



HELLENIC REPUBLIC
National and Kapodistrian
University of Athens

Georgia Giannakourou

Associate Professor

Faculty of Political Science & Public Administration



**NATIONAL CADASTRE
& MAPPING AGENCY S.A.**

Evangelia Balla

Urban & Regional Planner

Member of the Scientific Council

COASTAL PROTECTION AND MANAGEMENT IN GREECE: FROM LAWS AND POLICIES TO ACTUAL IMPLEMENTATION

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Greek coastal zone: Facts & figures



Source: ESA (www.esa.int)

Greece \approx 20.000km coastline*(* scale 1:1000)
 \approx 1/3 of Mediterranean coastline ► the
longest coastal State of the Mediterranean
basin.

Greek coastal areas concentrate:

- a significant part of the country's population (*1/3 live in a 2km wide coastal strip or 85% of the Greek population live less than 45minute drive away from coast*)
- a large variety of human activities (*80% of industrial activities, 90% of tourism and recreation, 35% of agricultural land and most of fisheries and aquaculture*)
- most of transport and infrastructure facilities
- important ecosystems harboring rare species included in the Natura 2000 Network

Greece's coastal zone: Major economic and environmental asset



Greek coastal zone: threats & pressures

- ❑ During the last decades, Greek coastal areas are subject to intensive pressures from a series of human activities as well as environmental and natural hazards.
- ❑ Climate change threats on Greece's coastal zone are mainly related to Sea Level Rise (SLR) and storm surge events. Both can cause and amplify coastal erosion and coastal flooding
- ❑ Potential SLR between 0.2m to 2m by year 2100: approx.21% of coastline presents 'medium to high' vulnerability to SLR (*deltaic areas of many Greek rivers and gulfs*) with huge economic impacts (*TEC due to a long-term SLR of 0,5m by 2100 ≈355billion € or 650billion € for SLR of 1m. by 2100, Bank of Greece 2011*)
- ❑ High rate of coastline erosion : over 30% of the total coastline is impacted by coastal erosion (EUROSION, 2004)
- ❑ Greece's progress to counteract climate change threats related to coastal zone: a) elaboration of a national adaptation plan to be completed by the end of 2015, b) special 'retreat and accommodate' guidelines as well as specific legal provisions, c) adoption of River Basin Management Plans 2009-2015 d) current elaboration of Marine Waters Management Plans



Greek coastal zone: legal & policy context

- Initially, the management of seashore was regulated by E.L. 2344/1940. Today, the main legal and policy context for coastal management in Greece consists of the Greek Constitution (Article 24), L. 2971/2001 on the “Seashore, Beach and other provisions” and other statutes which focus on the management of coastal areas as an environmental asset and as an object of spatial planning regulation.
- In recent years, coastal issues in Greece seem to gain increasing public attention due to various, albeit competing, reasons and rationales: *rise of environmental awareness, need to comply with relevant international and European rules and guidelines and finally the quest for a more efficient management of public land.*
- Our main hypothesis is that current legal and regulatory framework for coastal protection and management in Greece suffers from lack of sound orientation, coherence and responsiveness.
- **Existing dualism** between the old-type legislation based on the administration of public domain on the one hand and the new-type legislation based on the techniques of spatial planning, land-use regulation and environmental assessment on the other hand, **undermines the capacity of the coastal system, as a whole, to address complex coastal policy issues.**



Definition of coastal zone in Greece

- ❑ The notion of the coast and of the coastal zone in E.L.2344/1940 & L.2971/2001 is strictly limited to that of the seashore and the beach.
- ❑ “**Seashore**” is defined as the land zone where the usual maximum waves run up
- ❑ “**Beach**” is defined as the land zone, adjacent to the seashore, which serves the communication of the mainland with the sea and *vice versa*. It may extend up to 50 meters from the shoreline.
- ❑ “**Old seashore**” = the area of land which derives from the shifting of the seashore towards the sea, due to illuviations or constructions, and is determined by the new seashore limit and the limit of the previously existing seashore.
- ❑ No other definition is provided in L.2971/2001 for the broader coastal zone.



Definition of coastal zone in Greece

- ❑ **L. 3937/2011** on the “*Preservation of Biodiversity and Other Provisions*” provides for a more comprehensive approach to the notion of coastal zone and its components are based on *criteria of ecological, biological and climatic character*.
- ❑ **Coastal zone (Art.2§12)** may concern larger areas than those included in the seashore and the beach, while **Critical zone (Art.2§10)** is understood as the area covering, at least, the seashore and the beach.
- ❑ A specific administrative procedure (Art.20) for the *demarcation of the Critical Coastal Zone* is provided throughout the country. However, it is not activated yet due to lack of demarcation criteria

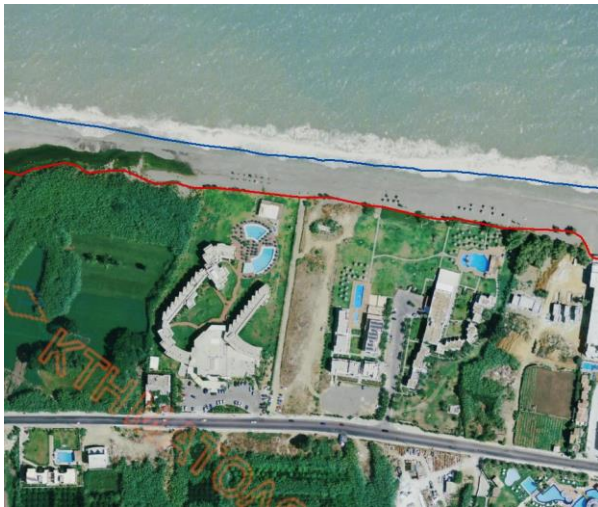


- ❖ Both definitions have a limited scope that is related to the implementation of the specific law
- ❖ Doubtful whether they could operate as a broader legal basis for coastal protection and management, outside the specific legal setting



Demarcation of coastal areas

- ❑ The only active demarcation process is that provided by L.2971/2001 (Art.4) regarding the delineation of the shoreline and the beachline
- ❑ 1940-2014: only 8% of the total coastline was delineated under the procedures established by L.2344/1940 and L.2971/2001
- ❑ Art.4 of L.2971/2001 (*as being amended by L.4281/2014 & L.4321/2015*): A new administrative procedure for the delineation of the seashore and the beach based on **photo interpretation methods** replacing the former one which was proved *time and cost consuming*.
- ❑ The new demarcation procedure is based on the “**preliminary seashore**” line which has been depicted with a red color in the orthophotomaps produced by the National Cadastre & Mapping Agency S.A. in 2009 according to 9 thematic criteria



Demarcation of coastal areas

The Regional Directorates of Public Property (RDPP) of the Ministry of Finance have the obligation:

❑ In areas where a ratified demarcated seashore exists, by June 30th 2016:

- To replace the “preliminary seashore” on the orthophoto maps with the ratified one
- To depict the ratified demarcation of the beach and that of the ‘old seashore’ if exists

❑ In areas where a ratified demarcated seashore doesn't exist, by December 30th 2016:

- to check on the orthophoto maps the “preliminary seashore” and to make a proposal for the final delineation of the seashore, if the preliminary one has been wrongly demarcated on the orthophotomaps.

- Area-pertinent Committees competent for the final demarcation of the seashore and the beach based on the proposals of the RDPP.
- If the Committees accept the proposals of the RDPP, the orthophotomaps with the proposed seashore, along with the technical reports, are ratified by the Coordinator of the Decentralized Administration
- If the competent Committees will not express their opinion by 30.6.2017, the **“preliminary seashore” is considered as final** with a declaratory act of the Coordinator of the Decentralized Administration to be issued **by 30.7.2017**



Responsibilities & Jurisdictions

Central Government

Institutional Body	Main responsibilities
Ministry of Finance	<ul style="list-style-type: none">• Delineating and managing the seashore and the beach• Adopting measures for the protection of public and welfare property
Ministry of Environment & Energy	Strategic functions & decisive competencies on spatial planning & environmental protection (from licensing to inspectorate)
Ministry of Shipping & Insular Policy	Safety and security of shipping, prevention of marine pollution, development of maritime transport, designation of ports, implementation of the EU's Integrated Maritime Policy
Ministry of Economy, Development & Tourism	Granting of licenses for all tourist ports and marinas
Ministry of Culture & Sports	Protection of country's cultural heritage, including coastal and seabed antiquities and monuments



Responsibilities & Jurisdictions

Decentralized Administration

Institutional Body	Main responsibilities
Decentralized Administration	<ul style="list-style-type: none">• Ratification of the demarcation of the seashore and beach• Control and supervision of protective works and silts in the seashore• Demolition of arbitrary buildings and constructions in the seashore• Approval of Town Plans and of Implementation Plans• Environmental licensing of projects and activities having serious impacts to the environment
Regional Directorates of Public Property of the Ministry of Finance	<ul style="list-style-type: none">• Registration, protection and optimal utilization of public property• Inspections, audit and adoption of measures for the protection of the seashore and beach• Administrative demarcation of the seashore and beach• Convocation of sand extraction committees• Convocation of the Committees for the demarcation of the seashore• Measures for the protection of the seashore due to illegal sand extraction



Responsibilities & Jurisdictions

REGIONAL AUTHORITIES	
Institutional Body	Main responsibilities
Regions	<ul style="list-style-type: none"> • Imposition of fines for environmental protection according to relevant legislation
LOCAL AUTHORITIES	
Municipalities	<ul style="list-style-type: none"> • Initiation of procedures for local spatial planning • Issuance of building permits • Imposition of fines for illegal development according to relevant legislation • Provision of advice and consent on operational licensing, administrative control and enforcement of measures in case of violation of permitting conditions

- ❖ State authorities, either central or decentralized, hold the hard core of competencies related to coastal zone in Greece, i.e. strategic functions, policy formulation and decisive powers
- ❖ Local authorities of both tiers are the weakest link in the vertical distribution of powers regarding the coastal zone in Greece.



Responsibilities & Jurisdictions

- ❑ Main problems of the management of the coastal zone in Greece: unbalanced vertical distribution of powers, weak horizontal integration and overlapping jurisdictions among several governmental bodies which interfere into different administrative stages of coastal protection and management.
- ❑ The result: a fragmented, incomplete and extremely complex administrative landscape which is giving rise to potential tensions and even conflicts of competence between various public services.
- ❑ Clear mandates, accountabilities and responsibilities of each actor as well as coherent and clear legal provisions are needed in order to address red tape, delays and inefficiency which stem from parallel coastal jurisdictions and responsibilities
- ❑ Evidence of progress towards the creation of institutional coordination mechanisms for the implementation of EU related policies and laws (*Marine Strategy Framework Directive, EU's Integrated Maritime Policy*)
- ❖ **However, in line also with the Recommendation 2002/413/EC, improved coordination of various existing policies and a combination of instruments to facilitate coherence between sectoral policy objectives and planning rationales are still needed.**



Legal status of coastal zone in Greece

- **The seashore and the beach as part of the Greek public domain**
 - Both the seashore and the beach belong to the Greek public domain
 - They constitute properties of common use with ownership of the State which is responsible for their protection and management
 - They can be conceded to both individuals and private or public legal entities either for temporary use (e.g. sunbeds, parasols, beach bars etc) or for the execution of works that serve commercial, industrial, transportation and port purposes or other purposes of public interest



Legal status of coastal zone in Greece

□ Setback rules

- General rule: the installation of buildings in the out-of-plan coastal areas must be placed at a 30-meters distance from the shoreline
- Exemptions from the general rule are provided on a case-by-case basis for: a) industries and manufactures which, by their nature, should be installed on coastal sites, b) remarkable hotel and tourist business and c) all kind of public works, including port and marina works
- Special setback rules for tourist resorts and mixed use resorts: tourist accommodations must be placed at a 50-meters distance from the shoreline



Legal status of coastal zone in Greece

□ Accessibility to the coast and the sea

- Free access of the public to the seashore and the beach is explicitly provided in Greek coastal legislation
- Any concession and execution of works on the seashore and the beach should ensure and not impede the free and unhindered public access, unless so required for reasons of national defense, public order and security, protection of the environment and the antiquities or public health purposes
- In order to enable free access to the seashore and the beach, Greek planning legislation provides further for a 500-meters setback coastal zone in which enclosures are forbidden
- However, many exemptions from this enclosure ban are provided for various land-uses, including agricultural installations and farms, hotels and tourist facilities, industrial installations and mines, military installations, big transport infrastructures, schools, hospitals, sports facilities, prisons, monasteries, cemeteries, natural monuments and archeological sites as well



Planning tools for coastal protection and management

- ❑ The regulation of coastal development in Greece relies on normal planning legislation
- ❑ Special guidelines for coastal areas may be included at both the strategic and the regulatory planning levels
- ❑ Strategic planning guidance: guidelines for coastal protection and management are currently included in:
 - The General Framework Plan (national spatial plan)
 - The Special Framework Plans for Tourism, Aquacultures, Industry and Renewable Energy Sources (sectoral spatial plans of national scale)
 - The 12 Regional Framework Plans (regional spatial plans)
 - The Master Plan of Athens-Attica
- ❑ Regulatory planning: land-use regulation at the coastal areas is realized through general and special land-use plans. However, these plans currently cover a limited part of the country's coastal zone
- ❑ Special planning regimes are provided for the promotion of strategic investments and the privatization of public properties.



Illegality and enforcement

- ❑ Illegal development, including the one in the seashore and the beach, is one of the major pathologies of Greek planning practice
- ❑ Both coastal and planning legislation provide for the demolition of all kinds of illegal buildings and installations in the seashore and the beach, with the exemption of buildings protected as elements of cultural heritage
- ❑ However, despite legal provisions, poor results have been achieved on the ground
- ❑ Lack of political will, poor administrative capacity, serious shortfalls in monitoring and control mechanisms and persisting social tolerance towards illegal construction are among the factors responsible for this implementation gap



Public participation and access to justice

- ❑ Public involvement in coastal protection and development is ensured through the public consultation procedures established in general planning and environmental legislation
- ❑ Planning legislation provides in particular for a Strategic Environmental Assessment (SEA) to be conducted prior to the adoption of plans at national, regional and local levels
- ❑ In addition, any single project with important impact on the environment must be submitted, before realization, to an Environmental Impact Assessment (EIA)
- ❑ Both SEA and EIA processes are open to the general public, including organizations of the civil society representing universities, professional chambers and NGOs dealing with environmental and cultural issues
- ❑ Barriers that may arise during the public participation process comprise: lack of expertise, poor provision of information, poor knowledge of planning and environmental legislation and NIMBY syndromes



Public participation and access to justice

- ❑ Besides public participation in the administrative process, both spatial plans and environmental decisions concerning coastal development may be challenged through an application for annulment before the Council of State within a period of 60 days from their publication or the decision actual notice
- ❑ Greek legal system applies a wide approach to the standing of individuals or associations to challenge land use plans, zoning regulations and planning/environmental decisions in accordance with the Aarhus Convention and the relevant European legislation



Compensation mechanisms

- ❑ Mandatory expropriation is provided for any existing property rights within the land occupied by the seashore and the beach
- ❑ No compensation mechanisms are provided for ordinary zoning and planning restrictions in the out-of-plan coastal areas (i.e. non-residential areas). According to the case-law of the Council of State, these restrictions are considered as constitutional if they are dictated by the public interest objective of protecting the environment and are adopted with respect to the principle of proportionality
- ❑ A right to compensation is explicitly recognized for the owners of lands in nature preservation areas, including coastal preservation areas as well
- ❑ The compensation can be either in money or in kind and includes, among others, exchange of affected land with public land, concession of public land adjacent to the injured properties, transfer of development rights and subsidies/financial aids to the affected farmland
- ❑ Finally, special damage remedies against natural disasters caused, among others, by sea rise, cliff erosion or flash-flooding are provided in the civil protection legislation



OVERALL ASSESSMENT I

- ❖ Greek coastal legislation and practice are still far from an integrated coastal zone management approach
- ❖ Obstacles in this direction have both legal and institutional origins
- ❖ On the legal level, the main problem is the lack of an inclusive definition and outlining of the coastline space adapted to the requirements of integrated planning and management and applicable to all policies and regulations concerned with the usage of coastal areas
- ❖ On the institutional level, the main obstacle is the excessive fragmentation of powers and overlapping coastal jurisdictions, both horizontally and vertically, along with the lack of coordination mechanisms
- ❖ The lack of clear delineation of responsibility and accountability within government structures often results in implementation gaps, among which the most important are observed in the fields of coastal control and enforcement



OVERALL ASSESSMENT II

- ❖ The ICZM Protocol could serve in Greece as a stimulus for a more comprehensive approach in coastal protection and management
- ❖ However, the Protocol has not been ratified yet by the Greek Parliament
- ❖ The lack of ratification cannot be fully substituted by the conclusion of the Protocol by the Council of the European Union
- ❖ The Protocol, as a mixed agreement, covers issues that fall within both EU competence and the national competence of the Member States. So, issues as the establishment of a 'non-aedificandi' setback zone of 100 meters are not conferred to the power of the Union but still remain within the responsibility of the member-states
- ❖ In any case, the challenge for Greek coastal law and policy goes beyond the ratification of the ICZM Protocol
- ❖ The adoption of an integrated coastal management approach amounts to a paradigm change for Greece's coastal regulation and management
- ❖ Whether this can happen, still remains doubtful as it requires changes in both formal and informal institutions and attitudes that can hardly occur.





Thank you for your attention

Georgia Giannakourou
gegianna@pspa.uoa.gr

Evangelia Balla
eballa@ktimatologio.gr



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University of Athens



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