

Patient abusers rewarded



If the provisions of the recently-announced amnesty are applied to the letter, the entire illegal boathouse village at St Thomas Bay is likely to get the green light.

The mass sanctioning scheme drawn up by the Malta Environment and Planning Authority understandably caused considerable angst the moment it bobbed up on the radar.

In a country where flouting planning policies is intrinsic to the local ethos, many people, obviously except the perpetrators of blatant illegal development themselves, are disillusioned at the way those who systematically abuse the system get away with it due to the ineptitude or unwillingness of those whose duty it is to enforce planning policies and regulations.

The full scale and repercussions of this latest scheme, once it is rubber-stamped by the Cabinet, does not seem to have fully sunk in as yet.

For instance, if all the provisions of the scheme are applied, such as proof of ownership of the land in question and structures in Outside Development Zone areas being built before 1994, this would result in the green light being given to the entire illegal boathouse village blighting St Thomas Bay.

The situation for the Armier hopefuls is somewhat more tortuous since they, at least so far, have no land ownership certificate in hand, but my guess is that a scheme tailor-made for their needs will eventually be drawn up. Patience is the name of the game.

If the worst case scenario plays through and this mass sanctioning is eventually endorsed, how will the monies flowing in be used by Mepa?

Since this amnesty has been triggered by the authority's inadequate enforcement resources in the first place, it stands to reason that the priority recipient for such 'blood money' should be Mepa's enforcement units themselves, which could do with greater manpower and more extensive facilities to be able to respond to illegalities more promptly and avoid backlogs – which are the driving force behind amnesties – from building up in the first place.

Against this sobering scenario, the mind boggles at the result of a recent survey suggesting that 99 per cent of Maltese people claim that the environment is important to them.

Could it be that the perpetrators of the 10,000 pending illegalities all fall within the one per cent who said the environment is not important to them?

The more probable explanation is that we are a nation of whiners who only pay lip service to the environment but would never miss an opportunity to bend the rules if it comes our way.

The timing of this amnesty is also canny as it coincides with the hunting referendum, which is currently sapping the already limited resources of several environmental NGOs.

Call me paranoid, but the plan here is plain and simple... stretch and overwhelm these NGOs as much as possible so that they inevitably lose every battle they fight.



Construction debris dumped at Miġra l-Ferha. Why is it that dumping in protected areas and illegal development across the Maltese islands is still so rampant?

This tactic has been played out over and over again, as was the case with the release of a massive number of planning policy revisions for public consultation at the end of 2013.

Similarly worrying is the Chamber of Architects' support for this latest amnesty.

Firstly, it is in architects' best interest to dissociate themselves from infringements of policies they should at least be seen to uphold, even if they are committed by some of their own clients.

Secondly, in January 2013, when a similar amnesty had been proposed by the previous PN administration, Vince Cassar, who was then president of the Chamber of Architects, had rightly lambasted the proposal.

He was quoted as saying: "It's just a repeat of what we've seen in other spheres. Rules aren't properly enforced, so then there's an amnesty to straighten things out.

"There should be regular enforcement to ensure things don't get to this stage. Those who break the law should not end up on an even footing with those who adhere to it."

So why is the same Chamber supporting this amnesty, which is even more generous to those who have broken the rules?

Amnesties actually spur further illegal development by providing an escape route for those breaking the law

The Malta Developers Association's position is similarly inconsistent. Back in January 2013, Michael Falzon, then president of the same MDA, had given lukewarm reception to the amnesty proposal, while today's MDA president Sandro Chetcuti immediately welcomed the latest amnesty, despite claiming some months ago that developers "love the environment more than environmentalists do".

The vulgar Maltese adage that may be loosely translated as 'he who cheats, progresses, and he who is faithful, loses', could not be more apt under the circumstances.

The culture of granting amnesties to whitewash building illegalities is endemic to the Mediterranean, and is usually used as a money-making venture by governments. For instance, when he was Prime Minister of Italy, Silvio Berlusconi had twice granted such an amnesty to

developers of illegal buildings – in 1994 and 2004 – in a desperate scramble to muster much-needed funds to shore up the country's perpetually ailing economy.

What is intriguing in Italy's case is that illegal building development flares up in the country in the immediate run-up to each amnesty. This suggests that rather than being some form of solution or panacea, amnesties actually spur further illegal development by providing an escape route for those breaking the law.

For instance, according to a report by the Rome-based environmental group Legambiente and the non-profit research organisation Cresme, illegal construction in Italy rose by 30 per cent in 2003, the year in which the Berlusconi government began publicly discussing the 2004 building amnesty.

The report adds that the number of illegal constructions rose 40 per cent in the year leading up to the 1994 amnesty, and almost 80 per cent before the 1985 one.

Equally eye-opening is the solemn promise each government makes when approving such amnesties, that the amnesty will not be repeated in future (a sort of 'a war to end all wars' type of proclamation).

Just as Berlusconi reneged on his 1994 promise not to offer another amnesty, in Malta the 2006 rationalisation has paved the way for even more development zone extensions 10 years down the line.

The money-spinning appeal of amnesty schemes seems to be very popular. For instance, the Maltese government has regularly churned out such amnesties in other areas apart from illegal building development, such as in the payment of VAT, declaration of foreign assets and even theft of electricity.

The latest Mediterranean country to jump on the amnesty bandwagon for illegal buildings is Greece, which launched its scheme in January 2013.

In Spain, where illegal development along the coast is a scourge that defies credulity (in Andalusia alone, there are an estimated 300,000 to 350,000 illegal houses), such an amnesty was granted in 2012.

The upshot from this sorry state of affairs is that people for whom the environment is really important should be prepared to nip illegal development in the bud by documenting it, by taking photographs and writing letters for publication in the media, the very moment that such abuse appears on the scene, in order to prod Mepa to take swift action.

Allowing the development to fester over a number of years only plays into the abusers' hands as it leads to Mepa justifying yet another bout of sanctioning and amnesties due to its burgeoning number of pending enforcement orders.

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