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Environmental Mediation as a tool for combating environmental criminality. Citizen's complaints and the Role of the Greek Ombudsman in the fight against environmental crime.

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Conference

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tackling environmental crime”**

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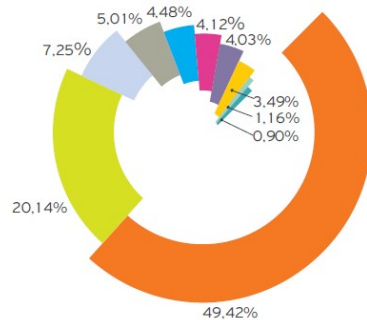
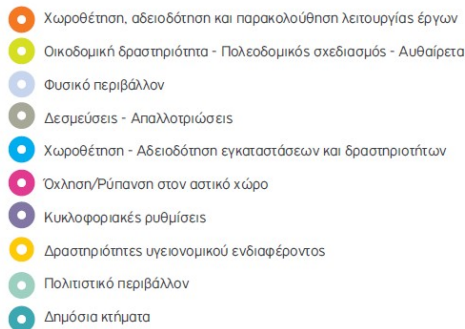
The role of the Greek Ombudsman (GO)



- ◆ According to the law 3094/2003, the GO investigates problems caused by legislation or administrative acts or omissions and undertakes targeted initiatives, building on the expertise it has developed so far and the enhanced competences it enjoys. Its main aim is to serve the citizens and public interest.
- ◆ The Quality of Life Department investigates violations of environmental and spatial planning legislation affecting the natural and cultural environment and public health.

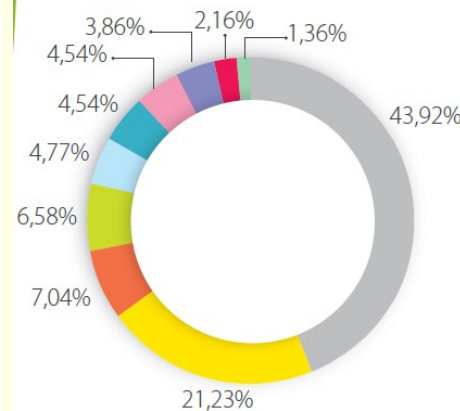
Γράφημα 10

Θέματα ποιότητας ζωής



2016

Θέματα ποιότητας ζωής



2015

- ◆ The GO is committed to the strategic objectives of safeguarding the respect for human rights, civil, political and social ones, of defending the fundamental constitutional guarantees, enhancing the rule of law and of strengthening the democratic governance principles and mechanisms.
- ◆ According to the GO's views sustainable development and the protection of the environment can contribute to human well-being and the enjoyment of human rights. Environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of human rights. The GO portfolios are directly related and cover all key areas of the Sustainable Development Goals – SDGs.

SUSTAINABLE DEVELOPMENT GOAL 16



The role of the Ombudsman can offer a unique and crucial contribution to ensuring the success of Agenda 2030, especially in the context of Sustainable Development Goal 16

- ◆ Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels



GO and environmental crime



- ◆ Combating environmental crime constitutes a direct contribution to the SD Goals.
- ◆ Environmental crime is vastly expanding and thereby increasingly endangering not only wildlife populations but entire ecosystems, sustainable livelihoods and public revenue streams.
- ◆ However, an enhanced law enforcement response, including holistic planning, can help address this worrying trend. {**getting it right**}
- ◆ The Ombudsman recognizes and addresses environmental crimes as a serious threat to peace and sustainable development and seeks to strengthen environmental rule of law at all levels of government so as to improve legislation and promote capacity building and offer legal support. {**putting it right**}

GO and environmental crime



- ◆ The Ombudsman considers that the importance of access to environmental information and public participation in the decision-making process achieved through the empowerment and mobilisation of civil society and cooperation actions in the framework of good governance and human rights' respect is crucial for an environmentally sustainable future.

{**Setting it right**}



1. THE ASOPOS CASE



A pollution case in the wider area of the Asopos river.
The Asopos River –not far away from the Greek capital region
Pollution caused serious environmental damage to water, soil and biodiversity resources due to the uncontrolled disposal of waste water from the surrounding factories (nitrates, hexavalent chromium and other substances have been detected in large proportions in the water etc).

The main cause of the problem:

The poor implementation of the legislation and control from the relevant public authorities.

Application of the Presidential Decree 148/2009 (which implemented the **EU Directive on environmental liability**) for the remediation of the environmental damage and apply recovery costs.

THE ASOPOS CASE

- ◆ The GO, practicing its **pro-active role**, participated in an ad hoc Committee established by the Special Secretariat of Environment and Energy Inspectors (Ministry of Environment and Energy).
- ◆ The GO had proposed to the Ministry of Environment
 - a. The introduction of a **specific limit for hexavalent chromium** in drinking water taking into account, inter alia, the **Precautionary Principle**, the latest scientific data on the risk of chromium and a court decision fixing the limit of 2 μg / lt.
 - b. The control of industrial activities in the Asopos area, in line with the **environmental standards** set out in 2010
 - c. Information on **the impact on agricultural production** in the area of Asopos.

THE ASOPOS CASE

- ◆ European Commission of Social Rights of the Council of Europe:

unanimously condemned Greece on the collective appeal filed by the International Federation of Human Rights jointly with the Hellenic Union for Human Rights, for the health of the residents of Oinofita due to industrial pollution.

The Commission has accepted that the Greek State has failed to take appropriate measures to eliminate, as far as possible, the causes of damage to the health of residents and the avoidance of as far as possible diseases in the area of the Asopos River basin and close to the industrial area of Oinofita.



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2. Use of poisoned baits and the protection of wildlife



- ◆ The findings of the investigation and the Ombudsman 's proposals were sent to the Competent Ministries, requesting, above all, the **elaboration of a comprehensive action program**, framed in an appropriate institutional format, so that all services, working smoothly, to act on specific protocols and clear responsibilities aiming at resolving the serious issues of wildlife protection from the use of poisoned baits..
- ◆ Recently and in accordance with the proposals of the GO, a Ministerial Decision by the Ministry of the Environment on the need to draw up **local action plans** for the fight against the illegal use of poisoned baits has been published.

3. Illegally stored mercury at a company premises in Aspropyrgos.

- ◆ A company filed a complaint to the GO regarding the delay of the Administration to carry out the necessary cargo removal actions of **illegally stored mercury** at its premises in Aspropyrgos as identified by the Environmental Inspectors. The high-risk cargo had been **transported illegally from Germany**, but its nature was questioned, as the competent authorities described it as **waste**, while the company considered it as **product**.
- ◆ The GO pointed out from the outset the need to speed up the lawful **removal of high-risk mercury cargo** and called for the co-operation of all competent bodies to **return to the country of origin** in order to ensure the major issue of eradicating the risk from the area. Following the intervention of the Ombudsman, the repatriation of mercury was accelerated, which eventually ended **successfully in February 2016**.

4. Interventions at Lake Pamvotis at the Municipality of Ioannina.

The area of Amfithea reed is part of NATURA 2000 network as Special Protected Area (SPA) and as Special Management Zone. The initial Joint Ministerial Decision on the protection of the lake was canceled by the decision 3595/2007 of the Council of State. Since then, a draft Presidential Decree has been drawn up, which has not yet been finalized, and as a result that **the lake's protection regime** is in jeopardy.



5. The Amari Rethymnon landfill



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5. The Amari Rethymnon landfill

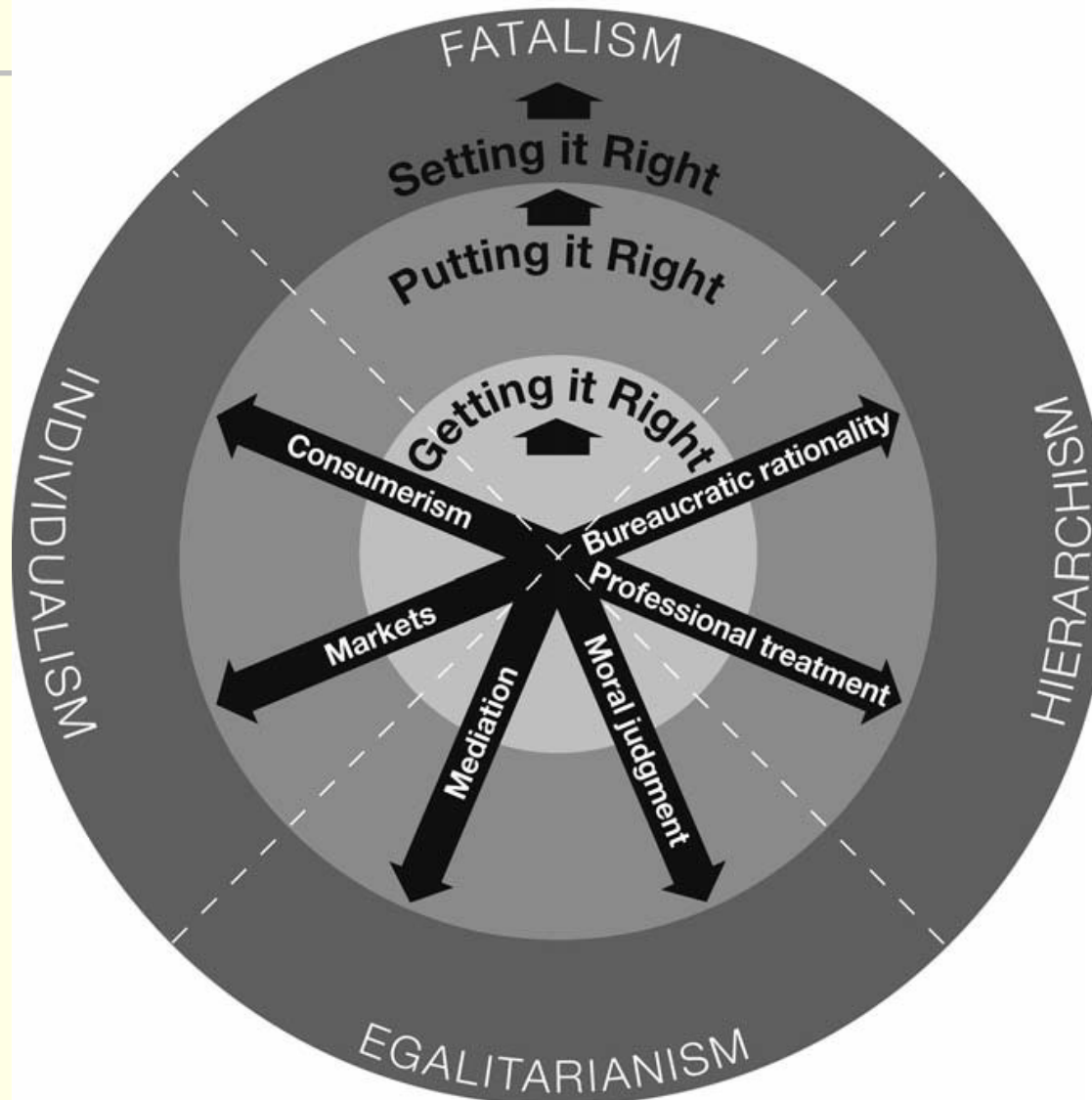
- ◆ **Lack of legal permits and approvals**, unsatisfactory treatment and **uncontrolled disposal** of the leachate produced, and **overcapacity**, as the site is used for the entire prefecture without the **necessary infrastructure** been installed.
- ◆ The GO called for an **environmental liability procedure** to be initiated for the **immediate remediation** and **rehabilitation** of sidewalks, area plots and surface and underground aquifers, which are systematically burdened by escaping leachate; the cost will be paid by the operator. However, the Ombudsman was informed that **the restoration will be done at the same time with the landfill expansion works.**

A typology of administrative justice



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- ◆ **Circles:** Functional Landscape

- initial decision-making by public bodies
- redress mechanisms
- governance and accountability relationships

- ◆ **Arrows:** Models/Mechanisms of Justice

- ◆ The Role of Alternative Dispute Resolution-Mediation

CONCLUSIONS (1)

The GO can provide

- ◆ legal assistance and support for streamlining applicable laws and regulations, promote awareness in environmental issues,
- ◆ support the development of national strategies to address and respond to environmental crime threats, design, develop and coordinate with government institutions as well as regional and local entities, in prevention campaigns on the social and environment impact of illicit trafficking and other threats.

CONCLUSIONS (2)

The GO believes

Improved enforcement co-operation and political will is required to curb the growing threats posed by environmental crime.

Environmental Crime is a time critical issue that urgently requires a **substantial, committed** and **sustained** global response. A need to **acknowledge** that **environmental crime** is a **cradle for corruption** at all levels and that unless this is addressed; efforts to combat environmental crime will be impeded.



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Thank you for your attention!

