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19-24 February 2007 Nicosia-Turkish Republic of Northern Cyprus

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International Conference on Environment: Survival and Sustainability 19-24 February 2007
Near East University, Nicosia-Northern Cyprus

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Near East University, Nicosia-Northern Cyprus**



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PREFACE

Creating a sustainable and a healthy environment is one of the most important global issues facing mankind today. Therefore, serious consideration should be given to environmental problems and concerted efforts should be made worldwide in order to respond and prevent present and future environmental risks and challenges.

The International Conference on Environment: Survival and Sustainability (ESS 2007) organized by the Near East University between the dates 19 and 24 February 2007 was held in Lefkosa, Turkish Republic of Northern Cyprus. The main objective of this multidisciplinary conference was to gather scientists from all over the world to discuss the overall issue of the environment, to find out sustainable solutions for environmental problems and to identify areas for future collaboration in this matter. The conference brought together 2,052 participants from 108 different countries. During the conference a total of 1,463 papers were presented under 21 different subtopics, representing various scientific disciplines. The topics included environmental law and ethics, environmental knowledge, technology and information systems, media, environmental awareness, education and lifelong learning, the use of literature for environmental awareness and the effects of the green factor in politics and in international relations.

The Scientific Committee of International Conference ESS2007 evaluated all of the 1,463 papers and selected among them 610 papers to be included in The Proceedings of Environment: Survival and Sustainability. The readers will notice the wide range of topics represented by the papers included in the Conference Proceedings.

It is hoped that this book will serve to contribute to increase in awareness towards various environmental issues as well as drawing more attention to the urgency of international cooperation and collaboration in pursuing sustainable environmental management.

Prof. Dr. Hüseyin Gökçekuş
President of the Conference and the Organizing Committee
Vice Rector of the Near East University
Lefkoşa-TRNC
18 February 2009



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The Organizing Committee of the ESS2007 Conference would like to extend its sincere appreciation to Dr. Suat Günsel, the Founding Rector of the Near East University, to Prof. Dr. Ekmeleddin İhsanoğlu, General Secretary of the Organization of Islamic Conference and to Prof. Dr. Walter W. Kofler, President of ICSD/IAS for their significant support and encouragement in the conference.

Appreciation is also extended to the chairpersons, the keynote speakers and the presenters of papers in the conference.

We are deeply grateful for the members of the editorial board who have carefully read and recommended the papers for publishing.

We also wish to express our gratitude to numerous individuals for their valuable contribution to the editing process.

Prof. Dr. Hüseyin Gökçekuş
President of the Conference and the Organizing Committee
Vice Rector of the Near East University
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PROTECTED ECOLOGICAL AND FISHING ZONE IN THE REPUBLIC OF CROATIA AND ENVIRONMENTAL PROTECTION

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Based on Article 1024 of the Maritime Code of the Republic of Croatia (1994), and in accordance with Article 55 of the United Nations Convention on the Law of the Sea (1982), the Croatian Parliament has adopted the Decision on the Extension of the Jurisdiction of the Republic of Croatia in the Adriatic Sea at its session of October 3, 2003. By that Decision, and in accordance with Part V of the United Nations Convention on the Law of the Sea (1982), the specific regime of the so-called Ecological and Fisheries Protection Zone (EFPZ) of the Republic of Croatia was proclaimed. The Decision has caused big controversies in Croatia, as well as between interested neighbouring states and beyond. In other words, due to political reasons and pressures the Croatian authorities have abandoned the declaration of the Exclusive Economic Zone (EEZ), which would have been completely in accordance with International Law of the Sea norms, and given this regime a special and unique name - Ecological and Fisheries Protection Zone. When the Maritime Code was passed (1994), the regime of the EEZ was foreseen in Chapter IV, but its declaration was delayed until the decision of the Croatian Parliament. The content of the EFPZ refers only to the sovereign rights for the purpose of exploring and exploiting, conserving and managing the living natural resources of the waters beyond and adjacent to the Territorial Sea and jurisdiction with regard to marine scientific research and the protection and preservation of the marine environment. One of the key reasons for the declaration of the EFPZ is definitely a great concern due to the endangerment of the living resources in the Adriatic Sea and the fear of the recent increasing non-Adriatic and non-Mediterranean fishermen's pressure, including the use of so called ships-factories. The problem of illegal, unregulated and unreported fishing is especially serious. The whole variety of the living resources is excessively being used in the Adriatic Sea, and there is no adequate application of planning, limiting and surveillance of fishing in the part under the regime of the high seas. This tendency endangers the optimal utilization of the living resources, which affects not only the interests of the Republic of Croatia but also other Adriatic states. In case of damage on any ship carrying dangerous or harmful substances, coastal states have the right to intervene only after the accident. After proclaiming the EEZ the coastal states have the right to stop ships to prevent a catastrophe if the ships are considered to carry a potentially dangerous freight. Therefore, it is necessary for all the coastal states in the Adriatic Sea to proclaim their own EEZ. In the end, the Adriatic Sea is a closed and semi-closed sea according to the definition in Article 122 of the United Nations Convention on the Law of the Sea (1982), and due to its small dimensions the consequences of maritime environment pollution could be great and serious.



Introductory notes

The Maritime Code of the Republic of Croatia (1994) in Chapter IV, Articles 32 to 41, contains provisions on the Exclusive Economic Zone (EEZ) of the Republic of Croatia. In Article 1042 of the Maritime Code of the Republic of Croatia it is defined that the provisions from Chapter VII on the EEZ will be applied only if the Croatian Parliament decides to proclaim an EEZ. The decision on the proclamation of the EEZ of the Republic of Croatia has been being constantly delayed for years, despite not only the pressure of Croatian fishermen but the Croatian public in general. During the era of the former state, the Socialist Federative Republic of Yugoslavia (SFRY) never proclaimed such a zone due to various political reasons, especially due to unwillingness to disturb good relations with Italy, even though the SFRY did ratify the United Nations 1982 Convention on the Law of the Sea (UNCLOS). The Republic of Croatia as one of the successors of the SFRY and the state that has control over the biggest part of the Adriatic Sea, has been also avoiding doing so since becoming independent.

However, a certain legal regime has been proclaimed. Based on Article 1024 of the Maritime Code stated hereinabove, and in relation to Article 55 of the 1982 UNCLOS, the Croatian Parliament passed the Decision on the Extension of the Jurisdiction of the Republic of Croatia in the Adriatic Sea at its Session of October 3, 2003¹. Due to the fact that Slovenia and Italy expressed their dissatisfaction with the proclamation of the EEZ, the Republic of Croatia has proclaimed a worldwide unique legal regime on the sea. Instead of proclaiming the EEZ, Croatia has proclaimed the Protected Ecological and Fishing Zone (PEFZ). That expression is not stated in the 1982 UNCLOS at all. The Decision defines that the legal regime of the PEFZ will come to force 12 months after its establishment.

The Decision explains that the Croatian Parliament «hereby proclaims the content of the EEZ related to the sovereign rights for the purpose of exploring and exploiting, conserving and managing the living resources beyond the outer limits of the Territorial Sea, as well as the jurisdiction with regard to marine scientific research and the protection and preservation of the marine environment². If necessary, the Croatian Parliament has the "right to proclaim, when it deems appropriate, the other elements of Chapter IV of the Maritime Code of Croatia, in accordance with the United Nations Convention on the Law of the Sea"³.

¹ Odluka o proglašenju jurisdikcije Republike Hrvatske u Jadranskom moru (Decision on the Extension of the Jurisdiction of the Republic of Croatia in the Adriatic Sea) October 3, 2003, Official Gazette 157/03.

² Section 1, *ibidem*.

³ Section 2, *ibidem*.



What are the reasons for the proclamation of the EEZ? First of all, a great concern that the living resources in the Adriatic Sea are seriously endangered. In the past several years the fishing pressure of non-Mediterranean States has been growing. The excessive exploitation of the living resources of the Adriatic Sea relating to the impossibility of planning, restricting and controlling the fisheries, mostly occurs in the part of the Adriatic Sea under the high seas regime, which is under the jurisdiction of none of the neighbouring coastal state. That has endangered the optimal utilization of the living resources of the Adriatic Sea and their exploitation. The practice of preventing illegal, unregulated and unregistered fishing in the Adriatic Sea is not only an interest of the Republic of Croatia but of all other Adriatic states.

In the Report submitted by an expert group founded by the Croatian Government in 2003, there is the information that the Adriatic Sea living resources and ecology have been seriously endangered. Scientific researches confirm the seriousness of the situation. Moreover, in the last 50 years the quantity of the living resources in the Adriatic Sea has been reduced to 1/3 due to severe fishing which has nothing to do with the long-term interests of the Republic of Croatia⁴. One of the national interests of the Republic of Croatia is to preserve traditional fishery. It is simultaneously one of the prerequisites for the development of tourism, preserving our marine culture and preventing local population from leaving the islands. Instead of exclusivity concept (EEZ) there is a protection concept (PEFZ)⁵.

Furthermore, since the Adriatic Sea is a small and shallow sea, with the slow circulation of sea currents, the effects of possible pollution could be fatal and their proportions could be bigger than in most of the other seas. Any serious damage could bring to a huge devastation of the living resources. Such damages could have serious negative consequences for this part of the Mediterranean, and considering the traffic density in the Adriatic Sea they are very likely to happen. Pollution can be caused by recklessness or negligence in the navigation but also by unconscientious and careless ship management and other wrongful act. For instance, in case of damage of any ship carrying hazardous substances or in case of risk of pollution caused by ballast water, the coastal states have the right to intervene only after the damage has happened. By proclaiming the EEZ the coastal states obtain the right to stop ships if they are found potentially dangerous according to their cargo, i.e. the states may act preventively to stop the catastrophe. When it comes to tank damage in the high seas, a coastal state may act only after the tank has sunk, while in case of threatening damage within the EEZ regime, the coastal state has the right to provide protection and convoy for such a ship. Therefore, it is necessary for all the coastal states in the Adriatic Sea to proclaim an EEZ.

⁴ The Report of the Croatian Parliament, "The Establishment of Ecological-Fishing Zone", The survey of the 37th session of the Croatian Parliament held in September and October 2003, page 7.

⁵ See more detailed *ibidem*, page 7 and further on.



By proclaiming the Protected Ecological and Fishing Zone, Croatia primarily acquires sovereign rights for the purpose of exploring living natural resources in the sea, an effect of which would be the exclusion of foreign fishing in the Croatian part of the Adriatic Sea. In such cases, foreign fishermen would have the right to fish only after concluding international agreements based on Chapter V of the UNCLOS. Consequently, the Croatian part of the Adriatic Sea would not be affected by the high seas freedoms (Article 87 of the UNCLOS). It is especially important to emphasize that the protection of marine environment, conservation measures, improvement and optimal utilization of the living resources in this part of the Adriatic Sea would be under the Croatian jurisdiction. The rights and obligations of the Republic of Croatia would include defining (surplus of) the allowable catch of living resources based on scientific data.

The aim of the issue is not only to prevent living resources from being endangered by over-exploitation in the Adriatic Sea, but also to keep fish stocks at the level at which their reproduction would not be seriously threatened. States are obliged to respect conservation and management laws and regulations of a coastal state in its protected zone. By the Decision on the Expansion of the Jurisdiction the Croatian Parliament has particularly pointed out that within the PEFZ all states shall enjoy freedoms, as guaranteed under international laws, of navigation, overflight, laying submarine cables and pipelines, and other internationally lawful uses of the sea⁶.

The Decision of the Croatian Parliament from June 3, 2004 represents the turning point of the issue. It delayed the application of the provisions of the PEFZ for all the EU member-states: «For all the EU member-states, the application of the legal regime of the Protected Ecological and Fishing Zone of the Republic of Croatia shall follow the conclusion of the Agreement on Partnership in Fishery between the European Union and the Republic of Croatia»⁷. Moreover, since the Republic of Croatia has improved its relations with the EU, and the harmonization of legislation and practice with the European standards is one of the Croatian interests, the Decision on the PEFZ is not abolished but only delayed considering the EU member-states. The decision faced a strong public disapproval in Croatia, because the most frequent intruders of the Croatian sea had been Italian and Slovenian fishermen. Furthermore, the delay has denied the purpose of proclaiming the PEFZ since it will be practically applied only to Montenegro which has got an insignificant fishing fleet anyway. The fact that Italy possesses a fishing fleet which is 20 times bigger than the Croatian fleet, speaks for itself. By doing so, Croatia discriminates against the fishing fleets of countries outside the EU.

⁶ Item 4, Decision on the Extension of the Jurisdiction of the Republic of Croatia, loc. cit., footnote 1.

⁷ The Decision on Amendment of the Decision on the Extension of the Jurisdiction of the Republic of Croatia in the Adriatic Sea, the Session of the Croatian Parliament held on June 3, 2004, Official Gazette 77/04.



Delimitation of the Protected Ecological and Fishing Zone with Opposite or Adjacent Coasts
The limits of the Croatian PEFZ must not cross the delimitation line with Italy and Montenegro (Slovenia does have a direct approach to the high seas). Delimitation shall be carried out in accordance with Article 74 of the 1982 UNCLOS. Since Italy is located opposite to Croatia, Croatia cannot proclaim the maximal allowed width of the EEZ of 200 miles. That way Croatia fulfils the criteria for "states with an unfavourable geographic position". After proclaiming the EEZ, the precise delimitation of the EEZ with Italy and Montenegro is to be determined as agreed. The delimitation of the future Italian and Croatian EEZ seems to be least disputable, especially from the Croatian point of view. In the Decision on the Extension of the Jurisdiction of the Republic of Croatia in the Adriatic Sea (2003.) it is especially emphasized that "The outer limit of the Protected Ecological and Fishing Zone of the Republic of Croatia shall be determined through the delimitation agreements with the States whose coasts are opposite or adjacent to the Croatian coast.

Until concluding international delimitation agreements, the outer limits of the Protected Ecological and Fishing Zone of the Republic of Croatia shall temporarily follow the delimitation line of the continental shelf established under the 1968 Agreement between the SFRY and the Italian Republic on Delimitation of the Continental Shelf and, in adjacent delimitation, the line following the direction of and continuing the provisional delimitation line of the territorial seas, as defined in the 2002 Protocol on the Interim Regime along the Southern Border between the Republic of Croatia and Serbia and Montenegro⁸. There is no reason that the delimitation of continental shelves, determined by the Agreement between the Italian and Yugoslav Government, signed in Rome in 1968 (due to the fact that this Agreement is based on the succession and is still bounding for both states), do not become the future limit of the EEZ⁹. The Agreement on the Delimitation of the Continental Shelves (1968) states Article 74 para 4 of the UNCLOS (1982): "Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.". That would determine a unique limit for both legal regimes - the EEZ and continental shelf. In case of proclaiming the EEZ, the outer line of the Croatian EEZ must not cross the outer limit of the continental by the 1968 Agreement.

⁸ Section 6, *ibidem*.

⁹ On the delimitation in the Adriatic Sea. See, for example, Vladimir Ibler: *Medunarodno pravo mora i Hrvatska*, Barbat, Sveucilisna knjižnica, Zagreb 2001.; Vladimir Ibler: *Drzavna granica na moru između Republike Hrvatske i Republike Slovenije*, *Zbornik Pravnog fakulteta u Zagrebu* 44 (1994), pp 469-478.; Vladimir Ibler: *Uz pitanje lateralnih granica Republike Hrvatske na moru*, *Znanstveni skup "Granice na moru"*, Split, January 20, 1998, *Zbornik radova Pravnog fakulteta u Splitu*, 35 (1998), pp. 693-697.; Vesna Baric-Punda: *Granice Republike Hrvatske na moru*, *Zbornik radova Pravnog fakulteta u Splitu*, 35 (1998), pp. 731-741.; Vesna Baric-Punda i Mira Lulic: *Prikaz pojedinih odredbi o gospodarskom pojasu u nacionalnim propisima*, *Zbornik radova Pravnog fakulteta u Splitu*, 36 (1999), str. 103-112.; Mira Lulic: *Gospodarski pojas s posebnim osvrtom na nacionalna zakonodavstva*, magistarski rad, *Pravni fakultet Sveucilista u Splitu*, 1999; etc.



Legal regimes on the Slovenian and Bosnian sea are not in touch with the part of the Adriatic Sea under the regime of the high seas, so, accordingly, the countries cannot take part in the delimitation of the EEZ in the Adriatic Sea. Moreover, there is no state in the Adriatic Sea that has valid legal reasons to confront either the proclamation of the EEZ or the 1968 Agreement on the Delimitation of the Continental Shelves. However, as a response to the Croatian proclamation of the PEFZ, the Slovenian authorities have proclaimed their ecological zone and continental shelf. In October 2005 the Slovenian Parliament passed the Act Declaring the Ecological Protection Zone and Epicontinental Zone of the Republic of Slovenia (22 October 2005)¹⁰. Still, that Act is in contradiction with international laws and utterly unfounded because Slovenia has no contact with the high seas which is prevented by the Italian and Croatian territorial sea. As it has no approach to the high seas, Slovenia can proclaim neither an EEZ nor a continental shelf. Accordingly, the Act represents clear territorial pretensions towards the Republic of Croatia.

Finally, in January 2006, the Republic of Slovenia passed a controversial decision in contradiction with international laws, which represented the proclamation of "the sea fishing area of the Republic of Slovenia"¹¹. The area is divided into 3 zones: Zone A – the entire Bay of Piran, Zone B – territorial sea, Zone C – fishing zone and zone of the high seas. The Decision formally confirmed Slovenian territorial pretensions towards the Republic of Croatia because Slovenia unilaterally took possession of the part of the Croatian territorial sea. The Croatian Ministry of Foreign Affairs handed a protest note to the Slovenian Embassy against the Decree on Designation of the Sea Fishing Area of the Republic of Slovenia where this Slovenian Decree was described as «unacceptable, legally unfounded and worthless»¹². Besides being in contradiction with international laws and relations, including the principles of the EU, the Slovenian Decree is not in accordance with the Joint Statement on Avoiding Incidents adopted on the Brioni Islands on June 10, 2005. The Statement was signed by the Croatian and Slovenian ministers of foreign affairs, Grabar-Kitarovic and Rupel, and it was agreed that "both countries shall avoid any kind of incidents that could affect the solution of the issue.

The Adriatic Sea and Pollution Danger

The Adriatic Sea spreads over the area of 138,595 km², its length equals 783 km. The average width is 248 km, max. width 355, and min. width 102 km. The average depth is 251m, and the deepest point lies 1,233 m under the sea. Croatia stretches over the area of 56,542km², out of which the territorial sea comprises 31,067 km². The area of the PEFZ ranges from 23,000 to 25.000 km². The Republic of Croatia has got 1185 island, the coastal length including land and islands equals 58,935 km, and the borderline at sea equals 978 km. There are three national parks in that area and over 100 protected and preventively protected archaeological sites. The Adriatic Sea is a small sea and every kind of pollution can have fatal consequences for the sea and marine environment, fishing, tourism and marine culture of the coastal states.

¹⁰ Zakon o razglasitvi zascitne ekoloske cone in epikontinentalnem pasu Republike Slovenije (Act Declaring the Ecological Protection Zone and Epicontinental Zone of the Republic of Slovenia), Official Gazette RS 93/2005.

¹¹ Uredba o določitvi območja ribolovnega morja Republike Slovenije (Decree on designation of the sea fishing area of the Republic of Slovenia), Official Gazette RS 2/2006.

¹² The Ministry of Foreign Affairs and European Integration of the Republic of Croatia, Public announcement no 1/06, January 6, 2006.



The Mediterranean Sea, as a semi-closed sea, is only refreshed by water coming through the Strait of Gibraltar (6 to 12 nautical miles wide) and is, therefore, particularly sensitive to pollution. It is estimated that it takes 50 to 150 years for the Mediterranean water to be replaced by fresh water¹³. Experts point out the fact that the pollution of the Mediterranean is becoming greater and more serious. Pollution comes mostly from land, but there are other sources (ships, sinking, from the air or through the air, due to underwater activities, etc.)¹⁴.

The aggravating circumstance is the fact that as many as six states have their coasts located on such a small sea – Italy, Slovenia, Croatia, Bosnia and Herzegovina, Montenegro and Albania.

The Adriatic Sea comprises approximately 1/20 of the area of the Mediterranean Sea. 1/3 of the fresh water from the entire basin flows into it as well as waste water from highly developed agriculture which uses chemical fertilizers to a great extent; then, there is an excessive concentration of cattle industry located along the main waterways. As much as 40% of waste waters from the entire Italian territory end up in the Adriatic Sea. The Italian coast is facing an exponential increase of civilian and industrial facilities, which affects soil porosity, while the concentration of the population in the main urban areas is constantly increasing too¹⁵. The phenomenon of eutrophication has contributed to the reduction and extinction of many species in the last decades, while the release of ballast water has enabled the colonization of allochthonous species, constant stress and the reduction of biomass and biological diversity¹⁶.

Sea currents enter the Adriatic Sea from the Mediterranean Sea and move along the Croatian coast to the northern Adriatic Sea, turn around, return along the Italian coast and leave the Adriatic Sea through the Strait of Otranto. The sinking of only one oil tank could have fatal effects for the coastal states considering fishing, tourism and other branches and activities closely related to the sea. The pollution of the Adriatic Sea will not be dispersed throughout the sea but it will pollute the coast and cause a great ecological and economic catastrophe.

¹³ Maja Sersic: *Medunarodno-pravna zastita morskog okolisa*, Pravni fakultet Sveucilista u Zagreb, 2003, p. 60.

¹⁴ *Ibidem*. See also *Pravo okolisa*, ed. Loncaric, Horvat, Cvitanovic, Gliha, Josipovic, Medvedovic, Omejec, Sersic, Organizator, Zagreb, 2003; Maja Sersic: *The Crisis in the Eastern Adriatic and the Law of the Sea*, *Ocean Development and International Law*, 24, 1994, pp 291-299.; Maja Sersic: *The Exclusive Economic Zone in the Adriatic*, in *Pozar-Domac A. (ed.), Responsible Coastal Zone Management - The Challenge of the 21st Century*, *Periodic*, 102(1), 2000, pp. 173-180; Maja Sersic: *Agenda 21 and its Application to Enclosed or Semi-enclosed Seas: The Mediterranean and the Adriatic Sea*, *Ambiente Mediterraneo e sviluppo sostenibile*, *Atti del XII Convegno internazionale 'Mare e Territorio'*, Agrigento, 20-22 ottobre 1994, *Quaderno N. 60*, Agrigento 1994, p. 145.

¹⁵ *Ibidem*.

¹⁶ *Ibidem*.



The northern Adriatic Sea is particularly sensitive to pollution due to its shallow water and poor water circulation¹⁷. Moreover, in that area there are many sources of pollution without a systematic cleansing of waste waters. The area of northern Adriatic Sea is characterized by heavy sea traffic, which is the consequence of the presence of the two biggest Italian ports for oil turnover – Trieste and Venice, then the Port of Marghera, the Slovenian Port Koper, the Croatian Port Rijeka, the Oil Terminal in Omisalj on the Island of Krk, and the terminal for liquefied natural gas in the village of Porto Viro in the Po Delta, which is under construction¹⁸.

Experts find the controversial project "Druzba Adria" very harmful to Croatia according to many aspects, especially from the ecological and economic point of view. It is an international project for the export of Russian oil to the world market through the oil pipeline systems of "Druzba" and "Adria", in the length of 3,200 km, from Samara in Russia via Belarus, Ukraine, Slovakia, Hungary and Croatia to the Croatian Port of Omisalj and the Oil Terminal Omisalj on the Island of Krk. The Croatian experts and public are especially embittered over the construction of the Terminal for Storing and Reloading Oil in the Port of Omisalj. The Project is very risky and obviously does not guarantee a big financial profit. It seems that Croatia has more financial benefit from tourism than from this project. In the end, the contractual guarantees are not sufficient for repairing possible damages.

The problem of waste and ballast water disposal considering oil tanks and ships from other seas and oceans, represents a great danger for the Adriatic Sea since those vessels could carry particles of different chemical and biological systems. It could initiate the development of foreign biological species in the Adriatic Sea, which could affect the ecosystem. Ballast water is necessary for the navigation of empty tanks and its release is inevitable (unlike damages which are a potential danger).

¹⁷The coasts of the northern Adriatic Sea are the centre of one of the biggest tourist basin in Europe, which is characterized by a great concentration of human activities and mass tourism in a very small area, and by an uncontrolled expansion of ports for nautical tourism. The most intensive fishing activities in the entire Mediterranean are going on in the Adriatic Sea. An increase of fishing intensity has brought to serious problems in that sector. See Protocol Adriatic Greenet: International alternative forum of the northern Adriatic – the invitation for all the regions and governments to be involved in the future of the Adriatic, Piran, 2006.

¹⁸ Ibidem.



Croatian Professional Coordinating Body for the Surveillance of the Adriatic Sea

Since the Republic of Croatia acquires another 25,000 km² by proclaiming the PEFZ, i.e. the total area would span over 50,000 km², it is necessary to establish a new mechanism for controlling international and internal regulations of the Republic of Croatia in the Adriatic Sea. Therefore, a "Professional Coordinating Body for the Surveillance of the Adriatic Sea" has been established and its task shall be to have an integrated control over the area under the sovereignty and jurisdiction of the Republic of Croatia. The body shall consist of representatives from various Ministries, e.g. the Ministry of the Sea, Internal Affairs, Police, Agriculture, Defence, Environment, Finances and Culture. The employers of the Ministry of Internal Affairs shall control the Croatian sovereignty, the fishing inspectors of the Ministry of Agriculture fishing equipment and catch on vessels; the Ministry of the Sea, Tourism.

Transport and Development and port authorities shall control the safety of navigation and public documents.

The Ministry of Defence shall control the Croatian sea also from air. The custom officers of the Ministry of Finance shall also participate in the surveillance including the National Maritime Rescue Coordination Centre, and finally, Croatian fishermen and navigators who usually report possible irregularities. There are approximately 90 boats, 15 ships, 6 aircrafts, 4 helicopters and 1,100 people ready for performing the task. More than a half of them belong to the Ministry of Defence. Unlike the previous surveillance that only included the control over the internal waters and territorial sea, now the PEFZ shall be controlled as well. The new thing is that five fast ships belonging to port authorities shall take part in the surveillance. The Coordination for the Surveillance of the Adriatic Sea shall control the Croatian part of the Adriatic Sea until the establishment of the future coast guard of the Republic of Croatia. For the purpose of the surveillance of the Adriatic Sea, special radars "Peregrin" have been set on the Island of Lastovo in the altitude of 417 m (range of vision 83 km), on the Island of Vis in the altitude of 587 m (range of vision 100 km) and the island of Dugi otok in the altitude of 166 m (range of vision 53 km). The fourth radar shall be installed on vehicles as some kind of backup. The governmental Coordination for the Surveillance of the Adriatic Sea started to work in October 2004. In order to harmonize the work of the Coordination, it is necessary to change 15 Croatian laws and 50 sublegal acts, which is a very serious and comprehensive task.



Conclusion

Croatia is an independent state and should not be indulgent to direct pressures from abroad - from neighbouring states and the EU - which deny the Croatian sovereignty and independence in this matter. The Republic of Croatia has the right to proclaim an EEZ like every other coastal state in the world in accordance with International Law confirmed by the 1982 UNCLOS. There is no state in the world, except Italy and Slovenia in our case, that has stood against the proclamation of an EEZ. Further delimitation has sometimes been controversial but no one has been denied the right to proclaim an EEZ: Neither the European Union nor the Stabilization and Association Agreement deny the proclamation of an EEZ. The sovereign right of every state is to proclaim an EEZ in accordance with the contemporary Law of the Sea, which more than 120 coastal states have done so far.¹⁹ Politics should have no advantage over such clear provisions of the Law of the Sea. The Mediterranean states are reserved when it comes to proclaiming an EEZ due to a large number of non-coastal states and states in an unfavourable geographic position in Europe, and due to various delimitation problems which could arise in the future. It is clear that most of the states tend to keep the high seas regime in the biggest part of the Mediterranean because of navigation and fishing freedom.

In case that all the coastal states in the Mediterranean proclaim their EEZ, there will be a small part of the Mediterranean under the high seas regime. Out of 21 states in the Mediterranean the following states have proclaimed their EEZ²⁰: Egypt²¹, Spain²² and France²³ in the Atlantic Ocean, Morocco²⁴, Syria²⁵, Turkey²⁶ and Cyprus²⁷. Fishing zones have been proclaimed by Algeria²⁸, Libya²⁹, Malta³⁰, Spain in the Mediterranean Sea³¹ and Tunisia³². France has, despite the lack of definition in the Mediterranean, proclaimed the Zone of ecological protection (Zone de protection écologique), in which particular regulations related to environmental protection are applied³³.

¹⁹ Ibidem.

²⁰ Actually, there are 22 Mediterranean states, if Gibraltar is included as a Non-Self-Governing Territory of the United Kingdom.

²¹ Declaration on 26 August 1983.

²² Law No. 15/1978 of 20 February 1978 (not applicable in the Mediterranean).

²³ Law No. 76-655 of 16 July 1976 (not applicable in the Mediterranean).

²⁴ Law No. 1-81 of 8 April 1981.

²⁵ Internal Waters and Territorial Sea Limits in the Syrian Arab Republic, Law No. 28 of 19 November 2003

²⁶ Decree No. 86/11264 of 17 December 1986 (not applicable in the Mediterranean).

²⁷ Exclusive Economic Zone Law 2 April 2004.

²⁸ Legislative Decree No. 94-13 of 28 May 1994.

²⁹ Declaration of a Libyan fisheries protection zone in the Mediterranean Sea, 24 February 2005.

³⁰ Act No. XXXII of 10 December 1971 as modified by Act No. XXIV of 21 July 1978.

³¹ Royal Decree No. 1315/1997 of 1 August as modified by Royal Decree No. 431/2000 of 31 March 2000.

³² Decree of 26 July 1951 as modified by Law No. 63-49 of 30 December 1963.

³³ Decree No 2004-33 of 8 January 2004. See Claudiane Chevalier, *Governance in the Mediterranean Sea Legal Regime and Prospectives*, IUCN Centre for Mediterranean Cooperation, Malaga, Spain, 2004, str. 11.



What are the disadvantages of proclaiming a PEFZ? It seems that neighbouring states and the EU are more willing to accept a PEFZ than an EEZ. Nevertheless, it is much legally safer to proclaim an EEZ because it is determined by the institute of the Law of the Sea, that to pass provisions on a zone that has elements of an EEZ but it is not a part of the international treaty and customary practice of the states. Fishing zones are a part of the Customary Law, but they are not legally protected as an EEZ which is also regulated by the treaty law. Besides, a great majority of states has left the practice of proclaiming fishing zones and they opt for a legally safer version – an EEZ. According to the UN data, there are only 14 states in the world with a proclaimed fishing zone³⁴.

The Law of the Sea does not give the right to a coastal state which has proclaimed a fishing zone, to stop a ship when, for example, there is a danger of pollution. By proclaiming an EEZ the coastal states in the Adriatic Sea would, among all, control sustainable fishing, efficiently protect living resources and marine environment. Furthermore, it would be easier to harmonize measures of all the coastal states for preventing illegal, unregulated and unreported fishing. Consequently, the foundation and mechanisms for efficient bilateral and multilateral cooperation of the Mediterranean states regarding the protection of the sea and marine environment would be created. Pouring out lots of oil from one of numerous tanks that would come to the Adriatic Sea, which was the famous case of the tank 'Prestige' in the year 2002 near the coast of Spain, could cause a huge catastrophe for this region. The ecology of the

Adriatic Sea would be heavily disturbed, and Croatia would face a great economic tragedy since fishing and tourism, our vital economic branches, would be destroyed for a long period of time. Croatia should prove itself as a contemporary, marine-oriented country which will, through its regulations, show the will and readiness to preserve and improve marine environment, especially by accepting the contemporary possibilities of development and optimal utilization of natural resources, and all that in cooperation with other states, international and regional organizations.

³⁴ These are Algeria, Belgium, Denmark, Finland, Gambia, Ireland, Libya, Malta, Norway, Palau, Papua New Guinea, Spain, Tunisia and the UK. See Table of claims to maritime jurisdiction as at 30 June 2006, Division for Ocean Affairs and the Law of the Sea Office of Legal Affairs of the United Nations, United Nations, official site World Wide Web URL http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/claims_2005.pdf The reasons for keeping the status quo regarding the proclamation of an EEZ, and not an obsolete Fishing Zone, are often connected with the inertia of legislation. However, the lack of replacing the Fishing Zone with the EEZ can reflect the fact that with the proclamation of an EEZ the states signatories of the 1982 UNCLOS also get obligations, not only rights. Preserving fishing zones those obligations from the 1982 UNCLOS on an EEZ can be avoided.



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