

Jose Herrera should put his foot down

The introduction of a modest €0.50c environmental tax or contribution on each tourist bed night spent in Malta, has ruffled many a feather, mainly due to the way it was introduced. Both parties in Parliament seem to agree on the need for the contribution, and I do too, as tourism must be held accountable for the significant strains it places on the local environment and infrastructure.

What I disagree with is the ultimate destiny of the monies to be raised by the tax. There is precious little information about how the funds will be used. All we had was an enigmatic official statement that “the funds will go to a new public-private partnership that will involve the Malta Hotels and Restaurants Association (MHRA) and the government”.

Environment Minister Jose Herrera should be more assertive in claiming patronage over the funds which are being collected under the presumption that they will contribute to the preservation of the local environment.

The country's environmental priorities are certainly not limited to just more landscaping around Malta's major hotels

I have serious qualms about the MHRA's notion of what the country's environmental priorities are; they are certainly not limited to just more landscaping (read pedicured, water-guzzling lawns, the signature Dubai-style palm trees and other vegetation alien to our island, and brightly-coloured promenades) and other works around Malta's major hotels.

I can offer my tuppence worth of advice to the Environment Minister as to where these direly-needed funds could go so as to really make a change for the local environment. I am pretty sure most local environmental NGOs could do likewise, as, at the end of the day, they are the real custodians of the local environment, not the MHRA.

In this regard the ministry could also take a leaf out of the policies of the Balearic islands (Ibiza, Mallorca and Menorca). Officially, the daily environmental tax slapped on tourists to the islands (capped at a maximum of €2 per night) is intended to “to preserve the beautiful nature and cultural heritage of the islands and to improve the infrastructure in what [is] described as a ‘mature’ tourist destination”.

Does the Public Domain Act have any teeth?

The recent unanimous endorsement by Parliament of the Public Domain Act (PDA) constitutes a bipartisan clarion declaration of intent by both sides of the House, in a rare show of unity in a nation where the partisan spiel is often stifling.

The PDA contemplates the designation of special public property assets, including the foreshore, valleys, aqueducts, harbours and ports, waterways and open countryside, as public domain, such that they no longer remain easily negotiable. Although private rights already operating in such public domain areas will still be respected, and government can grant private concessions in such areas, this is subject to parliamentary scrutiny (not just by society at large, as happens today).

Besides the welcome extra tier of checks and balances, the PDA also necessitates the compilation of a public land register. For this to materialise, an exercise at the Lands Department must be set into motion to start the first actual designation of land in the public domain. One hopes that the major proponents behind the Act keep up the heat for this to happen in the foreseeable future.

Hardly had the ink dried on the fledgling PDA than the Act had to undergo a possible baptism of fire. Flimkien Għal Ambjent Aħjar (FAA), which were closely following the proposed sanctioning of a series of unauthorised coastal developments at the Portomaso beach club, submitted a prohibitory injunction in court to stop the case being heard before the PDA came into force in the hope that the Act would prevent the sanctioning. It was a golden opportunity for the political establishment to convince us all that their environmental credentials were not skin-deep, by putting in practice what they had approved in Parliament and force Portomaso to clear their illegal developments from the foreshore, which should qualify as part of the public domain.

Although FAA did manage to postpone the PA hearing of the sanctioning proposal by a day, their appeal that the proposed sanctioning went counter to the principles of the PDA fell on

deaf ears. No wonder local NGOs are so cynical when politicians profess their support to environmental causes.

It is worth noting that the illegal developments at Portomaso had been slapped with an enforcement notice way back in 1999, since the clubhouse was not constructed according to its permit and unauthorised boathouses had been built at the entrance to the marina. This effectively meant that, as observed by the Environment Protection Department in the comments they sent in response to the application for sanctioning, “this marked an encroachment of development on the coast and the obliteration of the buffer zone to an Area of Ecological Importance” (Il-Qaliet wetland). As a result of the over-excavation of the site, stores were introduced under the beach club and the permitted swimming pool was enlarged, with hard landscaping replacing the permitted soft one.

The Planning Authority board last week almost unanimously decided to give the thumbs up to the sanctioning, thereby rewarding those who had the cheek to brazenly go well beyond the conditions of the permit they had originally been given and going against the principle of the PDA which had just come on stream.

While MPs overwhelmingly backed the PDA's approval, their political appointees on the PA board gave the green light to a development that further encroaches on part of the public domain – the foreshore. How's that for inconsistency? This could mean that MPs did not actually know what they were supporting in Parliament or it could be something even more worrying – that they are paying lip service to the PDA but not allowing it to operate.

Are Gianpula, Numero Uno illegalities to be sanctioned?

The dictum seems to be: ‘If the owners of the Montekristo complex and Portomaso manage to have their large-scale illegalities sanctioned, why not us?’

In fact, the sanctioning craze seems to have really caught on locally – the owners of Gianpula and Numero Uno recently jumped on the bandwagon and applied to have their alleged illegal developments sanctioned. As reported in other sections of the media, these include extensive swathes of concrete poured over fields at Rabat and Ta' Qali respectively, the progressive conversion of a residence into large-scale clubbing venue, the cutting down of trees and the removal of rubble walls.

If these illegalities are indeed factual, the PA board members are duty-bound to pull up their socks and to ask the owners to reverse the clock at their properties.

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