Environmental protection in the Mediterranean islands: legal aspects

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Background

• **Island Laboratory**: Charles Darwin for species & ecosystem (1859), Evans for humans & early societies (1977)

• Islands are highly **vulnerable** territories, yet very **rich** in biodiversity

• **Environmental laws** should thus be more **protective** of islands
Outline

I. The law pertinent to Mediterranean islands

II. How can legal protection of islands be reinforced?
I. The law pertinent to Mediterranean islands

• A **combination** of international, EU, and various national laws

• Current legislation **tends to recognize** the vulnerabilities of islands but a specific framework is lacking
I. The law pertinent to Mediterranean islands

Specific provisions

• **Binding International law:**
  - **Montego Bay Convention (1982):** defines islands and archipelagos and clarifies their maritime zones
  - **Barcelona Convention (1976/1995):** protected under art. 12 of the ICZM Protocol
I. The law pertinent to Mediterranean islands

Specific provisions

• Non-Binding International law:
  - Agenda 21/Chapter 17(1992): islands are fragile ecosystems and thus priority regions
  - Charter on the conservation and sustainable use of Biological Diversity on European Islands(2011): recognizes the “outstanding contribution of islands to global biodiversity” and their high degree of vulnerability
I. The law pertinent to Mediterranean islands

**Specific provisions**

- **EU law:**
  - Treaty art. 174§3: Special attention should be given to islands because they have “permanent natural and demographic handicaps”, that justify adapted policies.
  - Directives for agriculture in the small islands of the Aegean Sea.
  - Specific measures for invasive species.
I. The law pertinent to Mediterranean islands
   Specific provisions

• National laws:
  - Croatia: Islands Act
  - Greece: Law N. 4150/2013 establishing the Insularity Clause
  - France: Mediterranean Small Islands Initiative
  - Spain/Mallorca: Sa Dragonera Natural Park
  - Italy: CAMP project for Tuscan islands and Sardinia
These measures are random and isolated, while they should be systematic and connected
II. How can legal protection of islands be reinforced?

Legal possibilities

• Establish a specific **framework**
• **Adopt** specific legislation & policy
• **Adapt** existing legislation & policy

• All legal orders can contribute
II. How can legal protection of islands be reinforced?

Criteria

• Different policies depending on the size/population criteria

Big Islands: need policies that focus on insularity

Small Islands: policies based on the carrying capacity of the ecosystem

Uninhabited Islands: to be protected entirely, land and sea
II. How can legal protection of islands be reinforced?

Propositions

At the international level:

• Provide a framework that encourages countries to adapt their public policies to the needs of islands

• Establish an Insularity clause in all environmental conventions
II. How can legal protection of islands be reinforced?

Propositions

At the EU level:

• Allow **derogations** from strict competition

• Establish the **“island natural habitat”** for uninhabited islands in the Natura 2000 Directive
II. How can legal protection of islands be reinforced?

Propositions

At the national level:

- Adopt **distinct public policies** for Islands

- Subjects: zoning, coastal zone management, natural resources management, nature conservation and public participation
Law has to take into consideration the specific vulnerabilities of islands.
Thank you!

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