνεμο να ενημερώνονται
/βελτία καιρού. Επίσης μεγάλη έμφαση πρέπει να δοθεί στο γεγονός ότι μετά από κάθε αγροτική ερ
/τωμαδότηση η τέφρα/στάχτη που απομένει να απλώνεται, να διαβρέχεται και να καλύπτεται επαρκ
/ωστε να οβηθεί.

Εκ της Διοικήσεως

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Results of the whole practice

- The shared data base and the informative campaign to the farmers was an idea of local Fire Services, not central authorities
- Huge decrease of fires, although very few cessations of European subsidies actually took place!!
- Effective measure of prevention



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The change of the legislation/ the current situation

"People are very open-minded about new things, as long as they're exactly like the old ones".

Charles F. Kettering

→According to 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.

Our survey is on- going ...

New data of the years 2016 and on will prove that although the Fire Service tried not to disseminate the new decision and keep the results of the good practice of the first decision, farmers after one year became aware of the fact that they are not any more threatened by the cessation of their European subsidies in case of arson crime ...

Devastating fires this summer (2018) in Crete prove that farmers are possibly back to their usual habits ...



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Important Conclusions/ Proposals

- Traditional sanctions for environmental crime are less effective
- Environmental Policy necessary to be adjusted to the specific groups targeted
- Multidisciplinary approach (sociology, economy, law, geology, forestry e.t.c) of environmental policy
- Local public authorities when not dependent on elections more helpful than central authorities/ more close to the problems and their possible solutions
- Effective and strong impact of subsidies when connected to environmental crime
- Political cost hinders the implementation of such measures in EU member states



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Some final proposals by investigating officers

- 287 investigating officers took part in LIFE NATURA THEMIS Baseline Survey (totally 3131 people related to environmental crime from 10 different target groups took part) and proposed the following in order to face effectively environmental crime:
- ✓ Informative campaigns addressed to the public
 - ✓ Non – complicated legislation
 - ✓ Better control system
 - ✓ Shared data bases and cooperation between related public offices
 - ✓ Cessation of European subsidies to the offenders when accused of environmental crime



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Thank you for your attention!
Questions?

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