

**New institutions for diving tourism:  
Diving Parks,  
Archaeological Diving Parks,  
Modern Shipwrecks  
Implementation opportunities and problems in Greece**

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**Abstract:** This study is an interdisciplinary examination of Underwater Visitor-Accessible Archaeological Sites (UVAASs) and other organized diving sites including Diving Parks (DPs) and modern wrecks, with a short overview of their current status, focusing on the significant contributions of diving tourism to sustainable development and sustainable protection of the natural and cultural environment; a statistical evaluation of the results of the Greek Law 3409/2005 on the diving tourism in Greece; and discussing exceptional established UVAASs as well as DPs, as new tools and their benefits. We look at the problems facing these and propose immediate, specific and achievable solutions, particularly on the requirement that DPs must be located further than 3 nautical miles from UVAASs, a provision without merit and destructive for both institutions; the fact that tourists must be accompanied by civil servants, which has rendered UVAASs non-functional and meaningless. We propose fundamental institutional solutions to help deregulate and improve diving tourism in all countries. These include making use of existing, expert and monitored human resources in the sector (Greece maintains a Register of Providers of scuba diving services in accordance to Law 3409/2005 and we propose that this become a Chamber and that these providers work at DPs and UVAASs); instituting accompanied diving as a protection measure (empowering providers of diving services to accompany visitors to organized diving areas, notifying the Authorities digitally, so there is ongoing monitoring of the providers and the activity); creating a national and international network of organized diving areas (to provide opportunities for exchange of information, expertise and best practices; to contribute to sustainable regional development; to support the economy; and to protect, preserve and promote underwater antiquities, the environment, biodiversity and modern wrecks).

**Keywords:** Diving Tourism, Diving Parks, Underwater Antiquities, Modern Wrecks, Diving Park Network



## **1. OVERVIEW OF EXISTING SITUATION**

### **1.1. The significance of diving tourism for sustainable development and for the protection of the natural and cultural environment.**

Tourism constitutes a definitive factor for economic development. A strong tourism sector makes a direct contribution to a country's revenue growth and indirectly to the economy through the multiplier effects it generates.

The fact that tourism contributed 10.4% of the global GDP and 10% of overall employment in 2018 is indicative of how important it is to the global economy; whilst in Greece, where tourism is a major industry, in 2018 the values of the same markers are more than doubled, given that it provides 20.6% of Greek GDP and 25.9% of overall employment in the country (*WTTC, 2019*).

Diving tourism in particular, has grown rapidly over the past years throughout the world due to the great popularity of recreational diving, and is a sector that provides a high level economic, cultural, social, ecological tourism as well as being a high performance field for professionals in the diving sector, which has a beneficial impact on local and national economies, where it takes place.

For example, hospitality and the growth of diving tourism contribute to:

#### (a) Developing the economy for certain destination areas as well as the country in general.

Diving tourism contributes 70% of local GDP in the general area of the town of l' Estartit on the Mediterranean coast of Spain, solely due to the presence there, at a distance of 1 nautical mile, of the small (smaller than 1 sq.km.) marine park of the Medes islands (the name was derived from the ancient name “Medes” given by the ancient Phocian colonists), which was also responsible for the creation of 200 new job positions through 16 new enterprises (*European Commission, 2012, and Sala et al., 2013*).

#### (b) Differentiating and enriching the tourism product offered.

During the eighties Egypt, Greece's neighbor to the south, started to expand its tourism offering beyond culture tourism (pyramids, antiquities) to mass ecotourism, with the point being taken by diving off the coral reefs of the Red Sea.

Indicative of the rapid rate of tourism growth that followed, is the fact that, whereas at the start of the eighties there was no diving tourism along the Red Sea coast, in 2000 11% of the tourists visiting Egypt (566,000 of a total of 5.1 million visitors) were divers, who participated in that year in 4.2 million dives (*Cesar, 2003*).

#### (c) Upgrading the quality of the tourism offering.

International statistics and numerous studies throughout the world regarding the profile of recreational divers indicate that the majority of these are highly educated higher social class individuals, of middle to high income, with a particularly acute environmental consciousness.

#### (d) Extending the tourist season.

Diving in the Medes Islands Marine Reserve in Spain created an expanded tourist season extended from 3 to 8 months per year (April to November). For the months of April-May and October-November, when sun and beach tourism is at low levels, diving tourists constitute 90% of all visitors (*Mundet & Ribera, 2001, and European Commission, 2012*).

Greece is an ideal place to attract and develop diving tourism, potentially the most ideal diving destination throughout the Mediterranean and Europe.

As a land of immeasurable natural beauty, with by far the longest and most diverse coastline and the most islands of all the Mediterranean countries, with an ideal geographical location in the oligotrophic Eastern Mediterranean, with a secure and civilized regime, with warm and clear waters that can be dived year-round, with spectacular sea beds without any dangerous sea life and without extreme weather phenomena, with modern diving legislation and taking advantage of the favourable international conditions (lack of wars or terrorist attacks and extreme natural disasters that exist in competitor markets), Greece can and should expand into the diving market and become the “**Caribbean of Europe**”. However, the Greek seas, despite being ideal for diving, lack sufficient marine life, a problem shared by all Mediterranean countries, which means they lack interest for divers.

Over-fishing, illegal fishing, pollution and overexploitation of the coastal zones of the Mediterranean by human activities over the past decades have brought about a dangerous decrease in biodiversity, threatening many marine ecosystems with destruction (*Boero, 2007*, and *European Environment Agency, 2010*). In fact, according to FAO, the impact of human activities on the Mediterranean, which is a semi-enclosed sea with low productivity, are the worst worldwide.

## **1.2. Promoting the institutions of Diving Parks (DPs) and Underwater Visitor-Accessible Archaeological Sites (UVAASs) as tools to develop diving tourism.**

In order to rejuvenate and provide constant ongoing protection of the marine environment, as well as create a competitive diving market in Greece, Greek scientists have proposed the **establishment of diving parks** as these are formally provided for in Greek legislation for recreational diving (article 13 of Law 3409/2005, as replaced by article 10 of Law 4296/2014).

For additional information on diving parks, their concept, significance, benefits, issues and capabilities, see *Markatos & Koutsis (2008)*, as well as *Koutsis, Christofilogiannis & Markatos (2011)*, both available in Greek and English at [www.tridentstar.gr](http://www.tridentstar.gr).

The basic difference between diving parks and more traditional National Marine Parks or Marine Protected Areas lies in that the DPs are comparatively far smaller in size; their focus is not scientific results but economic growth; they are far simpler to license, manage and monitor; they operate independently and sustainably, governed as they are by the rules of the private sector (even when they belong to public agencies), in other words they focus on revenue generation rather than only on expenditures; and can entertain participation and funding from private individuals, particularly local entrepreneurs.

Beyond diving parks, Greek legislation (article 11 of L. 3409/2005) also makes provision for the establishment of “underwater museums”, i.e. diving parks within established underwater archaeological sites, which, it being established that their initial moniker was erroneous, have now been re-envisioned and re-named by article 44, par. 1 of L. 4179/2013 as Underwater Visitor-Accessible Archaeological Sites (UVAASs).

We shall show that this name is also unnecessarily complex and not user-friendly, as these spaces simply constitute “archaeological diving parks”, as they should be named in order to indicate the uniformity of the institution.

The provisions in the law for archaeological diving parks serve as an equally important tool, which attempts to utilize and highlight the exceptional and unique comparative advantage that Greece offers, which is its countless underwater antiquities, which are, however, unknown and mostly unguarded, at least those which are at a relatively shallow depth, in order that they can be visited by amateur recreational divers.

International examples, such as the instances of the Pozzuoli and Baiae areas in the bay of Naples, in the neighbouring country of Italy, where entire settlements from the Roman period have sunk into the sea due to volcanic activity and which since 2001 can be visited by divers, have proven, on the one hand, that accompanied recreational diving is absolutely compatible with preserving the safety of the submarine antiquities -in fact it can be expressly concluded, that underwater antiquities are protected more effectively and over a greater expanse following the commencement of tourist diving than before- and, on the other hand, the great developmental benefits of archaeological diving tourism to local economies of the areas in question (*Stefanile, 2014*, and *UNESCO, 2013*).

### **1.3. Brief statistical evaluation of the results of L.3409/2005 on diving tourism.**

Law 3409/2005 went into effect in February 2006, opening room for the diving industry of Greece to develop, while the provisions of the law received only praise both from amateur divers and from both diving and tourism professionals.

The Greek diving sector immediately started to flourish, following the deregulation of recreational diving. Data from the Greek diving market indicates that within two years of the law going into effect, the number of certified diving centres throughout the country doubled (from approx. 70 operating in 2005 to approx. 140 at the start of 2008), with a simultaneous rise in the number of amateur diver certificates issued.

Since that time there has been a steady increase in the number of certified dive centres and those employed in the sector, which corresponds to a very significant rise in the number of amateur dives, which are carried out annually, a growth ranging on 10% to 40% year on year. In May 2019, there are 271 licensed diving centres operating in Greece (*Siatra, 2019*).

It is also worth noting that the Archaeology Service does not report any increase in the incidences of theft of underwater antiquities.

## **2. PROBLEMS NOTED**

### **2.1. Concerning diving parks: The matter of prohibiting DPs within 3 nautical miles of Underwater Visitor Accessible Archaeological Sites.**

To date the institution of simple (non archaeological) diving parks has remained inactive for the following reasons:

To begin with, in 2005, when L.3409/2005 was instituted, and up to 2014, the Government did not issue the Joint Ministerial Decisions required by article 13 of said law, in order to designate the prerequisites for establishing and operating diving parks. This is how the first decade was lost.

Fortunately, article 13 of L.3409/2005 was replaced by article 10 of L.4296/2014, which, voided the need to issue a Joint Ministerial Decision, and set out clearly in the law what the prerequisites for establishing and operating a diving park were. Unfortunately, this same amendment also included a new, unexpected impediment, added by an unknown source, and pursuant to par. 4, subpara. 2, required that:

*“Diving parks are prohibited from being sited at a distance less than three (3) nautical miles from established underwater archaeological sites”.*

This is obviously an error, included in the legislation by omission, as a remnant of an older mentality, as this particular regulation only harms, without making any contribution whatsoever (Markatos, 2014).

This particular limitation is disastrous for the institution of diving parks because:

(a) An archaeological site of a single point, such as an isolated ancient wreck, carries with it a marine exclusion zone with a diameter of 6 nautical miles, within which it is prohibited to create a diving park. Even greater damage is caused by larger underwater archaeological sites, which are far more extensive, such as those of the Northern Sporades islands. This prevents diving in the greater part of Greek marine areas, as there are only a very limited number of positions appropriate for DPs, which meet all the criteria and can always be dived due to weather.

This provision rules out areas that would otherwise provide exceptional diving, including Elafonissos island in Lakonia, due to the underwater archaeological site of Pavlopetri; Makronissos in Attiki, after the pointless establishment of such UVAASs; Falassarna in Crete; as well as Alonnisos island, which cancels out entirely any diving potential even at the island’s very few marine areas that are free of archaeological remains and also puts out of action the important and award-winning innovative developmental and environmental programme of a network of diving parks “Ano Magniton Nisoi”, which the Region of Thessaly was already attempting to implement there.

In general, this ruled out any potential development of diving tourism on all small islands that happen to have or may later gain an underwater archaeological site, whereas those are the places that would stand to gain the most from a diving park, in order to have sustainable growth with minimal investments. Even worse, if an ancient wreck were to be discovered less than 3 n.m. from a DP after that was already established and operational, the DP could lose its license because it would, after-the-fact, lack the legal prerequisites to exist. This would lead to a loss of all the relevant investments undertaken and a loss of reputation and clientele, which a diving park would have brought to the general area. It is doubtful that with such a prospect any serious investors could be found (whether public or private) or even benefactors to push forward such projects (Markatos, 2014).

(b) This limitation is useless as regards its goal of protecting underwater antiquities, as, pursuant to article 13 para. 9c, as currently in effect on the basis of article 10 of Law 4296/2014, in order to establish a diving park there needs to be a previous consenting opinion from the Ministry of Culture.

(c) Moreover, the limitation is harmful as regards protecting underwater antiquities.

As, on the basis of L.3409/2005 article 11, recreational diving is permitted throughout all the marine territory of the country, with the exception of areas proclaimed as underwater archaeological sites, anyone can dive legally up to the borders of any proclaimed underwater archaeological sites, which are operated under the general supervision of the Hellenic Coast Guard and then enter the site underwater.

Conversely, diving parks do not allow private diving; only diving accompanied by known, authorized and recorded providers of diving services, in accordance with the provisions of L.3409/2005.

Additionally, they, as well as the marine space of the diving park, are not only policed under the general oversight of the Hellenic Coast Guard (L.3409/2005 art. 13 para. 17), but are also under mandatory 24-hour monitoring by guards of the operating agency of the DP, on penalty of having their DP license revoked. These guards are entitled by law to provide immediate protection themselves, in accordance to articles 985 and 997 of the Greek Civil Code (L.3409/2005 articles 13 para. 15 and 19), so as to ensure that no illegal fishing takes place, which is first and foremost of interest for the continued existence, viability and sustainability of the diving park.

So it is practically impossible and certainly exceptionally difficult for a solitary or unaccompanied diver / visitor to enter and dive in a diving park without being observed, or for any visitor to exit the boundaries of the park.

Consequently, underwater archaeological sites not only do not need to be distant from diving parks, but on the contrary the best possible policing would be achieved if they were located within diving parks and surrounded by them (Markatos, 2014).

(d) The 3 n.m. prohibition greatly and without reason increases the distances involved in diving excursions and those between DPs and UVAASs, that are established in proclaimed underwater archaeological sites.

This makes combined diving excursions exceedingly time consuming and cost-ineffective, but also hard to arrange and less pleasant for diving tourists and less profitable for providers of diving and related services. Consequently they have a negative effect on the sustainability of the corresponding businesses and thus on those of the DPs and UVAASs.

Simply put, the 3 nautical mile prohibition loses Greece the exceptional and unique comparative advantage at its disposal, to match up packages of multiple environmental or of environmental and archaeological tourism dives, providing visitors with an exceptional, complex and variable diving tourism product, which would render the country a diving tourism destination, by converting purposelessly diving and underwater antiquities from first rate allies into mutually exclusive and mutually destructive competitors (Markatos, 2014).

## **2.2. Regarding Underwater Visitor-Accessible Archaeological Sites: The issue that tourists diving at UVAASs must be accompanied by diving guards who are antiquities guards or archaeologists.**

The exception to the prohibition of diving amongst antiquities, set out in L.3409/2005 article 11 para. 1 subpara. 2 that permits proclaimed underwater archaeological sites to be characterized as “underwater museums”, is an institution that has never been put into practice to date, so has not to date had any of the expected results, despite the great initiatives that have taken place in the meantime.

In 2009, the Municipality of “Pylos – Nestor” established two Underwater Visitor-Accessible Archaeological Sites in Pylos (Navarino) and on Sapienza island in Messinia.

The Region of Thessaly established four more, in the Northern Sporades Islands and in the Pagassitikos Gulf, as part of the award-winning innovative programme “Ano Magniton Nisoï”. None of those parks has operated to date.

In 2016, the administration of the Greek Ministry of Culture and Sport and the Region of Attica triumphantly proclaimed a further six (6) UVAASs, in the region of Lavrio and the Southern Gulf of Evia, knowing that none of these could actually function due to the institutional grounds and obstacles, that we will immediately set out.

The first reason for non operation of the UVAASs was the initial use of the term “underwater museums”, which caused conflicting reactions and confusion, as it strongly evoked, certainly in the mind of the public, references to the legislation on terrestrial museums, an institution that is entirely different and not comparable to non-museum archaeological sites, like underwater visitor-accessible archaeological sites.

This issue was resolved by L.4179/2013 article 44 para. 1, wherein, in order to avoid confusion with legislation concerning terrestrial museums, underwater museums are renamed Underwater Visitor Accessible Archaeological Sites (UVAASs) and legislated the capacity for further concession of the organization, administration and exploitation of UVAASs to agencies (either legal entities under state law or private law), under article 100, par. 5, of L.3852/3010 “Kallikratis”, on the basis of which the Joint Ministerial Decisions were issued for the first two UVAASs in Messinia.

However, the main institutional issue and roadblock to the creation of UVAASs consists of the fact that, pursuant to L.3409/2005 article 11 para. 1 subpara. 2, visitors to underwater visitor-accessible archaeological sites must be accompanied at all times by “*divers who are antiquities guards or archaeologists*”.

This is an entirely incomprehensible and, more significantly, unfeasible provision, which has rendered all those UVAASs that have already been established dead in the water and their proclamation empty of all meaning. This is because, the requirement that all tourists diving at UVAASs be accompanied by diving antiquities guards or archaeologists, is interpreted zealously by the current Administration of the Ministry of Culture, that they must be employees of the Greek Archaeological Service, i.e. public servants.

This interpretation, irrespective of the current economic downturn the country is facing, renders hiring the required number of diving guards or archaeologists practically impossible and renders the provision impossible to implement, while even were an UVAAS to be established, it would be unsustainable financially.

Additionally, this particular requirement should be avoided, as the very few diving employees of the Ministry of Culture and Sport are required to be available for more general inspection, guarding and policing of underwater archaeological sites, including those that are visitor-accessible, and cannot be allowed to waste their time accompanying tourists, just as they do not accompany them at archaeological sites on land.

While land visitor-accessible archaeological sites generally allow unaccompanied private visits, and, additionally, any professional tour guides or tour companions are not monitored by the Archaeological Service or by other competent Services of the Ministry of Culture and Sport, with this incomprehensible provision, they require people to be accompanied either by antiquities guards or archaeologists in order to dive at UVAASs. As long as this requirement holds sway, any new proclamation of UVAASs is pointless.

### **2.3. Regarding tourist dives at modern wrecks.**

Besides underwater antiquities, Greece is also full of modern wrecks, which sank from the start of the twentieth century forward and particularly a lot from WWII. The sea battle of Leros island, one of the greatest between the Allies and the Axis, has made the great bay of the island one immense potentially historic diving park, one of the best in the world. In the USA they purposefully sink old war ships in order to create similar sites.

Modern wrecks constitute amazing diving sites without even requiring the establishment of a diving park, as the interest of the sunken ships themselves (as is the case with underwater antiquities) renders them immediately interesting, without requiring any waiting time to re-establish and develop marine life, and also without requiring constant guarding in order to avoid illegal fishing.

Unfortunately the Ministry of Culture issued a Ministerial Decision in 2003 (Υ/ΑΓΔΑΠΚ/ΑΡΧ/Α1/Φ43/48604/3385/2003, GG Β´ 1701/19-11-2003) and in its usual prohibitory manner, pronounced all the country’s wrecks that were older than fifty years old to be monuments, prohibiting thence forward any recreational diving whatsoever.

The aforementioned prohibition is one of dubious legality in the first place, as the Council of State (decisions 3094/1993 and 1742/2002) and the Legal Council of State (decision 568/1994) have both ruled that the Minister of Culture does not have the legislative authority to impose generalized prohibitions throughout the territories of Greece, but rather only for the protection of specific individual locations which are of archaeological interest.

Additionally the foregoing prohibition is similarly inapplicable and ineffective, as the modern wrecks like all not proclaimed archaeological sites, are not designated by law to particular coordinates and they cannot be proved to be known to citizens. Therefore no punishment can be levied on anyone choosing to dive despite the prohibition, as it cannot be proven that they knew that a wreck existed at that spot and that it was, in fact, older than fifty years old. Every year wrecks increase in age and citizens can’t be expected to keep up with the age of each wreck.

The above prohibition on diving modern wrecks does, however, has also a comic aspect, as it has allowed the looting of modern wrecks for 50 years and then considers that they should be protected after nothing is left but the bare bones. As they are forbidden to dive modern wrecks, amateur scuba divers, as well as professionals in the recreational diving sector lose interest, as they cannot expect to profit from these. As they do not visit modern wrecks, and as the Coast Guard is unable to monitor them constantly, the only individuals who retain an interest are illegal divers, whose interest will have a negative impact on the protection of wrecks.

It is further worth noting that on the basis of legislation in effect, the competencies for the planning and use of modern wrecks fall within the scope of the Directorate for Modern Cultural Reserves and Intangible Cultural Heritage of the Hellenic Ministry of Culture and Sport, while the Ephorate of Underwater Antiquities deals with them due to its general competencies. Despite this, the Ministry of Culture and Sport potentially is the least able to document particular individual features of the naval wrecks that come under the ownership of the Cooperative Fund of the Navy, which expertise lies mainly in the hands of the Greek Navy.

For all these reasons, the prohibition on diving modern wrecks is, in its current form, only harmful both to the wrecks themselves and to the Greek tourist diving industry, which loses out on a great resource in modern wrecks and consequent comparative advantage for our country.

#### **2.4. Achievable and immediately implementable solutions proposed to date.**

As regards the issue of the 3 n.m.:

Initially and for the reasons set out above, L.3409/2005 article 13 para.3 subpara. 2 as in effect, should be immediately abolished, ridding the institution of DPs of the useless encumbrance of requiring a distance of 3 nautical miles from any proclaimed underwater archaeological site.

A draft of the abolishing provision with a fully documented introductory report has been before the Ministry of Culture for quite some time.

As regards the issue of accompanying visitors to UVAASs:

In order to remove the impasse, the Ministry of Culture, moving in the right direction, accepted with its legal Service and with the active assistance of the scientific team of the Hellenic Association of Friends of Diving Parks that, since article 13 of L.3409/2005 does not make mandatory reference to the legislation on state guards of antiquities or archaeologists, visitors to UVAASs could be accompanied by authorized providers of diving services, providing accompanied dives in accordance with the provisions of L.3409/2005, who have undergone special training, approval and monitoring from the Ministry of Culture, while the competency of who guards and polices underwater antiquities must at all times fall under the competence of the archaeological service, i.e. the Ephorate of Underwater Antiquities and the Hellenic Coast Guard.

This solution was in fact taken for an operational contract executed on the 19/12/2014 between the Ministry of Culture, the Municipality of “Pylos – Nestor” and the Region of Peloponnese, in accordance with “Kallikratis” L.3852/2010 article 100 para. 5, to create the two UVAASs in Messinia we have already referred to. The same operational contract also made the concession of the specific UVAASs to the Municipality, in order that they undertake the implementation, organization and exploitation thereof, while paying a concession fee to the Ministry of Culture.

Unfortunately a change of government brought the Ministry of Culture and Sport back to its previous interpretation of the law, putting off yet again the establishment and operation of UVAASs, despite the well-meaning effort of certain members of staff at the Ministry to resolve the issue.

In June 2018, at a developmental Day Conference in Lavrio, the current administration of the Ministry of Culture jointly with the new Head of the Ephorate of Underwater Antiquities announced that they were aware of the issue, that they had taken seriously into consideration the proposals put forward by the Greek diving community in order to resolve it and had designed their own specific solutions and committed themselves to resolving all the issues concerning UVAASs immediately. To date nothing has been done. UVAASs remain an inactive institution and DPs can similarly not be established due to the issue of the three nautical miles, which remains unchanged.

### **3. RADICAL INSTITUTIONAL SOLUTIONS, PROPOSED BY THE CURRENT STUDY TO DEVELOP ALL FORMS OF DIVING TOURISM**

#### **3.1. Regarding the issue of the 3 n.m.**

Concerning the issue of the 3 n.m. the only radical solution is the one already set out, i.e. to abolish L.3409/2005 article 13 para.4 subpara. 2 as currently in effect.

It would be most effective and supportive for the correct implementation of the law and the institution, to set out explicitly that UVAASs can even exist within the broader extent of lawfully established DPs.

### **3.2. As regards UVAASs, modern wrecks and ecologically-sensitive areas: Staggered progression in Marine Protection.**

In order not to risk the institution of UVAASs to one-off interpretations of the law by the Administration and the leadership of the Ministry of Culture and Sport, as well as attacks before the Council of State by those who believe in a nostalgic past, the issue of accompanying visitors diving at UVAASs should be resolved legislatively.

In fact, the new method of dealing with these should not concern UVAASs in isolation but should finally provide a more general strategy, **a new dogma**, which can be followed precisely, in order to allow for the joint development of all forms of diving tourism, without, at the same time, overlooking the matter of monitoring and controlling marine areas that require increased protection. This has to be achieved without generalized prohibitions but rather with a graduated staggered increase in severity, which shall be required in each instance by each individual protected area.

Specifically, recreational diving areas shall fall under the following categories:

#### Category A: Free to dive marine areas.

This describes the greater part of the Greek seas, as diving is allowed freely without any requirement to inform the authorities pursuant to L.3409/2005, in effect since 2006.

#### Category B: Diving Parks.

These are diving parks pursuant to article 13 of L.3409/2005, as currently in effect, which only allows accompanied dives, i.e. dives accompanied by lawfully recognized providers of diving services. The limitation is sensible, as it prevents illegal fishing, which becomes ever more attractive to malicious individuals when fish life rebounds; and to create a sense of trust with the public that those guarding the area won't turn a blind eye.

#### Category C: Areas that require mandatory accompanied diving with an obligation to inform the Authorities.

This is the essential innovation in the system, which the present study proposes, in order to increase the areas of the country that can be dived, making the majority of the areas that are currently access-prohibited without any clear reason, accessible and yet protected.

Category C areas include Underwater Visitor Accessible Archaeological Sites, modern wrecks (and in fact all wrecks and not only those that are more than fifty years old), as well as environmentally sensitive areas, as well as the zones of National Marine Parks that are outside their core but are protected, particularly from illegal fishing, but where recreational diving is not prohibited, as it has now been scientifically proven that, if certain rules are followed (lack of contact with the sea bed, prohibition on removing any organic material or objects from the site etc.), diving is completely compatible with the protection of the marine natural and manmade environment.

In Category C areas diving is permitted not only requiring that divers be accompanied by authorized providers of guided diving services, as in diving parks, but with the additional requirement that the provider be obliged to inform the competent Coast Guard authority, that the specific provider will be performing an accompanied dive in that particular area.

This notification can either take place in writing (either on paper or digitally) beforehand, or, depending on what the provider chooses, by having onboard the diving vessel a satellite or wireless device / beacon

(utilizing the mobile phone network or other private networks), which constantly transmits its location, course, and identity to the Coast Guard. Such constant Vessel Monitoring Systems (VMS) are widely utilized and reasonably priced and in certain instances mandated by law, as is the case with certain categories of fishing vessels, pursuant to the European Council Regulation (EC) 1224/2009.

Utilising the increased monitoring potential offered by accompanied rather than private unaccompanied dives, and making use of the human resources in the country already trained in the recreational diving sector, automatically achieves the global handling of the matter of monitoring recreational diving in areas where increased protection is required, without mandating absolute prohibitions.

On the basis of L.3409/2005, providers of recreational diving services are not only trained to a high level of expertise, which they receive at their own expense; they are also checked out thoroughly from all standpoints, in order to receive state licensing required to be able to exercise their profession.

Even following their official licensing, they remain under constant supervision from the state, are registered in a special registry pursuant to L.3409/2005 art. 8, which registry is monitored and constantly updated; and are subject to severe penalties, including removal of their ability to work in this particular field, for actions that infringe against the diving legislation (L.3409/2005 art. 15) and the law in general.

Moreover, recreational diving professionals were the first to be interested in the existence of and conservation of underwater sights, as their livelihood depends on these. Therefore it is obvious that, if the State proceeds to trust them and to make use of them, they shall constitute a first class tool, to implement a correct and sustainable development of diving tourism, as well as for the protection of the natural and manmade environment, with the additional benefit of not placing any additional burden on the national budget.

This ensures that tourist diving visitors can carry out recreational dives, in accordance with the rules by which these should be governed.

Making accompanied dives mandatory and requiring prior notification to be lodged with the competent Coast Guard in category C areas, does not substitute for nor does it lessen the requirement for protection of the submarine natural or man-made environment by the competent State Authorities (Coast Guard, Archaeological Service, Ministry of the Environment, Management Agencies for National Marine Parks), which continue to monitor and police them as they do today and as required by the Greek Constitution.

On the contrary, inclusion of an area under Category C increases and facilitates the exercise of protection by the competent Authorities of the State as well as those who benefit directly from tourism diving activity in those areas.

International examples, including the parks at Medes islands in Spain and Port-Cros in France, have proven that, raising awareness regarding protection of the marine environment in professionals in the diving sector and the tourism sector in general, who benefit from these, so that this can be preserved in a state worth visiting and thus revenue producing, will increase as diving tourism grows and, consequently, benefits increase for them. Even instances of isolated individuals who remain obdurate, individuals who always have existed and always will exist, are minimized through constant supervision of the spaces by visitors, who can ascertain any infringements and, most particularly, by the other professionals, who shall not hesitate to report and certainly prevent anyone from infringing, not willing to submit to their interests being adversely affected for the short-term and pointless benefit of certain others.

Combined with the levying of extremely severe penalties on those professionals who break the law, which will be instituted at the same time as the trust which is shown to them on the part of the State, the Coast Guard shall be able to monitor and protect category C areas far more easily and effectively, putting under close watch providers of diving services active in said areas. The latter, fearing they would lose their professional benefits from this particular activity will, in turn, be particularly careful and strict in

observing the law and local regulations regarding monitoring diving, which is carried out accompanied by them.

Category C area protection also involves the participation of visitors themselves, who, being offered the opportunity to enjoy a site that they were previously forbidden to enter, gain motivation and interest in protecting that site themselves, in order to maintain it in the best possible condition.

In contrast, in areas where recreational diving is prohibited, and from which the parties involved, i.e. professionals and visitors, cannot have an expectation of gain, their interest wanes and is discouraged so, the only ones who remain interested are illegal divers, with the understandable impact on the protection of these areas.

Of course, depending on the particular nature of each category C area, special restrictions may be put in place, where necessary. For example, in UVAASs, as first provided for in the archaeological diving parks of Pylos and Sapienza island, provision is made that diving expeditions shall commence and end in a single specific location, staffed by an Archaeological Service guard, who shall be entitled at any time to check the luggage of any incoming or outgoing visitor, and no vessel shall be allowed to approach the diving boat at any other point along the diving route nor shall the diving boat itself be allowed to approach land throughout the route.

Additionally, as the position of each dive shall be known beforehand to the competent Authority, a competent state guard / diver shall be able to carry out surprise spot checks, whenever deemed necessary, by diving at that particular point.

What is important is that, by instituting category C areas, areas that had previously been prohibited are opened up to diving tourism and become productive for the national economy and the country's development, as are numerous modern wrecks, which to date were abandoned to their fates and to fade from memory, hosts only to illegal divers, with all the consequences of their activities, while, classified under category C, they gain for the first time increased and constant supervision and protection.

At the same time, this resolves the impasse of how to operate UVAASs, which to date could not function.

#### Category D: Areas of Absolute Protection.

These are areas where for specific reasons and for National or State interests (archaeological, defense, environment, economy, security or other), absolute prohibition of diving is required and reasonable.

Inclusion of these areas under category D, rationalizes and minimizes the prohibition on diving, which shall be in place precisely where it is required, without stamping areas that fall under other categories en bloc and without real reason as areas where diving is not permitted, with a negative impact on the country's very necessary and productive wealth.

### **3.3. National Network of Diving Destinations.**

Deregulating various forms of diving tourism can also lead, in the most rapid way possible, to the creation of a National Network of Diving Destinations, which shall include Diving Parks, UVAASs, the most important Modern Wrecks and major areas of particular environmental interest.

The creation of such a network would allow for decentralization; for central monitoring and strategic planning in the diving industry in Greece; for the cumulative use of the results of scientific interest in the consolidation and repetition of proven good practices; and, primarily, for a more economic and effective joint and unified promotion of the national diving product in total to the international diving market.

### **3.4. National Council for Diving Tourism.**

Diving Tourism is a national implement and far too important to be left to its luck and the occasional and fragmentary involvement of state bodies whose purview is other, whenever it so chances, if it chances that they engage in it. It requires central planning and coordination and monitoring of the implementation and improvement of said planning.

To that end, it becomes necessary to establish a central interministerial agency entitled “NATIONAL COUNCIL FOR DIVING TOURISM” (NCDT).

NCDT should have few members for increased flexibility, with representatives solely from the ministries directly affected (the Ministries of Tourism, the Environment, Culture, the Economy), as well as from the professional diving sector.

NCDT would serve a double purpose: (a) sustainable development of diving tourism in Greece; and (b) the creation of a national network of diving sites (diving parks, visitor-accessible archaeological sites, modern wrecks, underwater manmade sites).

NCDT competencies would include: to inform / consult the state; to listen to professionals in the sector; to propose a national strategy for diving tourism; to process and submit legislative proposals; to collaborate with the Regions for appropriate actions for decentralized growth in diving tourism; to collaborate with the agencies of formal and non-formal education in order to establish awareness of diving and the marine environment; collaborate with other countries and international organizations to exchange data, programmes and good practices; to propose and implement actions to promote Greek diving tourism.

NCDT funding could be achieved without burdening the state budget from: revenues from ceding the use of marine areas to diving parks; a special duty on those using the sea (shipping, cabotage, coastline tourism, aquaculture etc.); grants from private individuals, companies and agencies; European and international programmes.

The results of instituting and operating NCDT would certainly be the following:

- (a) Diving tourism would be benefit from central planning, with broad ranging information exchange between all those involved; it would be implemented in a decentralised manner; monitored constantly and measurably; and improve with the appropriate interventions.
- (b) A National Network of Diving Destinations, which shall include diving parks, UVAASs, modern wrecks, underwater man-made sights, shall be designed rationally and implemented as a tool to permit diving tourism growth.

### **3.5. Chamber of Diving.**

In order to have effective and fair participation of diving professionals in the NCDT, their representatives should be legalized democratically but also have a valid and official capacity as representatives of the sector.

The work towards formalizing this has already been done and included under L.3409/2005 article 8, for this exact future purpose, which made provision for maintaining a Registry of all active authorized providers of diving services. This Registry exists and is maintained by the Ministry of the Merchant Marine, and it is easy to be transformed into a Chamber of Diving in Greece, whose members will be those included in the Registry, who can elect representatives for their sector through a process of election. In this way the diving sector would gain an official voice and acceptable representation and the state would have a reliable partner on all matters concerning diving.

#### **4. EPILOGUE / CONCLUSION**

##### Classification of diving areas.

The proposed classification of Greece’s recreational diving areas is a system which frees up the field for smooth development of diving tourism and the creation of a large number of job positions, without burdening the state budget but instead lessening the burdens thereon, while, at the same time, ensuring a more effective and ongoing protection of the underwater natural and cultural environment.

Because all of the above will bring about solely benefits for all those involved and for the country as well, it appears that the only impediment to achieving them is the attachment of certain individuals in the Administration to the old ineffective practice of generalized prohibitions and conflict with the citizens, instead of mutually beneficial collaboration, without which, it has been proven that protection of the marine space is not achievable.

Instead of the State frittering away its few resources by ineffectively maintaining the general prohibitions, which bring about, if not the enmity, certainly the indifference of the population to protection of underwater sights, it must invest in trust towards its citizens and particularly in those involved professionally with underwater activities, whom the State can transform into an army of unsalaried guards, who protect its assets, by teaching them the potential of enjoying the direct material benefits of exploiting their underwater heritage.

##### NCDT, Diving Chamber.

The proposed general institutional interventions (NCDT, Diving Chamber) would allow for ongoing, rational planning and sustainable development of diving tourism in Greece, with a reliable and transparent collaboration of the state with diving professionals.

##### In general.

THIS should be the national strategy for the sustainable development of Diving Tourism in Greece.

What is sought is the rare, brave, political intent, which will help rational debate and arguments hold sway over obsessions, and lead our country, with its many incomparable underwater tourism advantages, to the position that befits it in the world diving market, gaining it the position it deserves as Greece, the **“Caribbean of Europe”**.

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