

# The Strandja Nature Park under threat

## The case

The Strandja Nature Park ([www.strandja.bg](http://www.strandja.bg)) is Bulgaria's largest protected area occupying 116,136 ha - about 1% of the country's territory and 20% of its protected areas. The park spans over part of the Strandja Mountain bordering with Turkey to the south and with the Black Sea to the east. The area is unique for its rich biodiversity, history and culture. Created in 1995 as one of the 11 national parks in Bulgaria, the Strandja Nature Park now encompasses 5 nature reserves, 14 protected areas and 8 nature landmarks. It is Bulgaria's foremost protected territory in terms of biodiversity for all groups of species and has the status of nature park since 1998. Strandja is well known for its beautiful coast and fine deciduous forests - Eastern beech and oak with Caucasian evergreen undergrowth. One of those evergreens - the *Rhododendron ponticum*, is symbol of the park. Strandja is the only place on the European continent with relict tree species from the late Tertiary period, dating from over a million years ago. The mountain, a crossroads of cultures and civilizations is famous for its numerous historic and cultural landmarks from antiquity to the present; 133 of those are of national significance. On the territory of the park there are 2 towns and 19 villages with a population of about 7000.



Internationally the area and its biodiversity are well known. In 1992 the region was designated one of the five priority areas in Central and Eastern Europe within the CORINE biotopes inventory of sites of major importance for nature conservation in the European Community. The whole of the Park's territory is included in the EU Natura 2000 network. There are 121 habitats of wild flora and fauna in Strandja, and it is part of Via Pontica - one of the world's most important migratory bird routes.

Despite the regulation the coastal area with its fine beaches and unspoiled beauty is attractive for business interests. Illegal construction and continual attempts to fragment the territory of the Park have focused the attention of the whole country in recent years. The emblematic 'Zlatna Pertla' (Golden Pearl) Holiday Complex whose construction on the park's territory began in 2006 was later stopped under pressure from the public and a long legal battle. In July 2011 the national construction supervision directorate finalized the issuing of demolition orders for the ten unfinished buildings near Varvara, the would be holiday complex with swimming pool and adjoining facilities for 10,000 holiday makers. All orders are appealed in court despite the flagrant violations. The saga is by no means over as there are numerous stakeholders involved: business interests with their supporters in the local authorities, the regional and central government, the

environment and regional development ministries, the law enforcement authorities, local communities, the administration of the park, the environmental community, independent experts and users of the park from near and far away.

The efforts to stop the construction and preserve the integrity of the Strandja Nature Park took some dramatic turns which will be reviewed below. The project team has been supported by the park administration and the journalists Tsvetelina Atanassova, Sylvia Shatarova and Rumyana Emanoulidu in the preparation of the case study.

### **The change process**

The Strandja Park was established on 24 January 1995, on the initiative of a group of Bulgarian environmentalists and forestry experts based on Art. 17, item 22 of the Law on the Protection of Nature, the national law regulating nature protection and conservation at the time. The Minister of the environment issued Order № RD-30/24.01.1995 which was published in the Official Gazette № 15 of 1995, Annex 5.1. The purpose was to protect and preserve for posterity the unique nature of Strandja and its traditions, livelihood and culture ensuring sustainable nature management, economic and social development for the region. Previously the protection of the territory was accomplished by means of a network of nature reserves, protected areas and nature landmarks with their respective regimes.

In 1998, with the new Law on Protected Territories, the park was granted the status of 'nature park' - one of the six categories of protected territories that are managed with the aim to protect biodiversity, develop scientific, educational and recreational activities, tourism and sustainable use of the renewable nature resources preserving the traditional forms of livelihood.

Strandja's natural beauty and varied landscape, its ancient oak forests, picturesque Black Sea coast and rivers prompt various ideas for development, mostly chaotic and unregulated. Most attractive is the coastal area. Strong lobbies have influence the legislative process with regard to introduction of the principles of integrated coastal zone management. As a result the adoption of the Law on Spatial Planning of the Black Sea Coast was delayed for over a decade and adopted on the very eve of Bulgaria's EU accession. The same is true of the environmental legislation regarding the Natura 2000 network which was approved only under threat from sanctions.

Construction on the Bulgarian Black Sea coast has been a big problem over the past fifteen years. Along the 354 km of coastline about 200 km are fine sandy beaches. Tendencies in overcapacity for beach tourism infrastructure are appalling and the coastal landscape is changed beyond recognition. Along the coast there are 50,000 second homes for sale. In the area of Sunny Beach (Slanchev Bryag) and Nessebar for example there are 250,000 beds. Beach surface under concession is 613,889 sq. m and the required beach space under Regulation No 7 on the Law on Spatial Planning is 8 sq. m per person. In the area of Slanchev Bryag it is just 0.4 sq. m per person. The environmental community is concerned by lack of both capacity and good will of the administration to enforce spatial planning and environmental legislation.

The construction of the 'Zlatna Perla' Complex started in February 2006, on the coastal territory of the Strandja Nature Park, south of Tsarevo. The investor was the 'Crash 2000' Company registered in Sofia to Emil Petrov and Bahtishen Kazandjieva with 50% ownership each. The project envisaged the construction of nine luxury villas and a hotel with swimming pool. The company obviously had strong connections on local and higher central political level for it received had received certain permits for construction. The journalist Tsvetelina Atanasova of BNT Channel 1 was the first to show on television how the foundations of the illegal holiday village in the nature park were being laid. On 16 February 2006 she broadcast a report about 'Zlatna Perla' and continued to monitor the developments. Thanks to her active citizen position and persistent efforts the



environmental community mobilized forces and initiated a public debate on the issue. The first step was a signal addressed to the environment ministry pointing to the fact that large scale construction was under way in the nature park. The investigation of the ministry revealed that the investment project had no environmental impact assessment.

Yet another interesting fact was revealed in the process of enquiry. The Tsarevo Municipality (part of whose territory is in the Strandja Nature Park) had issued a permit for the construction based on coordination letter from Mr Yordan Dardov, deputy environment minister at the time. The letter confirmed that no environmental impact assessment was necessary for the construction project because it was small scale, with territory under one hectare. The deputy minister denied knowledge of the letter but the uncertainty over it remained.

As early as February 2006 the regional environmental inspectorate in Burgas issued order for temporary suspension of construction. Nevertheless work on the complex continued as the investors lodged an appeal against the order. The suspension became effective much later, when the holiday houses had already taken shape. Environmental NGOs set up a coalition and started a legal battle against the efforts to take the coast. It took 12 hearings in court on all levels to finally pronounce the construction illegal.

The process was far from smooth and easy. In 2006 the Tsarevo Municipality and the investor in the project 'Crash 2000' tried to effectively eliminate the nature park by legal means. They lodged a complaint against the designation order for its establishment on minor technical details of its boundaries. In June 2007 the Supreme Administrative Court declared the designation invalid. This astonishing court decision was an affront not only to environmentalists but to the whole country. Needless to say it created a very negative impression of the functioning of the Bulgarian legal system in the new EU member. Mass protests of environmentalists and the people from the Strandja villages prompted the Bulgarian parliament to ban appeals against existing protected areas in July 2007. The status of the Strandja Nature Park was thus restored.

Meanwhile a 5-member jury of the Supreme Administrative Court pronounced a verdict that the environmental impact assessment for the project was necessary and without it the construction of the Zlatna Perla should not continue. 'Crash 2000' appealed to the environment ministry several times for environmental impact assessment but received tacit refusal. The regional prosecutor's office in Burgas lodged a protest with the national construction supervision directorate to cancel the ten building permits for the construction site. 'Crash 2000' appealed separately all the cancelled permits. First the regional and then the supreme administrative court rejected all appeals of the investor.

'Crash 2000' however used an extraordinary method for appeal of the final court decision claiming that 'Zlatna Perla' was part of the new spatial plan of Tsarevo Municipality. The spatial plan was adopted by the municipal council in 2008 and envisaged large scale construction along the coast and into the park territory. It made provisions for 100,000 new beds in the nature park, an astonishing increase on the current levels of urbanization securing full capacity of the beaches. The environmental impact assessment report did not provide for alternatives of the construction and lacked sound expertise ignoring many negative reports from environmental and administrative quarters. Therefore three environmental organizations appealed the spatial plan of Tsarevo in its environmental assessment section. A 3-member jury of the supreme administrative court rejected their claim and later a 5-member jury of the same court supported it. The expert consultancy which prepared the plan now appeals the decision to a 7-member jury. The decision is expected with great concern as in October 2009 the European Commission opened infringement procedure against Bulgaria for gross violation of EU environmental legislation based on the cases of Irakli, Bansko and Strandja.

In a letter to the environment ministry the directorate of the Strandja Nature Park insisted for speeding up the process of adoption of plan of the park as an instrument to halt illegal construction. The plan was prepared five years ago but the environmental ministry refused to review it. In 2008 the Bulgarian Biodiversity Foundation won a case in court against the environment minister Dzhevdet Chakarov, which stipulated that he should review the document and adopt or reject it. The court decision did not produce any result. Environmental experts believe that the Plan for Management of the Strandja Nature Park is being delayed on purpose so that the Tsarevo Municipality could adopt its general spatial plan first and claim it gave it the right to go ahead with the construction taking away territories from the protected area.

### **The outcome**

As a result of strong pressure from environmentalists, media, experts and the general public, supported by EU monitoring of the enforcement of environmental legislation, the Strandja Nature Park, Bulgaria's largest protected area, retained its status and was rescued from an arbitrary court decision. The illegal construction of the Zlatna Perla Holiday Complex in the protected areas was suspended after a long process in court on all levels. Demolition of the construction is ordered but due to appeals in court it has not started yet. The pressure for destructive unregulated development in the protected areas remains very strong amid uncertainty of the administrative and legal procedures.

## Conclusions

Spatial planning instruments and procedures have been successfully used by lobbies to delay adoption and enforcement of legislation whenever possible. Despite continuing efforts the Strandja Nature Park has no management plan yet. The first draft version was produced in 2005 by the expert team of the Bulgarian Biodiversity Foundation. At the end of 2010 the environment ministry reopened the procedure for revision of the plan and its higher expert council recommended technical amendments related to changes in legislation and introduction of the principles of the Seville Strategy (1995) of the UNESCO Man and the Biosphere Programme.

