

# **THE MARITIME FACTORS IN THE GEOPOLITICAL VIEW OF THE MEDITERRANEAN. TERRITORY, POLITICS AND ENVIRONMENT**

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## **I. INTRODUCTION**

It can be said that the 21st Century now has a clear oceanic dimension which has transcended the historical maritime paradigm which started in the Modern Age. The decline in traditional maritime activities marks the transition from one century to another – the stagnation and possible collapse of marine fishing (Word, B. *et al.*, 2006) – and the start of a new generation of marine policies whose strategic vectors – safety, technology and global politics (Suárez de Vivero, 2007a) – have taken the place of factors such as food safety, capacity building and institutional construction. That which we might refer to as the oceans' geographical evidence (Earth's predominant ecosystem) spurred on by demographic, economic and technological growth, makes them very important in the configuration of world problems and in the search for environmental, geopolitical and geo-economic strategies.

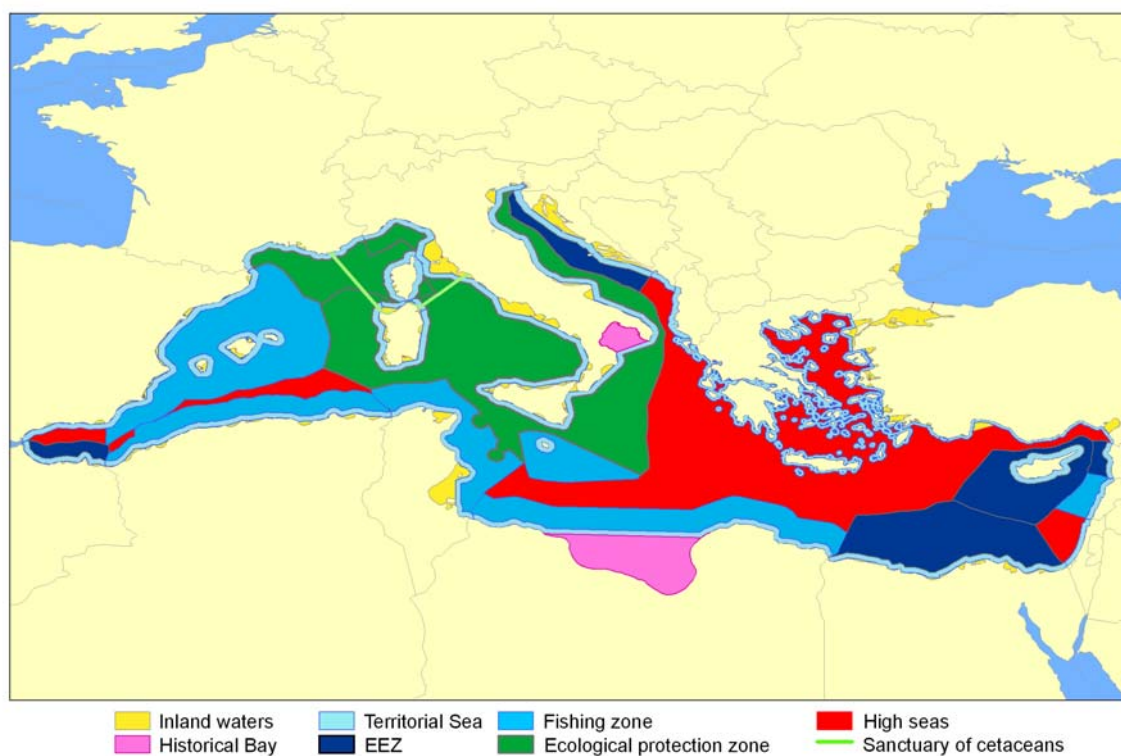
Under this new paradigm, maritime factors in the Mediterranean<sup>1</sup> region have changed: it is no longer the arena for East-West military-naval conflict (one of the settings of a probable explosion of bipolar tension) and is emerging as a zone of demographic conflict (migration flows over the maritime zone) and environmental conflicts

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<sup>1</sup> The Mediterranean has an area of 2,965,550 Km<sup>2</sup> and is surrounded by a total of 20 States on its shores: Albania, Algeria, Bosnia-Herzegovina, Croatia, Cyprus, Egypt, Greece, Israel, Italy, the Lebanon, Libya, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia, Turkey and Montenegro.

(eutrophication, pollution, loss of biodiversity) (Agencia Europea de Medio Ambiente, 2000; European Environment Agency, 2005), and it still holds appreciable potential for instability and geopolitical mix-ups. With regard to the process of jurisdictional expansion which started in the seventies, it is no longer the exception to the United Nations Convention on the Law of the Sea (UNCLOS) – exclusive economic areas have scarcely been declared and, therefore, a large part of its waters have remained, until recent years, under the legal regime of the high seas – and it has become an UNCLOS anomaly with a wide diversity of jurisdictional areas (Fig 1). This jurisdictional diversity is found both in the jurisdictional waters of European Union Member States and the other States on the northern shores of the African coast, which might be an indication that the characteristic maritime nationalism of the last third of the 20<sup>th</sup> Century has been overcome (Suárez de Vivero, Frieyro, 1997).

Figure 1. Maritime jurisdictions in the Mediterranean



Source: Authors.

Several processes are developing in today's interdependent and globalised world which, in one way or another, affect the entire planet. Thus, we are faced with large global problems, i.e., phenomena with universal repercussions, irrespective of their geographical origin (Doval, 2004 300). These are socio-economic inequalities and

illiteracy, conflicts and territorial disputes, international networks of organised crime and terrorism and progressive environmental degradation. In the case in question, we shall focus on three strategic global factors of transnational significance which could potentially transform world order: the *geopolitical crisis*, the *energy crisis* and the *environmental crisis*. The first, evident in the important changes which have occurred globally in the balances of power, the appearance of emerging powers, the redesigning of the States' external policies or the burgeoning threats to collective security (terrorism, illegal migration, disputes concerning natural resources ...), is becoming a reality in the Mediterranean, a regional zone which is unstable due to current global threats and more "local"<sup>2</sup> territorial disputes. The second, deriving from the developed countries' vulnerability in terms of energy supply, is also particularly acute in the Mediterranean, bearing in mind that it is precisely this region which contains the principal consumers and exporters and where the means of supply (sea routes, pipelines) could be key targets for terrorist attacks. Finally, environmental aspects (global warming, pollution, decreased biodiversity...) have effects on the entire region which are often irreversible and are especially damaging to the coastal area (Ros, 2000; European Environment Agency, 2005).

Given these premises, the essential purpose of this article is to analyse the maritime dimension of the strategic global factors in the Mediterranean Sea, taking *maritimization*<sup>3</sup> as the working hypothesis, not only of the economy but also of other important axes of world geopolitics such as the environment and security (in its general sense and with reference to energy supply). In the Mediterranean region this process coincides with the enlargement of the European Union from EU-15 to EU-27 involving the inclusion of three Mediterranean countries whose maritime jurisdictions make it the supranational political body which controls more than half its jurisdictional waters. The time frame into which this analysis falls is the period designated by UNCLOS which started in 1973 with the setting up of the Convention, which was passed in 1982 and came into force in 1994<sup>4</sup>. Although positions have been taken early by some

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<sup>2</sup> We can highlight, for example, the Cypriot conflict and the Greek-Turkish jurisdictional conflict concerning the control of the waters of the Aegean, without losing sight, of course, of more far-reaching conflicts such as the Palestinian-Israeli. See Suárez de Vivero (2007b).

<sup>3</sup> This term is used here in the sense given it by André Vigarié (1990) to characterize the evolution of world economy and the geostrategy of the oceans.

<sup>4</sup> From this date and up until the present time taking the turn of the century as a milestone in time and the appearance of new national legal initiatives (Canada's Oceans Act of 1997, US Oceans Act of 2000) with

countries in delimiting seabed (there are nine delimitation agreements between coastal countries), expectations for exploiting mineral resources have not materialised to date. Critical situations in the sea outweigh any factors of opportunity (the potentiality of living and non living resources) due to the decline in biological resources (the Mediterranean has never been a great fishing region), the deterioration of coastal areas and the serious problems caused by pollution, both telluric and marine in origin. These problems need to be tackled in the asymmetric political context existing between the Mediterranean's north and south shores.

## **II. THE MARITIME DIMENSION OF THE GEOPOLITICS OF THE MEDITERRANEAN SEA**

This section analyses the extent to which the Mediterranean's geostrategic picture changed after the end of the Cold War and the transition to a new international order, with an emphasis on the role of maritime factors - these factors are considered an essential part of this picture. The so-called "maritime dimension" of the geostrategic picture is a result of changing socio-political, environmental and technological conditions. The historical perspective - with the transition to the new century (from the beginning of the nineties until the present time) – means recording a change of the maritime paradigm - a change of maritime paradigm which rides the tide of world historical and political changes, altering the traditional maritime factors and making factors emerge which cause maritime conflicts and lay the foundations for a new model of maritime economy and a new maritime policy.

### **II.1. Cold War and bipolar geopolitics. The value of maritime factors**

The bipolar order of the Cold War meant a confrontation between the USA and the USSR, each of which tried, with greater or lesser success, to extend their respective areas of influence over a large part of the planet and to deploy their military forces and nuclear devices over land, sea and air (Méndez, Marcu, 2003). The search for geopolitical balance and the struggle for world power (in the form of systems of alliances, support bases<sup>5</sup> and conflicts – latent or open -) took place on the borders of

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a new strategic focus, a post UNCLOS stage can be referred to, in that the Convention itself is being superseded by new challenges such as the management of the high seas and bioprospection.

<sup>5</sup> For a geostrategic view of the Mediterranean until the nineties *see* Ridolfi (1992).

Eurasia, where the land power (the USSR) and the maritime power (the USA) <sup>6</sup> entered their struggle. Logically, each area, each support point and each region played a distinctive part in the geostrategic approaches of the superpowers. Thus, Europe (especially the central area) played a vital retaining function, whereas the Mediterranean was considered a key zone, albeit secondary and complementary to the former (Méndez, Marcu, 2003). After an initial period (from the end of the Second World War to the end of the fifties) in which there was a major breakdown in relations between the two superpowers, a new bipolar world order was set up and the two great military alliances (NATO and the Warsaw Pact) were formed, the general framework of international relations went through a time of some distension (the sixties) and crisis (beginning of the seventies, 1979 -80), conflicts in certain “choke points” (the Israel-Lebanon-Turkey-Iran-Afghanistan line) alternated with processes of dialogue and co-operation<sup>7</sup>.

In general, we can say that the Mediterranean has played a double geopolitical and strategic role depending on the interests of one or the other power. For the European countries it is their “southern flank” a neighbouring geographical area which might be a constant source of instability – this fact determines certain security approaches -, but it is also a zone which merits attention and help<sup>8</sup>. For the USA, involved in more global strategic approaches, this zone has always been a retaining front (Morales Lezcano, 1993) – first against the Soviet threat, later against the so-called “threat from the South” or the “Islamic arc of crisis”–, a marine zone where free navigation has to be preserved and a privileged axis of communication with the Middle East (Lesser, 2003). Thus, the Mediterranean- Middle East- Persian Gulf will be a zone as vital to the USA’s global hegemony strategy as was Central America (Amin, 1994). This gave rise to a large North American and allied naval presence both in the North Atlantic and the Mediterranean and as a consequence caused a symmetrical response from the Soviets,

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<sup>6</sup> Gallois (1992, 313-364) destaca cómo se han enfrentado en las últimas décadas dos posturas clave: ¿la tierra conduce al dominio de los mares? (tesis rusa y soviética); ¿se llega al dominio de las tierras desde los mares? (tesis británica y también norteamericana, representada fundamentalmente por A. T. Mahan).

<sup>7</sup> Since the mid seventies the first co-operation dialogue between the EEC and the Mediterranean countries and the Euro-Arab dialogue took place, on the Mediterranean, although there were also conflicts such as that of Cyprus and others in the Arab world. Furthermore, after several ups and downs, the EU – NATO naval strategy was confined to the Western Mediterranean (Italian, Spanish and Moroccan bases).

<sup>8</sup> From its very beginning, the EU has paid special attention to the Mediterranean, first by means of trade agreements, and later by means of their Global Mediterranean Policy and today with the Euro-Mediterranean Association and the European Neighbourhood Policy. *See*. Khader (1995) and Romero Quicios (2004). A strictly economic policy (specifically trade) has gone on to a more strategic dimension since the nineties (Voiron, 2000, 248).

whose naval forces were deployed for decades in Mediterranean waters and the Black Sea in an attempt to avoid any possible assault from the sea on the core of their mainland.

The Cold War period also saw the development of a renewed marine environment framework which was fundamentally a change towards a modern legal regime for the ocean (Lucchini, Voelckel, 1977, 12-29) and also several jurisdictional claims<sup>9</sup> (Chevalier, 2005, 90-92) which bring greater instability to the Mediterranean context (“maritime nationalism”, border conflicts) and greater responsibilities for the States in terms of Mediterranean environmental and security challenges (Lucchini, Voelckel, 1977, 29-41).

Furthermore, the Mediterranean of the seventies and eighties saw the launch, within the United Nations Regional Seas Programme, of the Mediterranean Action Plan (MAP) of 1975<sup>10</sup>, a legal and institutional device the main objective of which was to protect the marine environment against pollution (Thacher, 1979, 31-44; Falicon, 1981, 34-36). There were two intentions of this device, a pioneer in the management and protection of regional seas: to develop global action based on dialogue and co-operation and to set a strategy for the continuity of socio-economic development in harmony with the protection of their natural bases. An extremely important document complementing the MAP system was the so-called *Blue Plan*, a form of guide for the coastal States on the assessment and planning of common problems of the sea and the coastal environment (Grenon, Batisse, 1989).

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<sup>9</sup> The number of countries which achieved independence in these years greatly increased. The majority, in accordance with UNCLOS, established territorial sea and a continental shelf. Some also established fishing zones. The motivation for this was their interest in reinforcing their political sovereignty, strengthening their territorial security and promoting some economic development due to their access to marine zones and resources.

<sup>10</sup> The M.A.P. text was approved in 1975 in the Barcelona Intergovernmental Meeting, but the framework agreement (Convention for the Protection of the Mediterranean Sea Against Pollution) and two attached protocols (Protocol for the Prevention of Pollution in the Mediterranean by Dumping from Ships and Aircraft and Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency ) were passed in 1976 and came into force in 1978. The exceptions to this process will be Algeria and Albania, who signed up to it in 1981 and 1990, respectively. Other protocols were signed later: Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (Athens, 1980), Protocol Concerning Mediterranean Specially Protected Areas (Geneva, 1982) and, in the nineties, Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil and Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Scovazzi, 1995, 76; <http://www.unepmap.org/index.php>).

## **II.2. Changes after the end of the Cold War. New approaches concerning a disputed sea**

The beginning of the nineties marked a great change in Mediterranean geopolitics due to phenomena such as the fall of the Eastern block (with the disappearance of the bipolar international order) and the Gulf conflict (which confirms the reality of the North/South conflict and the importance that energy resources are going to bear on the development of future international relations and the leading role of the Mediterranean marine zone as a privileged area of maritime traffic). In a new strategic context it would not have been unusual for the Mediterranean to become a base for military operations (García Cantús, 1994, 9-13), especially due to the resurgence of certain ethnic-religious conflicts, due to the strategic value of the hydrocarbons of the Middle East and the Maghreb and due to the intention of the USA to continue exercising control over the region. In summary, the geopolitical context of the Mediterranean of the nineties was becoming more unstable and unpredictable (Khader, 1995, 7-16), as, together with the possibilities for co-operation and dialogue<sup>11</sup>, the harsh reality was that it seemed to be a zone for confrontation.

In more recent times, a western “geographical expansion” has taken place towards Central and Eastern Europe – and also towards the Mediterranean<sup>12</sup>. There has been an enlargement of the European Mediterranean waters (due to the entry of countries such as Slovenia, Cyprus and Malta into the EU) and a redefinition of the Mediterranean as an area for action, where new dangers and threats are being detected and for which initiatives are being designed such as the “*Active Endeavour*” of 2004 (active maritime vigilance of the Mediterranean in the pursuit of terrorism) (Bustos, 2006). At the beginning of the 21<sup>st</sup> Century, the Mediterranean, which was of secondary importance in western strategic approaches during the Cold War, has once again become the centre of attention for Europeans (who are looking for security in the region supported by multilateral co-operation) and North Americans (whose *lata* conception of the region associates Mediterranean problems with those of areas such as the Middle East and Central Asia).

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<sup>11</sup> Political processes such as the Euro-Arab Dialogue, the EU’s Mediterranean policy, The Conference on Security and Co-operation in the Mediterranean (CSCM), etc.

<sup>12</sup> For some years the WEU, the OSCE and NATO have held a political dialogue with several countries of the region. See. Echeverría (1995), Biscop (2002), Benantar (2006).

The ideological East-West conflict having ended in the nineties, current disputes are essentially economic in nature; exacerbated commercial competition at its most aggressive causing strong North/South polarization and some regional tension (Amin, 1994). The fishing conflicts, claims for wider marine jurisdictions or control over certain non living resources (fundamentally hydrocarbons), are the elements which are currently making the Mediterranean a less secure zone. This region remains, therefore, of great interest to Europe although largely for economic reasons.

Although there are, obviously, structural geopolitical questions which are common to the entire region (the environment, energy, the fact that border disputes are difficult to resolve, claims for a “Maritime Islam”<sup>13</sup>...) and a crucial process of intervention in the Mediterranean coastal-sea zone (MED-Agenda 21, phase II of the MAP), some sub-regional distinctions can be made as, in the western Mediterranean the relative jurisdictional confrontation and the environmental problems from its overuse of the marine zone are compensated for by possibilities for shared management in the future. Yet in the Eastern Mediterranean, already marked by open conflicts (The Balkans, Middle East), there is greater insecurity due to the location of crucial straits and canals (The Bosphorus-Dardanelles, Suez) and to the long and complex Greek-Turkish dispute for control of the waters and seabed of the Aegean (Vigarié, 1990, 181). These could become further aggravated should a future unified Cyprus establish a complete EEZ which would further reduce Turkish jurisdictional waters (Sanguin, 2000).

### **II.3. The new maritime paradigm and Mediterranean geopolitics**

We have seen, particularly since the beginning of this century, a geopolitical restructuring of Europe, consisting of the process of unity and enlargement and the increase of European jurisdictional waters in the Baltic, the Mediterranean and the Black Sea (Suárez de Vivero, Rodríguez Mateos, 2006). This double process, which still has its consequences on the very idea of Europe (what should be the geographical limits of “that which is European”?), is shifting the borders of the EU further to the

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<sup>13</sup> Islam’s recent rise in the Mediterranean is reflected, amongst other things, in somewhat of a nationalistic renaissance with regard to the marine environment (Lucchini, Voelckel, 1977), expressed mainly in the process of declaring different marine jurisdictions shortly after gaining independence and in the growing wish to control their own resources – fishing for example - (Suárez de Vivero *et al.*, 1999).



south and east. In relation to this, it should be remembered that certain jurisdictional disputes remain unresolved (Leanza, 1987; Vukas, 1988; Scovazzi, 1995): the Greek-Turkish dispute in the Aegean, the territorial waters around the Spanish places of sovereignty, the Gibraltar question and the majority of limits of the exclusive economic zones, continental shelf, fishing zones or historic bays, as, with a few exceptions – where there are bilateral agreements or rulings (Marston, 1984) – they have been drawn up unilaterally by each coastal State.

Furthermore, certain geopolitical aspects remain valid, as, although it is true that some external determining factors have changed (the geopolitical situation and global strategy), the geostrategic value of certain areas (straits, channels, islands, peninsulas) or the geographical proximity between Europe, Asia and Africa mean the EU's and the USA's approach to security has been maintained to some extent. Moreover, many documents and reports on security and strategy<sup>14</sup> refer to “new threats”. We know that, in this case as well, these are threats which already existed and have been known about for years: illegal immigration by sea, illegal trafficking by sea (drugs, arms, etc.), terrorism and piracy. Perhaps it is not the threat in itself which is new, but rather the technical means available to any criminal group who wish to wage an “asymmetric war” and also the fact that some States consider their naval capacity too diminished (“failed States” and “failed seas”?) to take them on (Kennedy, 2007).

The Mediterranean today is still experiencing the action of structural maritime factors – its position as an area of circulation (especially in energy flows), its role as a zone which attracts the population of coastal States (Bethemont, 2000) or the “coastalisation” of Mediterranean economies – which influence the geopolitical debate and naval strategies, and also the action of more circumstantial maritime factors (for example, its role as an area for projecting military-naval power over adjacent geopolitical zones).

The evolution of the uses of the Mediterranean Sea and the changes which have taken place in the geopolitical assessment of this marine zone over recent years is parallel to the evolution of the way it has been managed, and a new maritime paradigm may be referred to since the nineties. Traditionally, maritime issues (jurisdictional, economic,

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<sup>14</sup> This is the case of the document *Una Europa segura en un mundo mejor. Estrategia Europea de Seguridad* (Comisión Europea, 2003).

environmental, defensive) were mainly approached unilaterally and by the State, although in the seventies – eighties certain environmental, technological and socioeconomic factors (Vallega, 1992) were to affect the future evolution of marine policies. Gradually, and essentially due to the influence of the 1992 Conference on the Environment and Development, more emphasis is being placed on integration and co-operation, leading to the revision and adaptation of The Mediterranean Action Plan (Vallega, 1995; Pavasovic, 1996), the traditional instrument of marine intervention.

Equally it has to be said that the change of paradigm is linked with the transformations which have taken place over several years in the society-oceans relationship, i.e., the passage from a “modern” stage to a different stage which we might call “post-modern”, which reached its maturity in the nineties. This post-modern ocean phase is a representation of the ocean which is linked more to heritage (cultural and environmental) and to the preservation of quality of life within sustainable parameters, rather than the modern perception of the ocean as simply an almost inexhaustible reserve of resources. (Vallega, 2001a, 1-14; 2001b, 400-401).

The challenges which post-modernity and its global changes (economic, environmental, epistemological) pose to Mediterranean marine management are so extremely complex that it would be unviable and inefficient to return to resorting to old legal and military instruments (*ius ad bellum*) or to geopolitical “navalist” approaches. Even the traditional sectorial approach to the ocean (still current in all the coastal States) would hardly be practical. Post modernity appears to us as a more insecure, more unstable and more complex stage, demanding paradigms associated more with precaution, which are more flexible, more participatory, democratic and more holistic. The integrated and multi-use order of coasts and seas, originating in the seventies (Peet, 1992) fully developing in the nineties, is one of the great “creations” of postmodernity in terms of oceanic intervention policy although only one step further towards that which is now being referred to as oceanic governance.

As may be supposed, the Mediterranean might, in years to come, be not only an area of natural importance of the first order but also an area of some conflict and economic competition. Therefore both an “environmentalist” (sustainability paradigm, Med-Agenda 21, MAP) and an “economicist” and geopolitical (cooperation, new public

management prisms, more global consideration of security) approach are going to be necessary. Ocean governance, uniting ecosystemic, social, political, economic and jurisdictional perspectives, might be the answer.

### **III. THE MEDITERRANEAN IN THE CONTEXT OF THE NEW MARITIME PARADIGM: ENLARGEMENT OF THE EUROPEAN UNION, MIGRATIONS, ENERGY AND ENVIRONMENTAL CRISIS**

The new maritime paradigm, in the Mediterranean region, might be better expressed by means of four processes which, in one case would be a complete novelty (land and sea enlargement of the EU), yet, in others, would be a compounding of previously-managed phenomena (migrations, energy production and dependency and environmental problems).

#### **III.1. The enlargement of the EU. Its consequences on the maritime jurisdictional zone**

The last enlargements of the European Union in 1981 y 1986 (the entry of Greece and Spain) and 2004 (the entry of Slovenia, Cyprus and Malta) meant a tilt towards the Mediterranean. Thus, European jurisdictional waters, distinctly Atlantic until the beginning of the eighties, are going to be essentially Mediterranean<sup>15</sup>, this will not be without its consequences for European security (Suárez de Vivero, Rodríguez Mateos, 2006).

A possible maritime frontier (Suárez de Vivero, Rodríguez Mateos, 2004b) opposite other coastal countries of the Mediterranean, to an extent, accentuates conflicts, some of which already have a long history (Gibraltar Straits, Spanish places of sovereignty in North Africa, the Greek-Turkish dispute in the Aegean) (Suárez de Vivero, 2007b, 52-53).

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<sup>15</sup> The 2004 enlargement meant that European waters represent, in the Mediterranean as a whole, and bearing in mind hypothetical claims for economic zones, a majority percentage in relation to waters of Arab countries (Suárez de Vivero, Rodríguez Mateos, 2004a).

The membership of two island States (Cyprus and Malta) adds a very large percentage of the European waters in this region and, above all, pushes the EU frontier towards its southern sector, which now borders countries such as Syria, The Lebanon or Egypt (Fig. 1).

In relation to northern maritime boundaries, which are considerably more stable, the EU's Mediterranean maritime frontier is: a) dynamic from a socio-demographic viewpoint ( it is crossed by several migratory flows from Africa), b) difficult to draw due to the short distances between the coastal countries of this sea (not exceeding a width of 400 miles) and c) potentially conflictive as it has become an area of diverging national interests, on a line of north/south separation which is not always legally recognised (maritime boundaries may be drawn up unilaterally, without being recognised by neighbouring countries) and a focus of possible tension. In fact, some of the greatest threats to European security hang over the southern maritime flank (the Mediterranean) (Comisión Europea, 2003).

The jurisdictional enlargement of the EU means, in addition to new political and diplomatic challenges, a world of economic possibilities (the marine resources of a greater maritime surface area) and an increase in the level of responsibilities which the EU will have in the near future with regard to the environment and maritime leadership, as the maritime zones to be monitored are larger as are the challenges to be confronted.

### **III.2. Migrations by sea route**

The arrival of growing migratory flows to Europe from the south became an economic, social and security<sup>16</sup> phenomenon a few years ago, which undoubtedly is reflected territorially. Thus, the "political-social" geography of the new immigrations must take the centres of origin and arrival of these flows into consideration, their routes and means of arrival and the processes of change which all of this generates on the European countries receiving them.

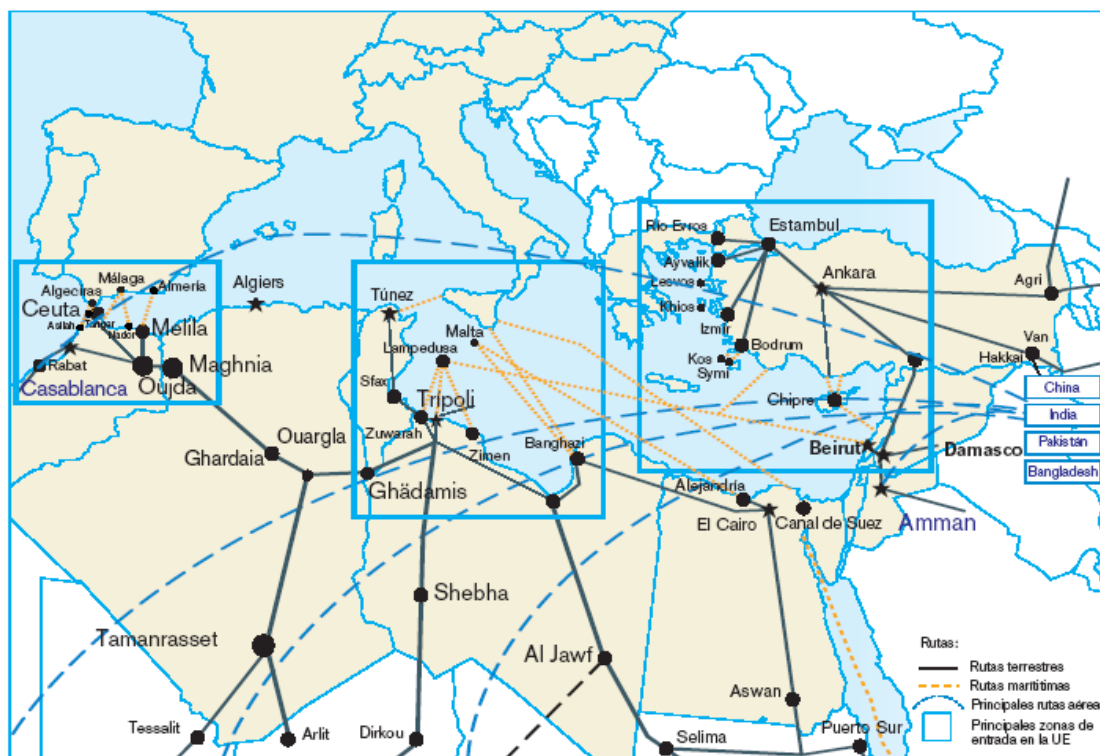
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<sup>16</sup> In the *European Security Strategy*, mentioning organised crime as a threat its exterior dimension is referred to: cross-border trafficking, of drugs, women, arms and illegal immigrants (Comisión Europea, 2003, 4).

It is particularly noteworthy that these flows frequently use the sea as their journey route. This is essentially due to the relative proximity between the north and south coasts, and this, especially in areas such as the Straits of Gibraltar, the Sicilian Channel or the Levantine Sea (proximity between Turkey/Near East, Greece and Cyprus) (Fig. 2), allows close contact between two very different cultural, political, demographic and socioeconomic worlds.

Furthermore, the sea route, to some extent, favours illegal or uncontrolled flows, especially if we consider that, from a strictly jurisdictional point of view, the majority of the Mediterranean waters are considered high seas and, therefore, freely navigable by any type of vessel (Fig.3). This means, with the lack of any type of bilateral or multilateral agreement for border control of migratory flows by sea, it shall continue to be extremely difficult to halt this process prior to reaching the European coasts.

Figure 2. Migratory routes on the Mediterranean

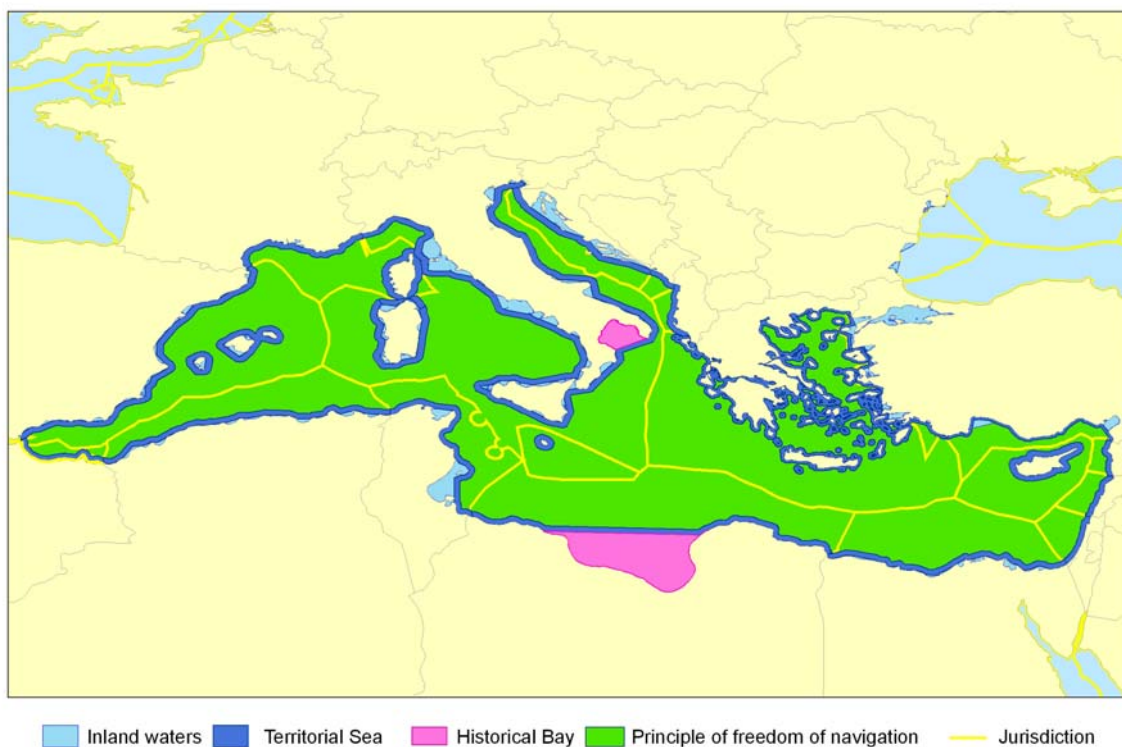


Source: Med.2006, *The Mediterranean Transit Migration Dialogue Newsletter* June 2005, [www.icmpd.org](http://www.icmpd.org).

If we take the Spanish case as an example, we can see how the traditional means used by African immigrants are small unseaworthy vessels (*pateras*) which they usually use to cross the Straits of Gibraltar or the Alboran Sea. However, as our country has

exercised greater control unilaterally by different means (SIVE<sup>17</sup> system) or in agreement with neighbouring countries (diplomatic agreements between Spain and Morocco), the migratory flows have looked for an alternative sea route to the Mediterranean, the route from the coasts of west Africa (especially from the ports of Dakar and Nouadhibou) to the Canary Islands (Zapata-Barrero, De Witte, 2007). This does not mean, of course, that the problem has disappeared from the Mediterranean. This might be an attempt to find an additional route but it will not completely replace the entry routes from the Maghreb to southern Europe. The Mediterranean Sea shall continue to be a key area for immigration and shall remain prominent in the EU political agenda in years to come, which must open up a process of reflection on the role that the maritime frontiers should play, the need to solve unresolved disputes with non-member countries and the multilateral co-ordination of solutions to the problems taking place in this common and shared sea.

Figure 3. Principle of freedom of navigation and hypothetical marine boundaries in the Mediterranean Sea



Source: Auhors.

<sup>17</sup>*Integrated External Vigilance System*, consisting of a system of radars to monitor navigation on the Gibraltar Strait.

Regardless of the circumstances, it is a fact that in the near future immigration by sea shall be one more element to be taken into consideration in the management strategies of the marine space and, especially in European (and non-European) geopolitical approaches to the Mediterranean.

### **III.3. Production and transport of energy products. European dependency. Vulnerability of the transport systems**

The production and the transport of energy products are strategically important activities in the Mediterranean. Firstly, due to Europe's high degree of dependency (and that of the Western world in general) with regard to the supply of hydrocarbons in particular (Suárez de Vivero, 2007b, 90-91). Secondly, because the areas of exploration/exploitation usually belong to non-EU member Mediterranean countries which, in general, tend to be constantly unstable. Thirdly, these energy resources are usually transported by sea, by ship or via pipelines.

We should bear in mind that Western Europe has one of the greatest consumptions of oil and natural gas and, despite its own production, is dependent on other Mediterranean countries or on neighbouring areas – the North of Africa and countries on the coast of the Caspian Sea, for natural gas; different countries of the Middle East and the Arabian Peninsula, for oil. Thus the Mediterranean (both due to the importance *per se* of the supplying coastal countries, and the role as transit zone it plays in regional and global energy trade) has become a key area for EU security and energy supply strategies (Comisión Europea, 2002; Instituto Español de Estudios Estratégicos, 2002, Comisión Europea, 2003).

Given that Europe has been interested in supply from the Maghreb (cheaper gas due to geographical proximity and to the low extraction costs) compared to that of other producing countries, it is logical to conclude that it is and shall be a priority to develop an appropriate policy of cooperation and good neighbourliness in the Euro-Mediterranean and of course, promote the creation of new transport and piping infrastructures for resources (such as the *Medgaz* project, between Oran and Almeria) and the protection of those already in existence (Trans Mediterranean gas pipeline via

the Sicilian Channel, Algeria-Morocco-Spain pipeline across the Straits of Gibraltar) faced with natural risks or catastrophes caused by man (terrorist attacks, for example). Moreover, resources from Central Asia, Transcaucasia and the Middle East have also made the Mediterranean and the neighbouring seas (the Black Sea, Caspian Sea) areas of strategic importance, this importance is also held by Turkey as it is a bridging zone between these resource-producing areas and Europe.

### **III.4. Marine environmental problems**

The reports which have been drawn up on marine environmental aspects since the nineties by some international bodies<sup>18</sup> influence the development of a series of trends which will affect the basin's coastal-marine ecosystems in the short, medium and long term. Amongst the man-induced pressures and human activities indicated in some of these reports (UNEP/MAP, 1996, 7-27) we have: i) population growth and distribution; ii) the development of economic activities and coastal development –urbanization, industry, transport, tourism and recreational activities, agriculture, fishing and aquaculture, the exploitation of water resources, the exploration/exploitation of hydrocarbons and other minerals and energy production. Furthermore, and with regard to the environmental situation itself, we are informed of impact on and problems in the coastal area (urban development, industrial and urban waste, soil erosion and desertisation processes), about atmospheric pollution, problems in the marine environment (pollution of different sources and differing intensity, destruction of habitats and species, reduction of biodiversity, eutrophication, sea level raise due to climatic change) and cultural problems (historical-archaeological heritage) (UNEP/MAP, 1996, 28 et seq).

Obviously, current environmental impact is now significant enough in itself for a list of “environmental priorities” to have been established, including the different types of pollution, eutrophication, the proliferation of harmful algae, the invasion of exotic species or the overexploitation of living resources (European Environment Agency, 2005; Hoballah, 2006). Nevertheless, the effects should also be highlighted which might be predicted to cause climatic change in this region. Different studies have assessed the

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<sup>18</sup> The databases of the MEDPOL programme and the Blue Plan or the reports and bibliography published by the FAO are worthy of note along with the United Nations Environment Programme reports.



possible negative consequences of climate change, such as an increase in coastal erosion (and the subsequent decreased fertility of the soil), flooding of coastal plains, the loss of wetlands and the salinisation of coastal lakes.<sup>19</sup>. The combined action of increased sea level, the alteration of water flows and the transport of sediment, and storms, tides and waves of increasing frequency and intensity shall contribute to these processes. (Jeftic, Milliman, Sestini, 1992; Jeftic, Keckes, Pernetta, 1996; Georgas, 2000, 5-7, 11; Agencia Europea de Medio Ambiente, 2000, 27-29). The question, which is definitely of global scope, shall not be without its effects on a region such as the Mediterranean, which is particularly vulnerable to increased sea levels in areas such as the coastal cities (Venice, Alexandria), deltas (The Nile, The Ebro, The Rodano, The Po) and the Mediterranean islands (Cyprus) (Nicholls, Hoozemans, 1996).

#### **IV. THE REGULATORY MARITIME FRAMEWORK AND THE NEW OCEAN CHALLENGES**

The majority of the general instruments for managing the maritime space already have a history which, when considering how fast some changes are taking place, could be considered extensive. The Mediterranean Action Plan (UNEP/MAP, 1975) and the Barcelona Convention (1976), the United Nations Convention on the Law of the Sea (1982), the United Nations Convention on the Environment and Development /Programme 21 (1992), or the Code of Conduct for Responsible Fishing (CCRF, 1995), have been in force, in some cases, for more than a quarter of a century.

The Action Plan, the Barcelona Convention and UNCLOS, came about in an historical context in which political principles and positions were still in force in the international community and were driven by a desire for co-operation, equity and the prevalence of public action in the face of private interests. The underlying philosophy for the management of fisheries stimulated productivity and an increased fishing effort and the race to nationalise natural resources had still not begun, the property rights of which were to become the object of commodization (Individual Transferable Quotas).

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<sup>19</sup> Consult Greenpeace's web page in addition to the aforementioned bibliography: <http://www.greenpeace.org/mediterranean/campaigns/peaceful-energy/climate-change-and-the-mediterranean>

Some phenomena found in the marine environment are undergoing changes at a fast pace (pollution, eutrophication, invasion of exotic species or reduced biodiversity) and require an ability to respond which is difficult to put into practice in the context of the aforementioned instruments, which, as a general rule, have been created within international organisations whose action mechanisms need a broad consensus which is not easy to reach by a conglomeration of countries with marked differences as is the case of the Mediterranean. Only supranational bodies such as the European Union with a strong presence in this region have a greater capacity for action uniting political and economic efforts. This would be one way of overcoming the difficulties intrinsic to implementing the actions of the abovementioned international instruments.

Maritime jurisdiction claims in the Mediterranean Sea (Fig. 1) have noticeably reduced the waters under the high seas regime, thus the applications of the limitations in part VII of UNCLOS are noticeably limited, to which the States which are still not part of the Convention must be added (Israel, Syria and Turkey). The reduction and progressive disappearance of waters not included under the jurisdiction of any of the coastal States, tends to replace multilateral actions with fundamentally unilateral initiatives in an area such as the marine waters where a large part of the conflicts and environmental impacts are shared. National legislations, which are increasingly more numerous, might come to substitute multilateral agreements. Table 2 shows the inequality and imbalance in the participation of the Mediterranean States in the different international instruments in place in the region which translates as a lack of unanimity in tackling questions which necessarily affect the coastal States, albeit unequally.

Table 1. Multilateral and EU instruments in relation to the Mediterranean Sea

Conservation	Acronym	Ratified by	Others
	BARCOM	Cyprus, France, Greece, Italy, Malta, Slovenia, Spain	+14 Mediterranean States
	BARCOM (protocol on waste)	Cyprus, France, Greece, Italy, Malta, Slovenia, Spain	+14 Mediterranean States
	BARCOM (protocol on waste revised in 1995)	Cyprus, France, Italy, Malta, Slovenia, Spain	+8 Mediterranean States
	BARCOM (protocol on prevention and emergencies)	France, Malta, Slovenia	Other 3 Mediterranean states

	BARCOM (Protocol on land waste)	Cyprus, France, France, Greece, Italy, Malta, Slovenia, Spain	+14 Mediterranean States
	BARCOM (protocol on land waste modified in 1996)	Cyprus, France, Greece, Italy, Malta, Slovenia, Spain	+5 Mediterranean States
	BARCOM (protocol on protected areas and biodiversity)	Cyprus, France, Italy, Malta, Slovenia, Spain	+7 Mediterranean States
	BARCOM (offshore protocol)	Cyprus	+3 Mediterranean States
	BARCOM (protocol on dangerous waste)	Malta	+3 Mediterranean States
Fishing	GFCM/FAO	Bulgaria, Cyprus, France, Greece, Italy, Malta, Romania, Spain, Slovenia	+Turkey
Other living resources	ACCOBAMS (includes the Black Sea)	Bulgaria, Cyprus, France, Greece, Italy, Malta, Portugal, Romania, Slovenia, Spain, United Kingdom	+10 Mediterranean States
	Whale sanctuary (Ligurian Sea)	France, Italy	+ Monaco

Source: Green Paper: *Towards a future Maritime Policy for the Union*. Background Paper n° 9. Multilateral and EC Instruments related with the Seas and the Oceans.

Some international instruments with more uniform support from the coastal countries might make up for a marked inequality between national marine policies, at present only being undertaken by France (The Nippon Foundation Task Force, 2005). Only the European Union has a supranational policy which, without the States losing their autonomy in terms of management and protection of the marine environment, contemplates common instruments such as the new Marine Policy which, although at an embryonic stage, is highly promising in that it would guarantee a solid block in the Mediterranean Sea which might lead to broader regional actions with its economic, technical and political capacity. This is already resulting in a complex network of partial marine policies and general policies of co-operation (Table 2). In any case, a North-South dichotomy would be reproduced in which the southern European waters would have a protection and regulation scheme in contrast to the North African half with no supranational articulation and with few national initiatives.

Having reached this point, the post-UNCLOS stage, where there is marine government and which would extend chronologically from the end of the nineties to the present day, is seen as the time when the basic instruments that have been created over the last third

of the twentieth century should be implemented. In the Mediterranean Sea, the geographical determining factors themselves – the application by all the States of some sort of jurisdictional claim eliminates the possibility of there being waters under the high seas legal regime and a hydrology which is strongly conditioned by its nature as a semi-enclosed sea - make multilateral actions essential in an international setting which is dominated by the loss of legitimacy of the supranational bodies and the reinforcement of unilateral positions (each State makes some type of jurisdictional claim: regimes stemming from UNCLOS coexist (exclusive economic zone) with other jurisdictional typologies such as fishing zones or areas of ecological protection, which are even casting shadows of doubt as to whether an integrated EU marine policy could prosper in a clear process of renationalisation of community policies. Some key aspects such as maritime transport might still be framed and regulated by instruments such as UNCLOS (freedom of navigation, despite the multiplication of unilateral jurisdictional initiatives or the regulation of international straits), others, such as fishing, are largely regulated by national legislations which, in any case, can assume the Code of Conduct for Responsible Fishing. Energy strategies and the integrated management of coastal areas shall depend more on the sets of alliances in play at a specific time (energy flows) and on national initiatives (coastal management and alternative energy).

Table 2. EU participation routes in the Mediterranean

MARINE MANAGEMENT POLICIES	Management policies concerning the European marine-coastal zone	<ul style="list-style-type: none"> <li>• Common environmental policy</li> <li>• Common regional planning policy</li> <li>• Common strategy on the European coastal areas</li> <li>• Integrated EU maritime policy</li> <li>• European strategy for the protection and conservation of the marine environment</li> <li>• European directive on marine strategy</li> </ul>
	Euro-Mediterranean management policies	<ul style="list-style-type: none"> <li>• MEDSPA programme</li> <li>• Scientific projects</li> <li>• Support for the Environmental Programme for the Mediterranean</li> <li>• Euro-Mediterranean environmental and fishing co-operation *</li> <li>• Participation in MAP and the Barcelona Convention</li> <li>• Proposal for an European environment strategy for the Mediterranean</li> </ul>

EURO-MEDITERRANEAN CO-OPERATION POLICIES	Promoted by the EU	<ul style="list-style-type: none"> <li>• Euro-Arab dialogue</li> <li>• EC Mediterranean Policy</li> <li>• EU –Mediterranean Third Countries agreements</li> <li>• Group “5+5”</li> <li>• Euro-Mediterranean Association</li> </ul>
	Special initiatives	<ul style="list-style-type: none"> <li>• Mediterranean Forum</li> <li>• Inter-parliamentary conference on Security and Co-operation.</li> </ul>
	Other political dialogues	<ul style="list-style-type: none"> <li>• Dialogue on security between western organisations (NATO, WEU) and the Mediterranean Third Countries</li> <li>• CSCM</li> </ul>

\*Letter from Nicosia (1990), Cairo Declaration (1992), Regulation n° 1626/94 for the conservation of Mediterranean fishing resources (1994), Heraklion Declaration (1994).

Source: Authors.

## V. CONCLUSIONS

The Mediterranean is still portrayed as a zone of convergence, both strictly geographical (separation between two continents) and of economic and cultural systems. The above circumstances explain how the Mediterranean is a geopolitical area of tension due to the difficulties caused by the marked imbalances between its shores. The changes which took place from the end of the twentieth century have clearly left their mark on the region as some of the intrinsic tension of the Cold War era has diminished and is being replaced by new factors where the maritime dimension is playing an increasing role. Essentially, environmental, energy and migratory crises are the Mediterranean's new geopolitical parameters. Given this scenario, the enlargement of the European Union and the majority presence of this political entity in Mediterranean waters constitute an advantage in that a coherent organisation exists with the ability to manage the maritime space. However, the marked north/south imbalances which are still in full force and, in some respects increasing, are a factor which limits the governance of a marine area, which due to its very traits of fluidity, continuity and mobility, is of such a complex nature that it can only be handled using the traditional mechanisms and instruments already in existence which, as they have not been clearly specified, are losing credibility.

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