THE PROJECT OF INTERNATIONAL MARINE PARK IN THE MOUTHS OF BONIFACIO IN INTERNATIONAL LAW

TOWARDS AN IMPROVED CONSERVATION REGIME OF THE MARINE ENVIRONMENT IN THE MEDITERRANEAN

Claudiane Chevalier
Marine Legal Officer
IUCN Centre for Mediterranean Cooperation

ACKNOWLEDGEMENTS

We would like to thank Professor Tullio Scovazzi, Jean-Marie Bacquer, Marianne Laudato (Office Environnement Corse), Dominique Bresson (Préfecture Maritime de la Méditerranée) and Youja Beer Gable for their valuable contribution.

This publication has been made possible by funding from the Total Corporation.

Core support to the IUCN Centre for Mediterranean Cooperation is provided by the Ministerio de Medio Ambiante and the Junta de Andalucia.

TABLE OF CONTENT

ABSTRACT

The paper presents a legal case study pertaining to the on-going process of establishment of the International Marine Park in the Mouths of Bonifacio between France and Italy. It further presents some relevant perspectives with the current developments in international law of the sea to support the establishment of the International Marine Park and its effective management.

The overarching legal instrument governing the law of the sea, the UN Convention for the Law of the Sea signed in Montego Bay on December 10, 1982 is one the best example of the evolutionary character of international law. In this regard, the recent legal developments in the Mouths of Bonifacio bring important legal elements in the debate of international law of the sea and could prefigure an important evolution of the legal status of the Mediterranean Sea.

The future IMP in the Mouths of Bonifacio refers to an area of about 80 000 km2 located in the Mediterranean Sea between the French island of Corsica, the Italian island of Sardinia and cover the mouths of Bonifacio. The area enjoys exceptional ecological features which all States bear a general obligation to protect.

First of all, the legal regime of navigation in the strait organized under the Convention of Montego Bay, which is also an international strait is governed by the principle of freedom of navigation. However, all Parties bear the obligation to protect the marine environment (art. 192 UNCLOS). France and Italy have been actively cooperating in this particularly sensitive area for a decade to organizing maritime traffic and preventing marine pollution.

Second, the gaps in the legal regimes applying in the park (pertaining to navigation, prevention of pollution, fisheries, tourism etc) appear to be particularly interesting in light of current developments in the global agenda.

(1) The problem of territorial jurisdiction in the Mediterranean and marine protected areas beyond territorial sea. As almost no Mediterranean States have declared their Economical Economic Zone (EEZ), the high seas is widely present beyond territorial sea (12 nm) preventing coastal States to implement their laws and regulations beyond their national jurisdiction as the principle says that the law applicable on ships is the flag's State.

However, all States bear an obligation of protecting the marine environment including in the high seas. Consistently, Mediterranean States, under the UNEP regional seas programme and the Mediterranean Action Plan have adopted a regional Protocol (Barcelona Convention) that considers protection measures of the Mediterranean as an all including in the high seas and as such allows establishment of marine protected areas in the high seas in conformity with the UNCLOS.

(2) The problem of implementation of international law and lack of cooperation. Recently there has been some "EEZ declaration" extending the territorial jurisdiction of some coastal States. Among those States, France declared in 2003 a *Zone de Protection Ecologique*. From the initiatives some Mediterranean countries have taken, it seems there is a trend for extension of (sectoral) jurisdiction[1]. This new French zone widens the geographical coverage (around the strait) where rules of prevention of marine pollution are applicable.

The current legal framework is not adequately implemented because of a number of complex reasons linked to the notion of "good governance" and lacks effective cooperation.

The international agenda clearly sets the objective of marine conservation in the high seas. This future International Marine Park promotes the achievement of completion of effectively managed and ecologically representative networks of marine protected areas within and beyond areas of national jurisdiction by 2012.

1 For example, Croatia has engaged in steps to declare a Environmental Protection and Fisheries Zone in 2004.

ACRONYMS

UNCLOS	United Nations Convention on the Law of the Sea
ZPE	Zone de Protection Ecologique
FPZ	Fisheries and Protection Zone
EPFZ	Environmental Protection and Fisheries Zone
EEZ	Exclusive Economic Zone

PREFACE

The challenge of managing and protecting the marine environment has increasingly been raised to the top of the international agenda as the recognition that the high seas are no longer a kind of last frontier where human activities are undertaken at our peril, but rather partz of our own back yard where over exploitation of resources, or major pollution incidents can directly impact communities and countries.

Nowhere is this truer than in the semi-enclosed Mediterranean Sea where few international frontiers have been negotiated between neighbouring states, and most countries have only declared their national interests within the 12 miles zone. If all States were to agree an EEZ of 200 miles, very little of the Mediterranean would still be considered high seas, yet at present the Sea is one of the busiest navigation routes in the world, carrying x % of global shipping. At the same time it is home to a rich biodiversity, with significant levels of endemicity, as well as emblematic species such as whales, dolphins monk seals and turtles.

Recent major pollution incidents from oil tankers (Erika, Prestige…) have led States in the north of the region to increasingly consider protecting their coasts from future incidents of this type, while global processes, such as the World Summit on Sustainable development (2002) have called on States to implement a representative network of marine protected areas by 2012.

Reconciling navigation, the law of the sea, and the management or protection of shared resources beyond national jurisdiction is a delicate balancing act. This case study seeks to illustrate how France and Italy have collaborated to establish norms and principles using existing international conventions, to regulate and reduce shipping traffic in sensitive areas, while still allowing free circulation of vessels in an international straight.

Jamie Skinner
Director
IUCN Centre for Mediterranean Cooperation

THE PROJECT OF INTERNATIONAL MARINE PARK IN THE MOUTHS OF BONIFACIO IN INTERNATIONAL LAW[2]

INTRODUCTION

The zone extending in the mouths of Bonifacio and its surrounding comprises one of the most outstanding Mediterranean biodiversity, from fauna biodiversity including birds biodiversity (Blue Rock, Shag, Yellow Lagged Gull, Cory's find in this zone a refuge of rare quality), flora biodiversity which is rich of rare plants sometimes endemic and mineral landscape. This area comprises the southern part of Corsica and the northern part of Sardinia and is international, belonging to France and Italy.

A. Emergence of cooperative efforts to conserve an outstanding marine environment

These characteristics pushed France and Italy to protect this area. Both countries have started efforts nationally to protect this area.

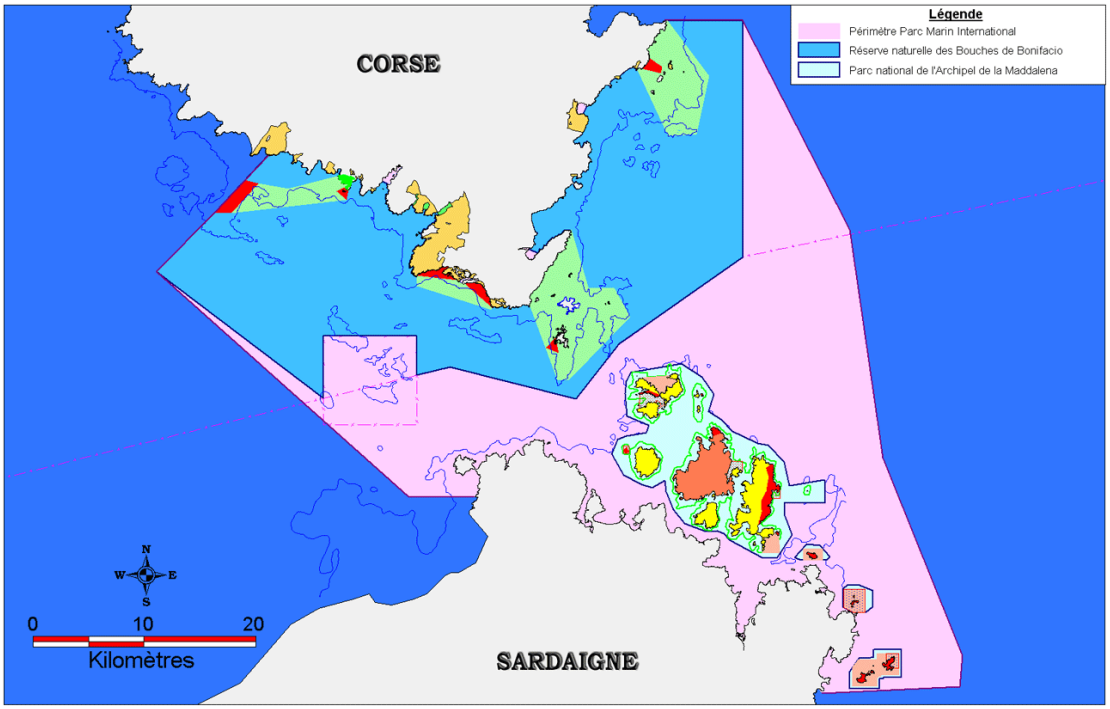


Figure 1: The project of IMP in the Mouths of Bonifacio

Early international efforts of cooperation. The legal structure underlying the establishment of an international protected area covering the Mouths of Bonifacio dates back to 1986. Firstly, on November 28, 1986 France and Italy concluded an agreement on the delimitation of their maritime borders in the Mouths. Secondly, it is only a few years later, on October 31, 1992, that the French and Italian Ministers for

2 The document has been prepared by Claudiane Chevalier, Marine Legal Officer at the IUCN Centre for Mediterranean Cooperation.

the environment agreed on the idea of creating an international marine protected area in this zone.

As for France, the future IMP consists of three Natural Reserves (Natural Reserves of the Mouths of Bonifacio, of the islands of Cerbicales and of Tre Padule), a regulation of biotope protection (of Bruzzi Moine). The surface of the French Natural Reserves cover an area of about 80.000 hectares, from the cap of Chiappa to the cap of the Monks. This rocky archipelago not far from Bonifacio offers to the visitor the incredible spectacle of landscape of rich biodiversity. There are about 1.600 hectares where no extraction is permitted and where no type of hunting or fishing is authorized. Some fishing activities are still authorised as well as some forms of commercial fishing exercised within the framework of the regulation defined by the local fishing authority (prud'homie) of Bonifacio. As for maritime navigation, anchoring remains authorized but can be subject to a specific regulation by the Préfet Maritime.

The Italian part of the future International Marine Park (IMP) consists in the Natural Park of the Archipelago of La Maddalena.

These cooperation efforts were supported by key actors in the region. In 1992, the European Commission decided, on proposal of the two governments and local and regional authorities concerned, to take part in the creation and the financing of an International Marine Park within the framework of European program INTERREG.

Two distinct structures (one French one Italian) were created. It was intended that these two structures would eventually link up and coordinate their actions into the "International Marine Park" (IMP). As stated above, for the French side, an agreement between the central Government and the territorial authority of Corsica designated the Office of the Environment of Corsica (OEC) to manage the project and the Natural Reserve of the Mouths of Bonifacio was thus created by a decree of September 23, 1999. For the Italian part, a National park was born in 1994 around the Archipelago of Maddalena and the minor islands (Mortorio, Nibani and Bisce), under the initiative of the Italian State and the autonomous Area of Sardinia.

The IMP enjoys the support of INTERREG III but also other EU Programmes such as Life program, launched within the framework of the Habitat directive on the protection of the species of fauna and the flora.

As originally envisioned, management of the area is becoming increasingly coordinated, however many challenges still lie ahead. A Franco-Italian Steering committee, composed of the principal representatives of the Parties concerned, now heads this structure of transboundary co-operation. This committee has already defined and acknowledged the main competence that will be entrusted to the structure of the international coordination:

- Development of management action and protection of the natural heritage
- Scientific follow-up
- Raising awareness of the public and communication.

B. Regime of transit passage in the international strait

The legal regime applicable in the strait of Bonifacio can be found in the UN Convention on the Law of the Sea (UNCLOS).

The UNCLOS was signed in Montego Bay 1982 and entered into force in 1994. The Convention, which is very wide in scope organises the framework for the law of the sea. It is noted that the Convention codified a great number of norms of customary law. However there are innovative provisions in the Convention about which their nature (customary or not) is under discussion.

The Convention has 145 State Parties (as of 16 Januray 2004) and in the Mediterranean, only 5 coastal States are not Parties yet[3]. Because the Bonifacio strait links areas of international waters, it is the principle of passage in transit that is applicable[4]. This principle of passage in transit which is relatively new (creation during negotiations under UNCLOS) contains a stronger connotation of freedom of the sea than in the principle of innocent passage existing in the territorial sea.

1. Rights and obligations of Foreign ships in the international strait of Bonifacio

Foreign ships enjoy a right of "transit passage", which cannot be suspended by coastal States[5].

They however bear duties[6] while exercising their right of passage:

- "refrain from any **threat** or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations". Considering the meaning of threat in international law, basically as being a threat against international peace and security, it does not seem appropriate to say that navigation in the strait could be result in a threat against the sovereignty or territorial integrity of France or Italy or violation of the principles of international law embodied by the UN Charter.
- "refrain from any **activities** other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by *force majeure* or by distress";
- "comply with **other relevant provisions** of this Part". We know that navigation cannot be suspended. However, in complying with the

3 Turkey, Syria, Libya and Israel.
http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm#The%20United%20Nations%20Convention%20on%20the%20Law%20of%20the%20Sea

4 Art. 37 UNCLOS.

5 Art. 44 UNCLOS.

6 Art. 39 UNCLOS.

obligation to protect the environment, bordering States cannot suspend navigation in the strait.

2. Rights and obligations of Bordering States

Bordering States can adopt laws and regulations applicable on foreign ships on their waters under jurisdiction[7]. However:

- passage in transit shall not be suspended
- no discrimination between foreign States shall happen

Bordering States can also designate sea lanes and prescribe traffic separation schemes for navigation in straits where necessary to promote the **safe passage of ships**[8]. However:

- there should be due publicity
- it should be conform to **generally accepted international regulations**.
- it shall be adopted by the competent international organization (international maritime organization)

What control and enforcement measures do the bordering States have to implement their laws and regulations on foreign ships? The Convention remains silent on this point. However the Convention says:

- the flag's State of the ship can be held internationally responsible for resulting damage[9]
- bordering States can take appropriate police measures if a foreign commercial ship has caused or threatens to cause important damage to the marine ecosystem[10].

A contrario, it seems that the bordering States cannot exercise enforcement on foreign ships if the infraction does not fall under this very category[11]. The International Court of Justice (ICJ) which role is to interpret the Convention and set disputes between Parties could clarify the rights hold by bordering States in a strait. The ICJ had to deal with a dispute between Finland and Denmark in 1991 concerning the passage of the international strait of the Great Belt. However, the dispute was settled by a financial compensation agreement in 1992.

C. Improving maritime safety in the strait of Bonifacio

7 A bordering State can for example adopt laws and regulations prohibiting fishing, prevention of pollution, maritime safety, and regulation of maritime navigation. Article 42 UNCLOS

8 Art. 41 UNCLOS.

9 Art. 41 UNCLOS

10 "Nothing in sections 5, 6 and 7 affects the legal regime of straits used for international navigation. However, if a foreign ship other than those referred to in section 10 has committed a violation of the laws and regulations referred to in article 42, paragraph 1(a) and (b), causing or threatening major damage to the marine environment of the straits, the States bordering the straits may take appropriate enforcement measures and if so shall respect mutatis mutandis the provisions of this section". Article 233 UNCLOS

11 Daillier P., Pellet A., Droit International Public, 6e edition, LGDJ, 1999.

The strait of Bonifacio is particularly dangerous for maritime navigation. It has dangerous reefs and heavy winds making maritime safety a key issue to address when navigating in this international strait. The September 1996 accident of the *Fenès*, a cargo liner flying Panamanian flag, which occurred in the heart of the future IMP put maritime safety in the strait on the top agenda. The release of the liner's cargo near the Lavezzi islands (2.600 tons cereals) seriously threatened the underwater flora, and more particularly the sea grass bed that is a refuge and food reserve of many marine species.

France and Italy have joined efforts since a decade to organise maritime traffic and prevent maritime pollution in this particularly sensitive zone. Indeed, the bordering States prohibited the passage of ships flying their flags in 1993. However, this prohibition regime does not apply to foreign ships.

The international regime applicable is a recommended route for ships transporting dangerous and hazardous substances decided at the IMO. All IMO members are recommended a route but this regime is not binding. Both countries are in charge of the implementation of the 1998 IMO Circulars. The two countries have installed monitoring infrastructure consists of two terrestrial bases which assists ships.

(1) the Semaphore of Pertusato (French side) and
(2) the Coast Guard base in La Maddalena (Italian side)[12]

Maritime traffic has been substantially reduced. According to the Semaphore of Pertusato, almost 80% of captains navigating in the strait are aware of the international regulations concerning the procedures of ship reporting system and ship separation scheme in the strait. More than 50% comply to the recommended route. Cases of infringement are rare. In 2002, about 70% of ships navigating in the strait were complying with the recommended route whereas in 2001, 55% only did. In 1998, following the enactment of both French and Italian legislation banning the ships flying their flag to use of the strait, the traffic was drastically reduced.

Ships still navigate but their number is also lowering. Each year, approximately 3800 ships are using the Bonifacio Mouths (ten per day)[13]. This trend is also visible for traffic of ships transporting dangerous and hazardous substances. Transport of hazardous substances has been reduced by 6 since 1993. As for oil transportation, traffic has been reduced by 10. 14.

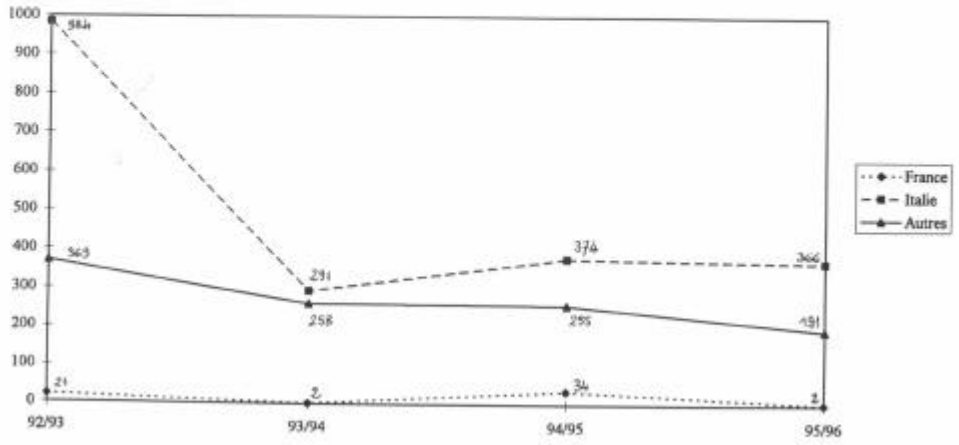
12 A newly acquired radar of the Coast Guard base in La Maddalena became active on 1st September 2003. Préfecture Maritime de la Méditerranée.

13 In comparison, in Ouessant about 150 ships are reported each day.

14 Préfecture Maritime de Toulon, Méditerranée.

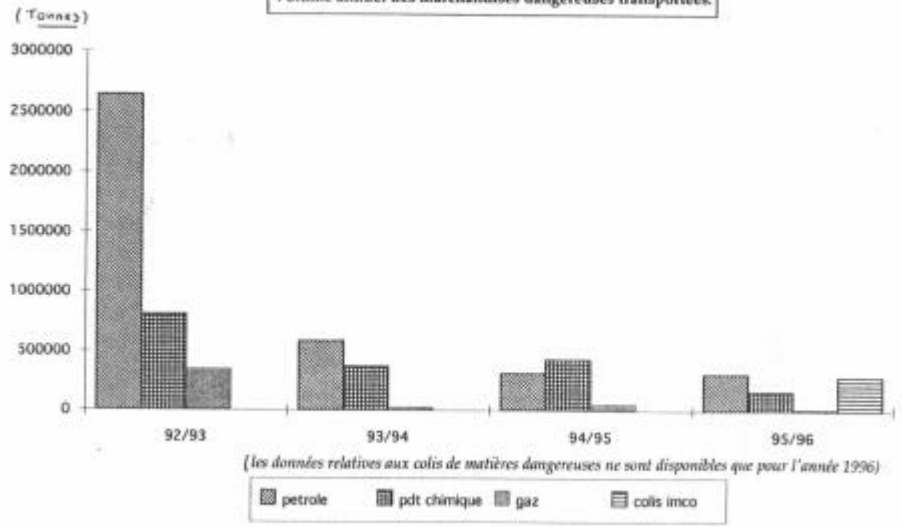
Annexe n°11

Evolution du nombre de navires (pétroliers, chimiquiers, gaziers) passant par les Bouches de Bonifacio



ANNEXE 12

Volume annuel des marchandises dangereuses transportées.



(Two figures obtained from Office Environnement Corse. 2004)

We can say that:
(1) navigation in the strait cannot be suspended to foreign ships;
(2) bordering States can establish a marine protected area in the international strait for environment purpose. It seems a difficult exercise, but the objective of protection of the environment shall not be undermined by the right of navigation of foreign ships in the strait. Indeed, the challenge is identify and explore all legal tools available to

grant a protection regime applicable to biggest number of countries in the marine area of the Mouths of Bonifacio.

This case study aims at putting the national efforts for the establishment of the International Marine Park in the Mouths of Bonifacio in perspective with developments in international law. It is necessary to consider the relevant international framework, legal instruments and international agenda in which the future International Marine Park will develop and be implemented.

The future IMP (1) contains an international strait in which maritime navigation cannot be suspended and (2) contains a part of high seas in which implementation is difficult. In this regard, the issue of regulation of activities in the future Park in national areas will not be addressed but will rather focus on two specific aspects:

1. regulating maritime navigation in the strait
2. implementing the future International Marine Park in the high seas

I. IMPROVING SAFETY OF MARITIME NAVIGATION IN THE INTERNATIONAL STRAIT

The overlying general obligation is of protection of the marine environment born by all States, no matter within or beyond national jurisdiction[15]. However, in practice, implementing this obligation in the high seas or in an international strait poses problems in international law of the sea as the principle applying is the one of freedom of the sea.

The strait of Bonifacio is, under the UNCLOS, a strait "used for international navigation". Coastal States' rights are exceptionally restricted in international straits despite the gravity of the environmental risk posed by navigation in such marine areas. But this prohibition of suspension of navigation does not mean that coastal States is freed of obligation to organise maritime safety.

A. IMO's rules

The International Maritime Organisation (IMO) is the United Nations' specialized agency responsible for improving maritime safety and preventing pollution from ships and is competent to adopt special mandatory measures regarding maritime navigation16. The system of voting rights that the IMO has is derogatory of the principle of equality of States: the bigger the fleet and the bigger financial contribution, the bigger the weight in voting. A significant number of international Conventions have been negotiated in the IMO fora, some of them of major importance (some not yet in force).

15 Art. 192 UNCLOS.

Coastal States can ask the IMO to adopt special measures addressing problems of any kind of vessel source pollution, not only discharge pollution.[17] With the initiative of coastal States, the IMO authorizes special measures in special circumstances "in case the generally accepted international rules and standards are inadequate to meet special circumstances and coastal States have reasonable grounds for believing that a particular, clearly defined area of their respective EEZs is an area where the adoption of special mandatory measures for the prevention of pollution from vessels is required for recognized technical reasons in relation to its oceanographical and ecological conditions, as well as its utilization or the protection of its resources and the particular character of its traffic" (article 211 para 6a UNCLOS).

The procedure is as follows:
(1) Coastal State submits scientific and technical evidence in support and information on necessary reception facilities to the IMO Marine Environmental Protection Committee (MEPC).
(2) If the Organisation determines that the conditions are met, the coastal States may, for that area, adopt laws and regulations for the prevention, reduction and control of pollution from vessels implementing such international rules and standards or navigational practices as are made applicable, through the organization, for special areas.

States have been generally reluctant to accept mandatory nature of these special measures affecting their freedom of navigation beyond territorial waters. Therefore, the IMO has generally only recommended traffic separation schemes (TSS) to States, i.e. giving the recommendation a non-binding nature. However, the fact that the obligation to comply to TSS has been inscribed in other international Conventions shows that it gained a certain acceptance by States.[18] Today, there are more than 100 TSS worldwide.[19]

Recently, the IMO has a new category of TSS: No-anchoring areas. This should be adopted in areas where anchoring is unsafe, unstable, hazardous, or it is particularly important to avoid damage to the marine environment, and therefore anchoring should be avoided by all ships or certain classes of ships.

B. The regime of maritime navigation in the strait of Bonifacio

With a strong support from local population, France and Italy decided to take the necessary steps in order to ban certain vessels (national at first) from navigating

17 Under MARPOL 73/78, coastal States can propose designation of special areas only as far as discharge standards are concerned.

18 In 1972, the Convention of London (COLision REGulation COLREG 72) is adopted and entered in force on 15 July 1977. Under this instrument, member States bear the obligation to comply with Traffic Separation Schemes (TSS) adopted by the IMO (rule number 10). The Convention has been ratified by 125 States representing 96% of the world tonnage (1995).

19 E. STEINMYLLER, Navigation dans les détroits internationaux et protection de l'environnement, Les Cahiers du CRIDEAU, n. 5, 1999, Pulim.

through the strait. As a result, two parallel legislations were enacted in February 1993 banning vessels carrying hazardous substances through the strait[20].

Although bordering States can set laws and regulations for safety of navigation, they cannot enforce it over foreign flag vessels. Therefore these measures triggered protestation from States, and as a result only vessels flying French and Italian flags carrying hazardous substances were banned.

Maritime traffic dropped from 950 medium-size oil tankers in 1992 to 300 in 1993 and the number of vessels carrying hazardous substances has seriously declined as well. However, Jean-Marie Bacquer considers that this apparent amelioration disrupted attention from the real problem i.e. enhancing the maritime traffic organisation in the strait[21].

1. IMO resolution A. 766 (18) of 4 November 1993

In its proposal, France had put forward a proposal before the IMO for discussing establishment of Traffic Separation Scheme (TSS) but IMO decided not to address this topic. Therefore debate over "zones to be avoided" was aborted. But a contrario nothing precluded IMO from issuing an opinion in 1998 on this issue.

The IMO's opinion was based on its Resolution A. 766 (November 1993) which encourages IMO members to "forbid or strongly discourage" the transit of their flag vessels carrying hazardous substances. The IMO reaffirmed that freedom of navigation in international straits is an absolute priority. As noted below, this is the current applicable regime.

Why should a member State enact legislation for the conservation of such an insignificant and isolated strait? In his 1996 study, Jean-Marie Bacquer states that no IMO member States –except France and Italy- had enacted such a regulation, not even EU Mediterranean countries. And the situation does not seem to have changed.

2. IMO Circulars SN/Circ. 1998 and 201 of 26 May 1998: Mandatory shipping system for ships of 300 gross tonnage

Between 1993 and 1996, a series of maritime accidents (including Fénès) occurred in the straits that triggered reappearance of the issue of traffic separation scheme debate about safety of maritime navigation in the straits of Bonifacio.

The IMO Maritime Safety Committee in its 69th session furthered the system of traffic organisation by something different than a separation scheme: a mandatory ship reporting system (SRS). The IMO Circulars sets a mandatory ship reporting system (SRS) in the strait of Bonifacio for "ships of 300 gross tonnages and over are required to participate in the system". Annex 2 details the system of reporting, the

20 Arrêté Préfectoral N.1/93 of 15 February 1993 (France) and Decree of 26 February 1993 from the Ministry of Merchant Marine (Italy).

21 J.-M. BACQUER, "Etude relative aux conditions de la navigation dans les Bouches de Bonifacio et aux modalités qui permettraient d'en améliorer le contrôle, OEC, 1996, p. 26-30.

procedure to follow, the radiocommunication system. Parties are required to report information on any defect, damage, deficiency or limitations "in accordance with provisions of SOLAS and MARPOL Conventions".

The IMO, in the Circulars, lists the rules and regulations in force in the area of the system. From these rules and regulations listed are:

- COLREGs (international regulations for preventing collisions at sea)
- Non binding IMO resolution A.766 (18) of 1993, which shall "remain in force as far as it recommends each flag State to prohibit or at least strongly discourage the transit by certain categories of ships."
- National regulation: (1) Arreté of the Préfet maritime for Mediterranean region N. 23/83 dated 6 May 1983 rules navigation in the approaches of the French coast in order to prevent accidental marine pollution, for ships carrying hazardous or polluting cargoes. (2) Arreté of the Préfet maritime N. 1/83 dated 15 February 1993 and 7/93 dated 5 March 1993 and Italian decree of the Minister of Merchant Marine dated 26 February 1993 prohibit transit through the Strait of Bonifacio for French and Italian ships carrying oil products or hazardous goods. These provisions are further backstopped by the IMO's Circulars saying that the national prohibition shall remain in force.

The IMO circulaires were introduced in the French legal system by an Arrêté préfectoral N. 84/98 of 3 November 1998 of the Préfet maritime in the Mediterranean and in Italy with a Decree of 27 November 1998.

According to article 211 para 6c, coastal States can adopt in presence of special circumstances for an area already established under article 211 para 6a "additional necessary laws and regulations". Tullio Scovazzi considers that this "appears to refer to measures different from those generally established by the IMO for application in special areas". In presence of special circumstances, States would be entitled to apply to the IMO in order to be authorized to exercise additional anti pollution jurisdiction in clearly defined areas: EEZs, territorial seas and international straits[22]. So far, this legal possibility has received no application by coastal States. However, establishment of technical standards by IMO addressed to maritime operators could be an application of this possibility.

C. Special Areas for environmental purposes under the International Maritime Organization

The IMO as a forum where the global agenda on maritime safety and pollution prevention is discussed, the rule "one State one vote" does not apply like in other fora. In the IMO, States' right to participate is proportionate to the degree of its shipping activity. The shipping industry is quite present within IMO and environmental concerns do not always go in favour of shipping industry's interests.

22 T. SCOVAZZI, Marine Specially Protected Areas, The General Aspects and the Mediterranean Regional System, International Law and Policy Series, Kluwer Law International, The Hague, Boston, London, 1999.

In the case of Bonifacio, the fact that the IMO refused to ban ships from using the strait by only setting a recommendation, undermined the objectives of the national bans edicted by France and Italy and this encouraged the use of flags of convenience.

However, the IMO's "Particularly Sensitive Sea Area" (PSSA) designation is a potentially important tool for marine protected areas beyond national jurisdiction and for straits used for international navigation. It can act as a "safety valve" enabling to take into consideration exceptional character of certain areas to legitimate zones to be avoided23. Already back in 1985, the IMO in its Resolution A.572 (14) of 20 November 198524, considered that the "zones to be avoided" should be areas where the environment could have irreparable damage in case of accident.

A Particularly Sensitive Sea Area (PSSA) is an area that needs special protection through action by IMO because of its significance for recognized ecological or socio-economic or scientific reasons and which may be vulnerable to damage by international maritime activities. PSSA could be legally founded under article 211 para 6 of the Convention. Professor Scovazzi considers that States "are willing to give the IMO the power to authorize the adoption by coastal States of special anti pollution measures in their coastal zones".
Guidelines on designating a "particularly sensitive sea area" (PSSA) are contained in resolution A.927 (22) Guidelines for the Designation of Special Areas under MARPOL73/78 and Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas[25].

The Guidelines includes criteria to allow areas to be designated as PSSA: 1. ecological criteria, such as unique or rare ecosystem, diversity of the ecosystem, or vulnerability to degradation by natural events or human activities; 2. social, cultural and economic criteria, such as significance of the area for recreation or tourism; and 3. scientific and educational criteria, such as biological research or historical value. Only one of these criteria is sufficient to request that an area be designated as PSSA.

23 T. SCOVAZZI, Marine Specially Protected Areas, The General Aspects and the Mediterranean Regional System, International Law and Policy Series, Kluwer Law International, The Hague, Boston, London, 1999.

24 Point 5, paragraph 5.6.

25 Adopted on 29 November 2001.

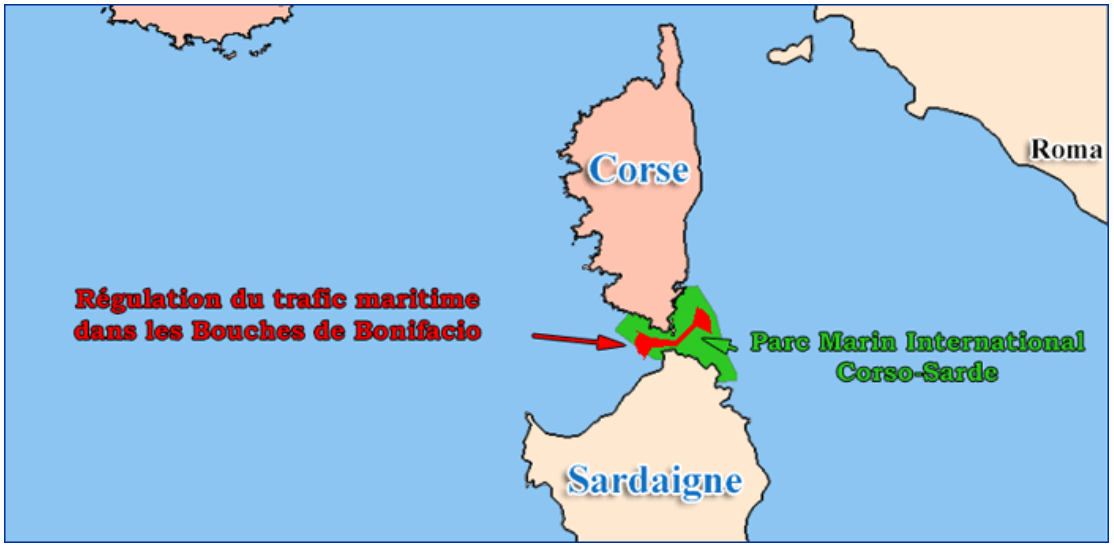


Figure 4: Source Office Environnement Corse.

The State proposing a PSSA should be able to persuade[26] the international community (IMO) of:
(1) exceptional vulnerability of a certain area;
(2) ineffectiveness of generally approved measures in that area.

So far, PSSA is useful with regard application of generally accepted rules and standards. According to Professor Scovazzi, "in cases where the exceptional character is made absolutely clear with the PSSA designation, the negative attitude might be surrounded"[27].

II. LEGAL MEANS TO STRENGTHEN THE FUTUR INTERNATIONAL MARINE PARK OF BONIFACIO

Any legal regime pertaining to an MPA should take into account of all activities taking place in conformity with the United Nations Convention on the Law of the Sea (UNCLOS). International instruments applicable in an MPA include those pertaining directly to marine conservation but also those indirect instruments pertaining to activities such as those dealing with maritime safety, prevention of marine pollution, sustainable fisheries.

A selected number of treaties and laws will be analysed:
- The 1995 Barcelona Protocol on Specially Protected Areas and Biodiversity in the Mediterranean
- The UNCLOS
- The binding norms enacted by IMO

26 In this regard it is worth noting that the proposal from western European Countries for a PSSA in the Atlantic during MEPC 49 was significantly large. The bigger and strategically situated the area proposed as a PSSA is, the more it is likely to meet States' reluctance.

27 T. SCOVAZZI, Marine Specially Protected Areas, Ibid.

A. The 1995 Protocol on Specially Protected Areas and Biological Diversity in the Mediterranean

The Barcelona system, consisting of the 1976 Convention on the Protection of the Mediterranean Sea against Pollution and its relevant Protocols, underwent important changes in several of its components after the United Nations Conference on Environment and Development (Rio de Janeiro, 1992). The Convention and most existing protocols have been amended, new protocols have been updated and contains important improvements in envisaging new solutions.

The Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean, opened to signature in Barcelona in 1995, is applicable to all the marine waters of the Mediterranean, irrespective of their legal condition, as well as to the seabed, its subsoil and to the terrestrial coastal areas designated by each party, including wetlands.

In this regard, the mechanism offered by the Protocol is an example that could be reproduced in other region or at the global level, as put forward at the UNICPOLOS V in June 2004. "Given the existing legal framework, a number of delegations said that the international community should at this point consider specific ocean governance options. One delegation suggested the adoption of an international treaty that would provide a mechanism for the establishment and regulation on an integrated basis of MPAs on the high seas and the seabed beyond the limits of national jurisdiction. The treaty could be modeled on the mechanism established in the Mediterranean region under the Protocol Concerning Specially Protected Areas and Biological Diversity, which provided for the establishment of a list of specially protected areas of Mediterranean interest, including in the high seas. Some delegations suggested that the Consultative Process establish a working group with a mandate to begin the preparation of a legal instrument. Other delegations stressed the need to balance the protection of high seas ecosystems with freedom of navigation and other freedoms associated with the high seas. Another delegation expressed the view that marine and coastal protected areas should be considered only as one of the essential tools and approaches in the conservation and sustainable use of marine and coastal biodiversity". [28]

The new protocol provides for the establishment of a List of specially protected areas of Mediterranean interest (SPAMI List), which may include sites which are of importance for conserving the components of biological diversity in the Mediterranean, contain ecosystems specific to the Mediterranean area or the habitats of endangered species or are of special interest at the scientific, aesthetic, cultural or educational levels.

The decision to include an area in the SPAMI List is taken by consensus by the contracting parties during their periodical meetings. Once an area is included in the SPAMI List, all the parties agree to comply with the applicable measures and not to

[28] Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its fifth meeting UNGA A/59/… Advance and unedited text http://www.un.org/Depts/los/consultative_process/documents/draft_report_fifth_meeting.pdf

authorize nor undertake any activities that might be contrary to the objectives for which the SPAMI was established.

The future International Marine Park of Bonifacio if recognized as a SPAMI could be implemented to all members of the 1995 Barcelona Protocol. Should a dispute arise and be brought before the International Court of Justice, the World Court could in its ruling "recognize" this marine protected area covering an international strait. This recognition could gave a certain effect on the UN Charter Parties.

By enlisting a site in the SPAMI, the Parties recognize the Mediterranean importance of an area and accept to implement it including national legislations pertaining to this area.

1. Implementation by Barcelona Parties

The Barcelona System consists in its legal structure of a core Convention enriched with protocols including the 1995 Protocol on specially protected areas and biological diversity in the Mediterranean (the SPA and Biodiversity Protocol29). The main idea emerging from the Barcelona system is that it is based on cooperation among Parties and with non Parties.

The major element of the SPA Protocol is that, according to article 2 of the protocol, its scope covers any sea area within the Mediterranean, regardless of the juridical status of the area. This means that the protocol envisages possible repercussions that specially protected areas can have beyond national jurisdiction on navigation. "The Parties, in conformity with international law and taking into account the characteristics of each specially protected area, shall take the protection measures required, in particular; (…) c. the regulation of the passage of ships and any stopping or anchoring (…)" (Article 6 of the 1995 protocol).

Specially Protected Areas of Mediterranean Importance (SPAMI) are created by multilateral action and consensual approval of all member States30. Reaching a consensus is thus a challenge. Interested State(s) have to initiate a request with a proposal containing information on the geographical position of the area, its environmental characteristics, its juridical status, the proposed management plan and the means for its implementation, as well as a statement justifying its Mediterranean importance. One major aspect is that the proposed areas will be included in the SPAMI list by a decision involving the consensus of all contracting Parties. By approving the inclusion, Parties to the protocol undertake to recognize its particular importance for the Mediterranean and bear obligations in this regard.

The principle is that a Convention only binds member Parties. However some instruments can have some effect on third States where, where as in the SPA Protocol, Countries are required to "endeavor to cooperate" no matter if Parties or not Parties (Article 4).

29 Although the SPA and Biodiversity in the Mediterranean Protocol has been signed in 1995 and is now in force, the SPA Protocol of 1976 is still in force.

30 21 Member States and the EU.

2. Implementation on third States

We will address the effects of the regime on Barcelona Parties and on IMO Parties.

Parties Barcelona Parties

Under the Protocol, Parties bear a duty to comply with the measures applicable to the SPAMI and not to authorize nor undertake any activities that might be contrary to the objectives of the SPAMI.

The objectives of the SPAMI are: [data being obtained].
The Parties must also undertake to adopt appropriate measures, consistent with international law, to ensure that no one engages in any activity contrary to the principles or purposes of this Protocol (Article 28 of the SPA and Biodiversity Protocol).

Parties to the Protocol are required to co-operate with third States and international organisations for the implementation of the protocol (article 28 of the Protocol). Barcelona Parties can therefore exercise "pressures" on third States to impose navigation restrictions measures within Specially Protected Areas of Mediterranean Importance to the vessels flying their flag.

IMO Parties

The IMO, although not mentioned as the only exclusive competent organisation to do so, may adopt non binding resolutions. Mandatory measures can be asked at IMO including with regard to establishing mandatory ship reporting systems or routing schemes.

Parties bear an obligation to adopt appropriate measures, consistent with international law, to ensure that no one engages in activities contrary to the principles or purposes of the protocol. Such an obligation means that States should implement the provisions in their different capacities of flag, coastal or port States.

Professor Scovazzi considers that the role of port States can be of particular value in assuring a certain effectiveness of the special areas provisions adopted under the protocol with respect to third States ships in marine areas located beyond the limits of coastal jurisdiction. States have the right under international law to set conditions for the access of foreign ships to their ports although this is not an absolute right. The Mediterranean coastal States most interested in the protection of a certain SPAMI could make use of the power to set conditions for access to their ports in order to obtain the compliance of foreign ships with the protective measures adopted in the area[31].

31 T. SCOVAZZI, Marine Specially Protected Areas, The General Aspects and the Mediterranean Regional System, International Law and Policy Series, Kluwer Law International, The Hague, Boston, London, 1999.

B. Extending jurisdiction for environmental purposes

According to the Montego Bay Convention, each Coastal States declare its EEZs. The principle is that, in the EEZs, coastal States are entitled to adopt laws and regulations giving effect to generally accepted international rules and standards established through the competent international organisation or general diplomatic conference. (article 211 para 5 UNCLOS)

In the Mediterranean, however, for geopolitical reasons, no EEZs has been declared. Therefore, the high seas accidentally reign in most of the Mediterranean. All Mediterranean Countries adopt different and uncoordinated approaches in their extension of jurisdiction.

The overall general obligation born by all States is the obligation to protect the marine environment within and beyond national jurisdiction (art. 194 UNCLOS)

As almost no Mediterranean States have yet declared Exclusive Economic Zones (EEZs), the powers exercised by the coastal States with regard to implementation on foreign vessels of its laws and regulations of vessel source pollution is not possible beyond its territorial waters thus seriously reduce the geographical scope of implementation of laws and regulation.

However, the UNCLOS contemplated a way to establish MPA in the High seas. Even though the issue of implementation is still open. Indeed, international law is constantly under evolution and therefore it is crucial to interpret international instruments accordingly.

1. The Mediterranean high seas : an accident

For geopolitical reasons, hardly any Mediterranean States have declared an exclusive economic zone (EEZ), and therefore the majority of the Mediterranean Sea (approximately 80%) is subject to high seas regulations as per the Convention on the Law of the Sea (Montego Bay, 1982).

On the high seas, all States (whether coastal or landlocked) enjoy a certain number of freedoms, namely: (a) the freedom of navigation; (b) freedom of flying over an area; (c) freedom of laying underwater cables and pipelines; (d) freedom of building artificial islands and other facilities; (e) freedom of fishing; and (f) the freedom of scientific research.

According to the high seas legal system, it is incumbent upon each State to apply its international obligations within the framework of its jurisdiction: 1/ over its national territory including the territorial sea, contiguous sea, the EEZ (or *sui generis* fishing and / or environmental protection zone), and the continental shelf; 2/ over its nationals, including the vessels flying its flag. A State's compliance with its obligations can be controlled, although the means of control and constraint remain limited and difficult.

Nevertheless, the concept of freedom of the sea should not be considered in absolute terms, but rather in the context concerning us, namely, the diverse controversial maritime activities, uses and interests. Eminent authors consider that there is a real "tendency towards a weakening of the traditional principle of freedom of the sea." It must be recalled that:

- ? Freedoms at high seas shall be exercised with respect for the interests of other States;
- ? According to international common law, all States are obligated, as a general rule, to protect the marine environment (Article 192) and cooperate in good faith (Article 123 of the UNCLOS).

We have witnessed national initiative of "creeping jurisdiction" but addressing specific jurisdiction as opposed to sovereign rights.

2. National initiatives in line with UNCLOS

Recent initiatives undertaken in the Mediterranean presage an in-depth modification of the legal system applicable to the Mediterranean. Very few Mediterranean States have declared their Exclusive Economic Zone. A large majority have unilaterally extended their jurisdiction for specific purposes ie fisheries management and/or ecological protection.

Such extensions however lack integration and partially apply the ecosystem approach and basic environmental principles (precaution approach – polluter pays principle) requiring strengthened efforts.

Fishing zones

In the Mediterranean, there are four countries, namely, Algeria, Malta, Spain and Tunisia that have claimed fishing zones extending beyond their territorial waters.

In 1994, Algeria claimed an exclusive fishing zone ("zone de pêche réservée"), beyond its territorial sea and adjacent to it, whose extent 32 nautical miles from the western maritime border and Ras Ténés and 52 nautical miles from Ras Ténés, to the eastern maritime border[32].

Malta has claimed a 25-mile exclusive fishing zone since 1978[33]. However, due to the geographical features of the area, the northern boundary of the Maltese fishing zone falls short of 25 nautical miles[34].

In 1951, Tunisia claimed an exclusive fishing zone that is delimited for about half of its length by the 50-m isobath[35]. Use of this criterion to delimit a maritime zone is unique in international practice. Because of the shallow waters in the region, the

32 Article 6 of Legislative Decree of 28 May 1994.

33 See Section 3 subsection (2) of Act n° XXXII of 10 December 1971as modified by Section 2 (b) of Act n° XXIV of 21 July 1978.

34 Malta applies the "median line rule" set out in the LOSC.

35 See Article 3 (b) of Decree of 26 July 1951as modified by Law n° 63-49 of 30 December 1963.

external limit of this fishing zone is a line the points of which are located, in certain cases, as far away as 75 nautical miles from the Tunisian coast and only 15 nautical miles from the Italian island of Lampedusa. The Tunisian fishing zone encompasses the rich bank called "Il Mammellone" ("the Big Breast"), which has traditionally been exploited by Italian fishermen and is considered as an area of the high seas by Italy.

More recently, Spain, by Royal Decree n° 1315/1997 of 1 August 1997 as modified[36], claimed a 37-mile wide fisheries protection zone measured from the outer limit of the territorial sea[37]. The fisheries protection zone is delimited according to the line which is equidistant (median line) from the opposite coast of Algeria and Italy and the adjacent coast of France. No fisheries protection zone is established in the Alboran Sea, off the Spanish coast facing Morocco. Interestingly, it was argued, in the preamble of the Royal Decree, that extension of jurisdiction over fisheries resources beyond territorial waters was a necessary step to ensure adequate and effective protection of fisheries resources. In Spain's view, maintenance of the status quo, which was already characterized by excessive exploitation of fisheries resources, was unacceptable as it would have rapidly led to the depletion of these resources.

Building on the Spanish approach, the European Union, in a 2002 document laying down a Community Action Plan for the conservation and sustainable exploitation of fisheries resources in the Mediterranean[38], advocated the declaration of fisheries protection zones, of up to 200 nautical miles, to improve fisheries management in the Mediterranean. It stressed the fact that establishment of fisheries protection zones would facilitate control and contribute significantly to fighting against illegal, unreported and unregulated (IUU) fishing. The document emphasized the need to build a consensus through wide consultation and involvement of all countries bordering the Mediterranean basin, if such undertaking is to be successful and effective. To achieve this, a common approach should first be agreed upon by Community Member States and, subsequently, by all the countries in the region. Recently, France indicated that it adhered to this approach and that the legislation to declare a 50-mile fisheries protection zone off its Mediterranean coast was in the process of being drafted[39].

While declaration of fisheries protection zones will have legal implications on jurisdiction over fisheries resources, it will not affect jurisdiction over, *inter alia*, mineral or fossil resources, navigation or any other rights in this area. Unlike sovereign rights conferred upon the coastal State in the EEZ, those enjoyed by it in a fishing zone are restricted to the exploration, exploitation, management and conservation of fisheries resources[40]. The effect of establishing fisheries protection

36 It was modified by Royal Decree n° 431/2000 of 31 March 2000.

37 49 nautical miles from the baselines used to measure the breadth of the territorial sea. See map in Annex 1.

38 See Commission of the European Communities, Communication from the Commission to the Council and the European Parliament laying down a Community Action Plan for the conservation and sustainable exploitation of fisheries resources in the Mediterranean Sea under the Common Fishery Policy, COM (2002) 535 final, Brussels, 9 October 2002.

39 Information was communicated during the European Union First Preparatory Meeting for the Ministerial Conference on Mediterranean Fisheries to be held in Venice, Italy, from 25 to 26 November 2003, which took place in Athens, Greece, from 19 to 20 June 2003.

40 National definition may be narrower than this.

zones will be to reduce the area of high seas and thus to modify access rights to certain fisheries. Loss of access to fishing grounds that were previously part of the high seas could be overcome through the conclusion of bilateral fisheries access agreements. In areas where extension of national jurisdiction may have serious detrimental social and economic effect, mitigating measures may be worked out through, for instance, recognition of historical fishing rights for specified vessels[41].

41 Devising of such measures are in line with provisions of Article 62.3 of the LOSC on utilization of the living resources in the EEZ, which stipulates that: "(I)n giving access to other States to its exclusive economic zone under this article, the coastal State shall take into account all relevant factors, including, … the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks."

Zones of ecological protection

One country namely France has declared an Ecological Zone (« Zone de protection écologique ») by decree n°2004-33 of 8 January 2004 published in the J.O n° 8 of 10 January 2004 page 844. France claimed this maritime zone, legally considered as an exclusive economic zone, in conformity with the Convention on the Law of the Sea (UNCLOS). This zone will enable to implement laws and regulations regarding marine pollution and apply coercitive measures in this zone where no Exclusive economic zone has been declared.

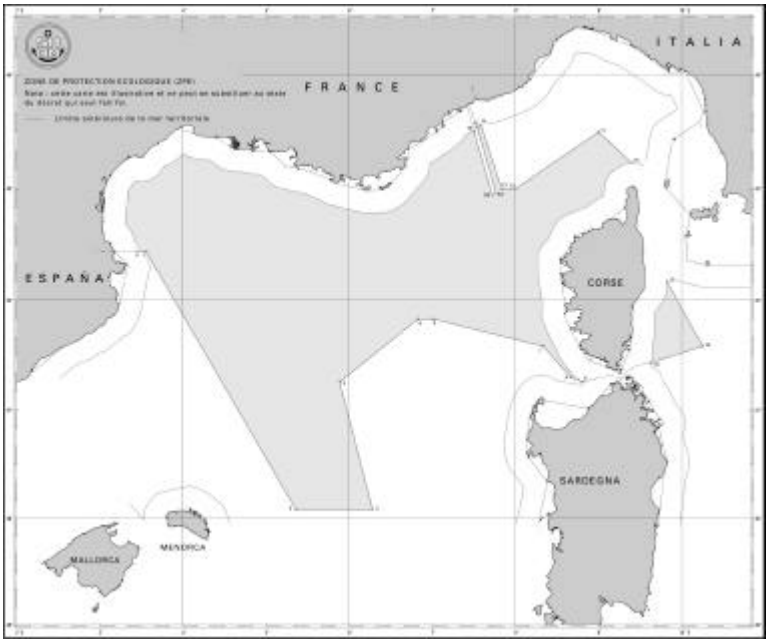


Figure 5: Zone of Ecological Protection of France

The reasoning is that as if in its Exclusive economic zone, a coastal State have jurisdiction over natural resources for economic purposes in certain conditions, then a coastal State can unilaterally decide not to exercise all of its powers, for example limiting its jurisdiction over conservation purposes, fishing purposes, prevention of pollution purposes.

More recently, the Republic of Croatia declared on 3 October 2003 a Zone of Ecological Protection and Fisheries that will come into force next year. The extended jurisdiction will enable Croatian authorities to implement their competences which are allowed by international law in the area of protection of vulnerable marine ecosystems in order to ensure in an efficient manner a sustainable use of fisheries resources.

CONCLUSION

The environmental risks associated to maritime navigation (which is however one of the most environmental friendly transportation model[42]) need to be reduced through an improved regime of maritime safety[43]. The regime of navigation in the international strait of Bonifacio has been organized and nothing precludes in the future that a more protective regime (mandatory regime, a better selection of dangerous ships etc..) will be set.

In the case of the Bonifacio strait, the project of transboundary park was certainly a driving force for the settlement of a more sophisticated regime of navigation in the strait. And in this sense, is a good illustration of how a regional initiative to protect the environment can somehow challenge the principle of freedom of navigation. From the time being, the future IMP is now entering another stage in its establishment led by French and Italian managing authorities as well as a Pilot Committee ensuring international coordination.

Regional cooperation for marine protected areas is facilitated by the Protocol for Specially Protected Areas and Biodiversity. The existence of the Protocol is certainly a driving force for the establishment of the International Marine Park. France and Italy may seek to inscribe the IMP in the SPAMI list in the close future to get a regional recognition of the need to protect the IMP's uniqueness of ecological features.

It seems Italy is considering[44] to undertake a similar initiative than that of the French one which created the *Zone de Protection Ecologique*. This combined initiative would cover entirely the surface of the IMP and therefore would allow a proper compliance control by France and Italian authorities. National initiatives also need to be coordinated[45].

The general obligation of protecting the environment inscribed in international law has a particular echo in the Mediterranean which benefits from one of the most sophisticated legal framework in the world. But Mediterranean countries have now to take initiative and steps. Only through increased cooperation will they accept to, in consistence with their common interest of protecting the marine environment, the necessary compromise on an equitable manner.

42 http://www.un.org/Depts/los/consultative_process/documents/no1_core.pdf

43 This will require however more means (financial, technical, human..).

44 "The Italian authorities are presently studying the possibility to establish similar measures, especially as regards the ecological zone (…)."

45 IUCN Workshop on Improving Governance in the Mediterranean Beyond Territorial Sea, 15-15 March 2004. Available on line atwww.iucn.org

BIBLIOGRAPHY

Bacquer, J.M. "Etude relative aux conditions de la navigation dans les Bouches de Bonifacio et aux modalités qui permettraient d'en améliorer le contrôle", Septembre 1996.

Beer-Gabel, J. *Recueil des Traités Relatifs à la Méditerranée*, Paris, Pedone, 1997, 407

Beer Gabel, J. « Un Sanctuaire pour les Cétacés » in Les Zones Maritimes en Méditerranée, Revue de l'INDEMER (Institut du Droit Economique de la Mer), Actes du Colloque n°6, Monaco, 4-6 octobre 2001, p. 141.

Bindi, A.L. « Le projet de parc marin international des Bouches de Bonifacio, la sécurité et le contrôle de la navigation dans le détroit », IV *Annuaire du droit de la mer* 1999, pp. 166-177.

Dupuy, R.-J., *Espaces et Ressources Maritimes*, N.14, Pedone, Paris, 2001.

Juste Ruiz, J. "Regional Approaches to the Protection of the Marine Environment", in Thesaurus Acroasium, Protection of the Environment for the New Millenium, Ed by Prof. Kalliopi Koufa, Sakkoulas Publications, Vol. XXXI, 2002, p. 402.

Merialdi, A. "Legal Restraints on Navigation in Marine Specially Protected Areas" in *Marine Specially Protected Areas, The General Aspects and the Mediterranean Regional System*, International Law and Policy Series. Ed. Scovazzi. Kluwer Law International, The Hague, 1999, p. 30.

Scovazzi, T. "The Legal Condition of Mediterranean Waters" in *Marine Specially Protected Areas, The General Aspects and the Mediterranean Regional System*, International Law and Policy Series. Ed. Scovazzi. Kluwer Law International, The Hague, 1999, p. 48.

Scovazzi, T. "Marine Specially Protected Areas under Domestic Legislation" in *Marine Specially Protected Areas, The General Aspects and the Mediterranean Regional System*, International Law and Policy Series. Ed. Scovazzi. Kluwer Law International, The Hague, 1999, p. 4.

Scovazzi, T, "Marine Specially Protected Areas under International Law" in *Marine Specially Protected Areas, The General Aspects and the Mediterranean Regional System*, International Law and Policy Series. Ed. Scovazzi. Kluwer Law International, The Hague, 1999, p. 18.

Scovazzi, T. "Marine Protected Areas in the High Seas : Some Legal and Policy Consideration", in *International Journal of Marine and Coastal Law*, 2004. (To be published)

Scovazzi, T. “The Mediterranean Marine Mammals Sanctuary”, in *International Journal of Marine and Coastal Law*, 2001, p. 132.

Slim, H. « Les Aires Spécialement Protégées en Méditerranée » in *Les Zones Maritimes en Méditerranée*, Revue de l’INDEMER (Institut du Droit Economique de la Mer), Actes du Colloque n°6, Monaco, 4-6 octobre 2001, p. 121.

Steinmyller, E. *Navigation dans les détroits internationaux et protection de l’environnement*, Les Cahiers du CRIDEAU, n. 5, 1999, Pulim.

Van der Mensbrugghe, Y. « Les Détroits en Méditerranée : morceaux choisis » in *Les Zones Maritimes en Méditerranée,* Revue de l’INDEMER (Institut du Droit Economique de la Mer), Actes du Colloque n°6, Monaco, 4-6 octobre 2001, p. 55.

Vignes, D. « Les Zones de Pêche en Méditerranée » in *Les Zones Maritimes en Méditerranée*, Revue de l’INDEMER (Institut du Droit Economique de la Mer), Actes du Colloque n°6, Monaco, 4-6 octobre 2001, p. 111.

IUCN

Founded in 1948, the World Conservation Union brings together States, government agencies and diverse range of non-governmental organizations in a unique world partnership: over 900 members in all, spread across some 138 countries. The World Conservation Union builds on the strengths of its members, networks and partners to enhance their capacity and to support global alliances to safeguard natural resources at local, regional and global levels.

IUCN Centre for Mediterranean Cooperation works with IUCN members and cooperate with all other agencies that share the objectives of the IUCN. Our Mission is "to influence, encourage and assist Mediterranean societies to conserve and use wisely the natural resources of the region". The Centre for Mediterranean Cooperation has inaugurated a new programme, directed at making a major contribution to sustainable development and conservation of the marine resources in the Mediterranean – understanding, continued development and progress in implementing the legal regime. The centrepiece of the new marine law programme is the development of an IUCN Specialist Group to address marine law issues in the Mediterranean. This group will be part of the IUCN's global Commission on Environmental Law, and will represent the first step in creation of the global Specialist Group on Marine Law.

IUCN Centre for Mediterranean Cooperation
Parque Tecnológico de Andalucía
Calle Marie Curie,
Sede Social
Campanillas
29009 Malaga, Spain
Tel.: +34-952028430
Fax: +34-952028145

www.uicnmed.org