

Hollow green credentials



Mepa should resort to the EU Environmental Liability Directive to exact the right penalty from the contractor responsible for the environmental damage at Dwejra.

Nationalist MP Franco Debono has recently been somewhat of a maverick, grabbing headlines for storms he sought to stir up in the party.

He has somewhat been tamed, although he still sees himself as the heroic environmental knight of Malta's south, from where he hails. In fact, in connection with the Delimara power station saga he is quoted as declaring that "Malta needs a clean environment". But I am not very impressed by Debono's sudden green profile.

Last year in this column I repor-ted on the direct action the Malta Environment and Planning Authority (Mepa) took at a site in Wied Qoton in Birżebbuġa. A Mepa media release on the action was issued on October 16, 2009, which is still available from Mepa's website www.mepa.org.mt/news-details?id=407. It reads as follows:

"Man arrested for trying to disrupt direct action operation – A large agricultural area, on the side of Wied il-Qoton, Birżebbuġa, which over the years was illegally turned into a storage area for the garaging of flammable liquid bowers and more recently for storing of building and construction material, was subject to a direct action operation by Mepa to restore the site back to its original state.

"At the start of the operation, a man tried to disrupt the works being carried out, by threatening Mepa officials and resisting the ALE police present on site. The operation continued and the man was arrested and taken away from the site.

"The authority, through its direct action team, started pulling down two large open garages that were illegally constructed on agricultural land for storing different building materials and the garaging of commercial vehicles. Mepa personnel also removed large quantities of derelict objects and other pre-fabricated construction material that was being stored in other areas of the site.

"A large illegal gate, in themiddle of a boundary wall, that was an access point for heavy vehicles to enter in and out of the agricultural area was also removed.

"Over the years, this site has been a growing inconvenience and health hazard to the residents living across the road.

"This operation was carried out with the assistance of the ALE police."

These facts were unambiguously and publicly confirmed by Mepa, and in my column I did not mention the presumed offender's name or his company. In fact, my reference to the case was merely a caption to a photo showing the dismantling procedure. Despite all this, I have been sued for libel over the case.

I am already up in arms at having to squander precious time in court over such a frivolous matter – in fact, such a libel case goes against all the notions of freedom of speech and green whistle-blowing this administration is trying to promote.

But what really irks me is that the legal counsel for the person initiating the libel action works in Debono's legal office.

One may argue that I should not feel aggrieved on two counts – namely, that this is business and one must distinguish between the political and professional spheres of an MP and, secondly, that Debono might not be aware of cases colleagues at the legal office take on.

But what would the readers say if, in my capacity as a private environmental consultant, I were to represent a client wishing to build a villa in a pristine area in an Outside Development Zone?

After all, this would be in line with my profession and I could justify it by pledging not to ever visit such a case in my fortnightly newspaper column to avoid conflict of interest.

Wouldn't my environmental pontifications start to ring hollow if I do not follow up my articles with judicious behaviour in my profession?

It is also very hard to believe that members of the same legal office are unaware of cases their colleagues are taking on.

The bottom line of all this is that I am very disillusioned at Debono's indirect involvement in the issue, especially since the case concerns a site in the south of Malta – which he says he is concerned about – where environmental infringements have allegedly been carried out.

How can Debono get all hot under the collar about air quality issues but not over (allegedly, as per Mepa's media release) illegal constructions on agricultural land? If Debono is the PN's next environmental champion, then, as a resident of the south of Malta myself, I am not holding my breath.

In the testing economic times the world is experiencing, the PN gives the impression it has given up on the environment as a vote-raker, wrongly concluding that the electorate at the moment is solely concerned with financial considerations and that environmental issues have been somewhat sidelined and demoted to a lesser status.

The party's courting of former stalwarts, such as Michael Falzon, who have tied their colours to the developers' mast, and who are occasionally hosted on Radio 101 programmes, suggests that the green flourish it was attempting to embark upon has been nipped in the bud by firefighting the current economic crisis. Such electoral calculations by the PN, if indeed true, are flawed and misconceived.

We are about two years from a general election, and political parties are jockeying to recruit their horses for the next big race. In the same way that candidates are screened for their clean record when it comes to financial administration, they should also be screened by the party in terms of their environmental credentials.

Having candidates who legally represent individuals accused of serious environmental infringements or who preside over developers' lobbies would spell the end of any green aspirations the PN might wish to project in the next election.

A fitting penalty

Within the legitimate dust storm created over the Dwejra filming saga, little or no mention has been made of the financial tools at Mepa's disposition over the issue. The case is tailor-made for Mepa to resort to the Environment Liability Directive, recently transposed into EU legislation, to exact a fitting penalty from the perpetrator of the despoilment committed at Dwejra.

In fact, the directive empowers those seeking redress to remedy damage to the natural environment. According to the directive, public authorities are also responsible to ensure that operators undertake or finance the necessary preventive or remedial measures themselves.

As the filming industry is being viewed locally as a sacred cow, it is not hard to imagine that Mepa watered down the financial guarantees. Otherwise, how can one explain the measly €15,000 imposed as an environmental guarantee?

A friend of mine was asked to provide a €10,000 guarantee to safeguard a rubble wall located within close proximity of her development.

Another clear example of the lenient conditions imposed by Mepa on the filming company emerged from the recently held Biology Symposium at University, during which a Master's graduate recounted how, in her thesis on *Posidonia oceanica* (a seagrass, whose meadows are protected as a priority habitat by the EU's Habitats Directive), Mepa permitted just the taking of five shoots for research purposes.

While this is all well and good, it marks a yawning gulf from the conditions Mepa imposed at Dwejra.