

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

A black and white photograph of a beach. The foreground is dominated by a large, dark, pebbly area. In the background, the ocean waves are crashing onto the shore, creating white foam and spray. The sky is bright and overexposed.

Thank you !

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