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THE EXTENSION OF MARITIME JURISDICTION  
IN THE SEAS SURROUNDING ITALY

Abstract

The present picture of the Mediterranean shows a great variety in the nature and the limits of the coastal zones established by the Mediterranean States (internal maritime waters, territorial sea, contiguous zone, fishing zone, ecological zone, exclusive economic zone). While some boundaries have already been settled, many questions of maritime delimitation are still pending. [The relevant maps are shown and commented.]

Some Mediterranean States have so far been reluctant to proclaim an exclusive economic zone or, at least, to give effect to such a claim in Mediterranean waters. Despite this persisting Mediterranean "EEZ-phobia", other Mediterranean coastal States have taken steps towards the establishment of such a zone. International law does not prevent States bordering seas of limited dimensions from proclaiming their own exclusive economic zones, provided that maritime boundaries are not unilaterally imposed on adjacent or opposite States. If one Mediterranean State makes the first move towards proclaiming and effectively

implementing an exclusive economic zone, several other countries are likely to follow suit.

In the case of the waters surrounding Italy, some of the neighbouring countries have already taken the step to extend their coastal jurisdiction beyond the 12-mile limit (Tunisia, Malta, Algeria and Spain some years ago; France and Croatia very recently). The Italian authorities are presently studying the possibility to establish similar measures, especially as regards the ecological zone, and to enter into negotiations for a maritime delimitation with the States concerned. As in other enclosed or semi-enclosed seas, several issues of delimitation are complicated by the fact that more than two States are involved therein (as in the South-Central part of the Mediterranean, where Italy, Malta, Libya and Tunisia are located), with the consequence that no complete boundary settlement can be reached unless on an agreed multilateral basis. It may also be asked whether, in the case of the already existing continental shelf boundaries, the line which has previously been negotiated for the seabed should ipso facto become also the boundary of the superjacent waters. The answer is far from being clear and may depend on the peculiarities of each case (such as the date of the previous continental shelf agreement, the geographic, economic and environmental considerations, etc.).