Regional Cooperation in the Mediterranean Sea: Lessons for the South China Sea?

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Outline

1. History - Geopolitical-legal context of the Mediterranean Sea
2. Regional Governance (UN Environment Regional Seas)
3. Shipping
4. Biodiversity
5. Fisheries
6. Lessons for the South China Seas?
Historical Background
Ancient Greece in the Mediterranean
Ottoman Empire in the Mediterranean 16th C

1530 AD

Knights of the Hospital of St. John of Jerusalem, Rhodes, and Malta; arrive on Malta, 1530
Cold-War Mediterranean Region
Post-Cold War Mediterranean Region
Mediterranean Sea

- Semi-enclosed sea with sub-seas (Adriatic Sea, the Aegean Sea, Sea of Alboran, Balearic Sea, Ionian Sea, Ligurian Sea, and Tyrrhenian Sea).
- 21 coastal States on three continents (Europe, Asia and Africa)
- Multiple languages (more than 10 official languages)
- Total population more than 400 million
- East-west 4,000 km
- The area of the Mediterranean Sea, including all adjacent seas except the Black Sea, is 2,523,000 km²
- Mediterranean only covers 0.7% of the world’s ocean area it is one of the major reservoirs of marine and coastal biodiversity, with 28% of endemic species and 7.5% of the world’s marine fauna and 18% of its marine flora.
Geo-political context of the Mediterranean Sea

• Post-Cold War changes
• Maritime boundaries
• Varied economic-political-legal-cultural-religious landscape
• North –South economic development differences
• Hot conflicts
• Frozen conflicts
• Human displacement/migration
Cyprus conflict
Israel-Palestine conflict
Syrian conflict
Migration in the Mediterranean
Migration in the Mediterranean
Maritime Boundaries in the Mediterranean Sea
Maritime boundary issues in the Mediterranean Sea

- Maritime delimitation
- Entitlements of maritime features
- Sovereignty over maritime features

- Mediterranean Sea covers about 2.5 million km$^2$, of which about 25% are under the full jurisdiction of the countries
- Remaining areas are potential EEZs
- If all countries established EEZs there would be no high seas in the MS
Patchwork of Maritime zones

• Territorial seas vary between 6nm to 12nm
• Exclusive economic zones have been claimed by Morocco (1980), Syria (2003), Greek Cyprus (2004), Tunisia (2005), Libya (2009), Lebanon (2011), France (2013), Egypt and Israel (2011))
• Archeological zones (24 nm) by Tunisia (1986), France (1989), Algeria, Cyprus, and Italy (2004)
• Fisheries zones by Algeria, Libya (62 nm), Spain, Malta (25 nm), Palestine (20 nm), Tunisia
• Ecological zone by France, Slovenia and Italy (2006)
• Ecological and fisheries zone by Croatia (2003) [quasi-EEZ]
1. Dispute over the issues in dispute
   • Greece; only delimitation of CS
   • Turkey all issues
2. Sovereignty over disputed island, islets and rocks
3. Demilitarization of Islands
4. Breadth of the territorial sea (islands)
5. Delimitation of the continental shelf (EEZ)
6. Air space
   • Greece claim to 10 nm FIR
7. Navigational passage
Kardak crisis in the Aegean Sea

Greece claim

Turkish claim
Eastern Mediterranean Offshore Activities
East Med Pipeline project
Croatia and Slovenia
Tribunal award 29 June 2017

Piran Bay
Gibraltar (UK and Spain dispute)
Cooperation in the Mediterranean for the Protection of the Marine Environment
Development of cooperation in the Mediterranean Sea for Protection of the Marine Environment

• 1960s concerns over marine pollution in the Mediterranean Sea
• Urban growth, industrial developments and lack of pollution controls
• 1972 United Nations Stockholm Conference on the Environment held
• UNEP established based on the Stockholm Declaration (Principle 24)
• 1974 UNEP Regional Seas holds workshop on marine pollution in the Mediterranean
• 1975 1st Mediterranean Action Plan adopted (focus on pollution)
UN Environment Mediterranean Sea Regional Seas Programme

• Currently has 22 Contracting Parties: Contracting Parties to the Barcelona Convention: Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, the European Community, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia and Turkey.


Institutional Framework

• Contracting Parties meet every 2 years (COP) at the Ministerial level
• Decision-making body
• Each CP appoints a focal point in their country
• Rotating Bureau of six representatives of the Contracting Parties, elected to provide guidance on the implementation of the Programme of work in the interim period between the biennial meetings
• Mediterranean Commission on Sustainable Development (est. 1995)
  • Is an advisory body to the Contracting Parties, to assist them in their efforts to integrate environmental issues in their socioeconomic programmes and, to promote sustainable development policies in the Mediterranean region
• Compliance Committee (est. 2008)
• First and only of the UN Regional Seas
• Secretariat (Athens)
• Mediterranean Trust Fund
Activity Centers

1. The Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) (Vessel source)
2. The Plan Bleu Regional Activity Centre (PB/RAC) (Awareness raising)
3. The Priority Actions Programme Regional Activity Centre (PAP/RAC)
4. The Specially Protected Areas Regional Activity Centre (SPA/RAC)
5. The Regional Activity Centre for Sustainable Consumption and Production (SCP/RAC)
6. The Regional Activity Centre for Information and Communication (INFO/RAC)
EU-Mediterranean Relations


• Horizon 2020 Initiative - overarching goal is the “Depollution of the Mediterranean Sea by 2020”

• Union for the Mediterranean (2008)

• Mediterranean Parliament
Shipping and Offshore Activities in the Mediterranean Sea
Shipping in the Mediterranean Sea
Major tanker routes (2006)
Shipping in the Mediterranean Sea
Major non-tanker routes (2006)
Vessel Traffic

• Strait of Gibraltar - 71,000+ vessels annually

• Strait of Istanbul – 45,000-50,000 vessels annually
2012 Oil spills
## Mediterranean Sea Regional Framework
### Vessel Source Pollution

2. Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC)
3. Hazardous Wastes Protocol, Izmir
MARPOL Annex I Special Area established in the Mediterranean Sea (Discharge of oil and oily substances)

2. Annex I fundamentals; Operation

Special Areas (1):

- All the previous discharge criteria regulates outside a Special Area.
- Regulation 1 - “A Special Area is a sea area where for recognized technical reasons in relation to oceanographic and ecological conditions and to the particular character of its traffic...special mandatory methods for the prevention of sea pollution by [oil] is required.”
- And as such there shall be NO discharge whatsoever of cargo residues/slops from oil tankers.
MARPOL Annex V Special Area for Garbage

• “Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea” entered into force on 17 March 2004 replacing older protocol

• Contingency plans
• Measures to prevent pollution of the Mediterranean Sea
• Cooperation
• Onboard emergency pollution plan
• Port reception facilities
• Assessment of environmental risks of maritime routes
• National, regional and subregional strategies for reception of ships in distress
• Established under the 1976 Emergency Protocol
• Established to provide technical assistance to the Mediterranean coastal States in the implementation of the Emergency Protocol.
• The Center was later replaced with the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea ("REMPEC") as a joint undertaking between the Barcelona system and the IMO
• Capacity building part of its mandate
Offshore Protocol

- Regulates the erection, operation and removal of offshore installations.
  - Set of mandatory “common” regional standards for the authorization of offshore activities on the continental shelf and seabed and its subsoil that include conducting prior impact assessments and preparing contingency plans.
  - Requires the Parties to formulate common standards for the disposal of oily mixtures from offshore installations
  - Required Parties to remove all unused or abandoned installations taking into account IMO guidelines
  - Includes a provision on special protected areas in which the Parties are required to adopt special measures to prevent, abate, combat and control pollution
  - Parties to co-operate in a range of issues

- Adopted in 1996 and entered into force 2011
- Implementation of then Basel Convention at the regional level
- Applies the sound management approach
- Parties are to abate, eliminate and prevent pollution of the marine environment from the transport of hazardous wastes; and also
  - To minimize and if possible eliminate the generation of hazardous wastes
- Parties are to prohibit the export and transit of hazardous wastes to developing countries
- Disposal of hazardous wastes outside the country of generation in limited circumstances:
  - For developing countries in the Mediterranean that lack the technical capacity to dispose of HW
  - Prior consent of State required
  - Agreement by all States in the transboundary movement that international safety measures are being met with financial guarantees –especially the Basel Convention procedures
- States must adopt laws that punish “illegal traffic’ of HW
Biodiversity in the Mediterranean Sea

• Mediterranean is one of the world’s 25 hot spots for biodiversity
• 19% of Mediterranean species listed as “endangered”
• Over 13% of anthozoan species in the Mediterranean Sea - which include corals and related species - are threatened with extinction, according to the Red List of Anthozoans report published recently by the International Union for Conservation of Nature (IUCN Report 2017).
Monachus Monchus (Monk seal)
Caretta Cartetta
Jelly fish invasion
Giant jelly fish invasion
Suez Canal invasive species
Scientists say new channel will herald arrival of more invasive species, with potentially harmful impact on region as a whole.

http://www.frontiersin.org/files/Articles/102195/fmars-01-00032-r4/image_m/fmars-01-00032-g001.jpg
Protocol concerning “Specially Protected Areas and Biological Diversity” (SPA/BD Protocol)

- Adopted in Barcelona in 1995 and replaced the Protocol concerning Mediterranean Specially Protected Areas, adopted in Geneva in 1982
- In effect since 1999
- Provides for the establishment of a List of Specially Protected Areas of Mediterranean Interest (“SPAMI List”)
- Includes establishment of transboundary protected areas
- Innovation: possibility to establish marine protected areas in the high seas areas of the Mediterranean Sea
Protocol concerning “Specially Protected Areas and Biological Diversity” (SPA/BD Protocol)

- Article 3(a) and (b) creates a clear obligation for the Parties to “protect, preserve and manage in a sustainable and environmentally sound way areas of particular natural or cultural value, notably by the establishment of specially protected areas”, and to “protect, preserve and manage threatened or endangered species of flora and fauna.”

- Other obligations include:
  - the duty for the Parties to co-operate either directly or through the competent international organization in “the conservation and sustainable use”;
  - “identify and compile inventories of the components of biological diversity important for its conservation and sustainable use”;
  - to “adopt strategies, plans and programmes for conservation and sustainable use of biodiversity...”; and
  - to “monitor the components of biological diversity use of biodiversity”
Protocol concerning “Specially Protected Areas and Biological Diversity” (SPA/BD Protocol)

• The Regional Activity Center for Specially Protected Areas (RAC-SPA), headquartered in Tunis was established under the protocol.

• The RAC-SPA promotes and works with the Mediterranean countries and stakeholders to promote the implementation of SPAMIs as well as provide assistance in identifying, establishing, and managing marine protected areas.
Mediterranean Sea SPAMIs
The Mediterranean: 13 Key Areas to Protect
Marine litter

• 2013 Regional Plan on Marine Litter Management in the Mediterranean (binding)

• Only binding Regional Plan among the 18 RSP
Fisheries in the Mediterranean Sea

• Result of technological advancements resulted in overfishing in the Mediterranean Sea in the ‘70s

• 85% of Mediterranean and Black Sea stocks assessed are fished at biologically unsustainable levels (FAO-GFCM 2016)

• Fishery discards in the Mediterranean = 230,000 tonnes per year, or about 18% of total catches (FAO-GFCM 2016)
2016 Report on the State of Mediterranean Sea and Black Sea Fisheries (FAO-GFCM)

- Reported fishing fleet operating in the Mediterranean and the Black Sea = **92 700 vessels.**
- Uneven distributed in the GFCM area of application,
  - Eastern Mediterranean - 28 percent,
  - Ionian Sea - 27 %
  - Western Mediterranean - 19 %
  - Adriatic Sea - 14 %
  - Black Sea - 12 %
2016 Report on the State of Mediterranean Sea and Black Sea Fisheries (FAO-GFCM)

- Total value of fish landings across the Mediterranean and the Black Sea estimated to be a minimum of **US$3.09 billion**.
  - According to subregions:
    - Western Mediterranean (US$1.57 billion)
    - Ionian Sea (US$1.41 billion)
    - Eastern Mediterranean (US$1.07 billion)
    - Adriatic Sea (US$979 million)
    - Black Sea (US$691 million).
Fisheries in the Mediterranean Sea

Gears most commonly used in the Mediterranean

- littoral: small-scale gears
- coastal: trawlers and purse seiners
- oceanic: purse seiners and surface longliners

Depth in metres:
- 0
- 20
- 90
- 250

Limits of Continental Shelf:
- continental shelf
- slope

Demersals: Trawlers heavily exploit recruits and juveniles; other selective gears target adults.

Pelagics exploited by purse seiners.

Oceanic pelagics are highly migratory species whose ranges extend beyond the jurisdiction of coastal states. Currently, catches are dominated by small, young specimens, especially swordfish and bluefin tuna, about half of which are undersized.
Tuna fishing in the Mediterranean Sea
Fisheries in the Mediterranean Sea
Fisheries in the Mediterranean Sea

- **Regional Fisheries Organization**
  - General Fisheries Commission for the Mediterranean (GFCM)- covers all MLR in the region (23 member States)
  - International Commission for the Conservation of Atlantic Tunas (ICCAT)- limited to tuna and tuna-like species (highly migratory)
- EU Common Fisheries Policy – established 7 **Regional Advisory Councils** including for the Mediterranean Sea (MEDAC)
IUU Fishing in the Mediterranean Sea

General Fisheries Commission for the Mediterranean

• 2003 Declaration of the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean

• Roadmap to fight IUU fishing in the Mediterranean endorsed at the thirty-eighth annual session of the GFCM (FAO headquarters, May 2014);

• The GFCM IUU vessel list established by General Fisheries Commission for the Mediterranean (GFCM) in May 2014. [see http://www.fao.org/gfcm/data/fleet-iuu-vessel-list/en/]

• GFCM register of ports is the repository of national ports in the GFCM area of application to which foreign vessels may be permitted access in accordance with the recommendation GFCM/40/2016/1 on regional scheme on port State measures to combat illegal, unreported and unregulated fishing activities in the GFCM area of application.

Food and Agriculture Organization

• Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, signed in Rome on 22 November 2009

• Voluntary Guidelines for Flag State Performance, adopted by the FAO Committee on Fisheries at its thirty-first session (FAO headquarters, June 2014);
A Tale of Two Seas
Conclusion

**Mediterranean Sea**
- UNEP RSP
- Established 1974
- Very developed binding legal framework
- Six regional activity centers
- Financial system in place
- REFMO in place

**South China Sea**
- UNEP RSP
- Action Plan revised in 1994
- New Strategic Direction for COBSEA (2008-2012)
- Draft Strategic Direction for COBSEA (2017-2021)
- New legally binding framework
- No UNEP Activity Centers
- No RFMO
Lessons for the South China Sea?

• Political, economic, legal complexity does not hinder cooperation at the regional level

• Protection of the marine environment provides an area of shared common interest and politically neutral area for cooperation

• Need strong legal and institutional structures