The legal regime of the Exclusive Economic Zones.

What stage is Italy at?

Paola Giorgia Ascani

When we focus on the majority of maritime tensions and disputes currently taking place in the world, we find a single common denominator: the EEZs - Exclusive Economic Zones. Introduced by UNCLOS - United Nations Convention on the Law of the Sea in 1982, they are the most consistent innovation in the international maritime field, but also the *punctum dolens* of international relations between States that exercise their Sea Power. The legislation that characterizes them sometimes causes uncertainty in application unsuited to stemming attempts at hoarding, not so much of the basins they border, but of the resources (abundance of fish in the seas and natural and energy resources) that are contained in them and under the seabed.

In general, Part V, relating to the regulation of EEZs, was included in the Convention in compliance with the intent to recognize and give legal value to the interests of coastal States. In fact, with the establishment of the EEZs States have seen their powers over the adjacent

Lawyer of the Courts of Rome since 2006, she mainly practices in the criminal field and protection of human rights. She advocates before the Supreme Court of Cassation and higher courts. Member of the Criminal Law and Procedure Commission of the Council of the Bar of Rome, her contributions on the discipline of contracts, patents and trademarks and intellectual property have been published by the Giuffrè publishing house. She was tutor and member of the board of the Criminal Chamber of Rome and of the Alberto Pisani Study Center. She has curated, from a juridical and legal point of view, editorial photography projects on humanitarian and international matters. She is a legal and forensic advisor to the Circle of the Ministry of Foreign Affairs.

Coast Guard controls during fishing activities. In the new Italo-Greek agreement, the current rights of Italian red shrimp fishermen in the future Greek EEZ are preserved (wallnews24). Below: the UNCLOS logo (hanoi times).

seas expanded, although not in an indiscriminate or automatic manner. Unlike the continental platform, on which sovereignty extends by natural law, the EEZ must be declared, being the manifestation of a treaty obligation to be exercised with the involvement of frontager or neighbouring States in the marine area concerned. The establishment of this discipline resulted in conflicting interests and claims on maritime areas, and a new era in the exploitation of the sea and its resources has begun. No less important is the impetus given to geostrategy, in every part of the world. We are often surprised at the proliferation of disputes off the coast of Asian countries, the events in the Chinese seas take up more and more space in the calculation of the risks that the entire international system runs in terms of global peace, but we do not adequately realize how much the same risks, in the last decade, have made their way inshore. The discovery of natural gas fields in a quantity never before found in the West, not even in Northern Europe, has forever changed the balance in the Eastern Mediterranean, off the coast of Egypt, Italy, Greece, Turkey as well as Israel and Lebanon (1), also changing the interests and roles of the players involved.

The policies of individual States, as well as of the international organizations which they belong to, have undergone an abrupt change, tending towards the preservation of prerogatives of power in the energy sector or towards management, which is becoming, in some cases, common. The EEZs are at the centre of all this upheaval of intents, interests and politics.

The hoarding of depths rich in resources, the extension, above and below the water, of one's power of exclusive exploitation, means earning a very wide segment of supremacy from today to the next decades.

What do we mean by the legal regime of EEZs

First of all, we must define the Exclusive Economic Zones pursuant to UNCLOS, to which articles 55 to 75 are dedicated. Articles 55 and 57 legally qualify the EEZ as an "*area beyond and adjacent to the territorial sea, which does not extend beyond 200 nautical miles* (2) *subject to the specific legal regime established in other parts of this Convention, which harmonize the rights and jurisdiction of the coastal State with the rights and freedoms of other States*". Art. 56 provides and lists the rights of coastal States, defined as sovereign, (exploration, exploitation, conservation and management of natural resources, biological and otherwise) on the resources contained on the seabed and in the marine subsoil, as well as in the water column above, to be extended also to the activities necessary to carry them out. Articles 61 and 62 deal, among other things, with the methods of exploitation of fish resources, and provide that the State that owns the EEZ establishes the quantity of resources

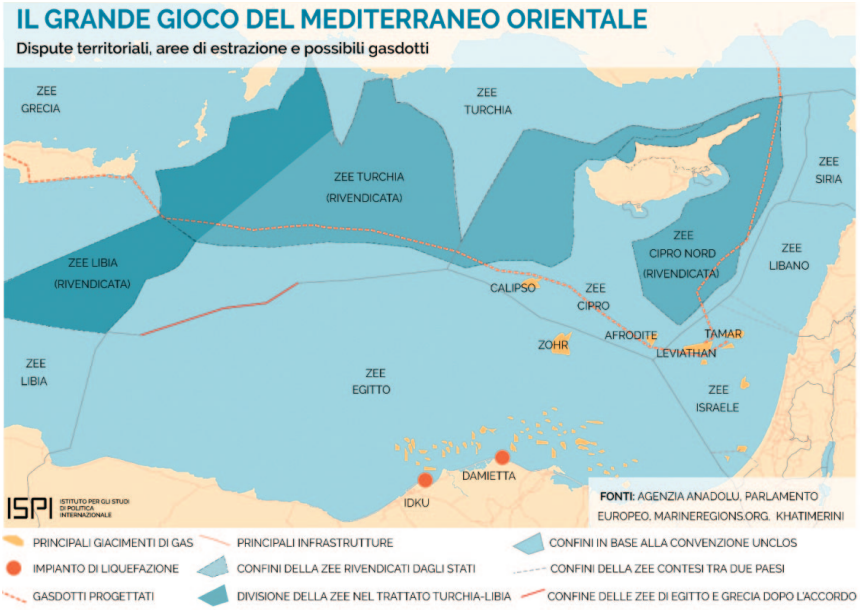
necessary for internal needs in relation to the exploitation capacity, introducing the principle by which the surplus must be distributed, subject to bi- or multilateral agreements, with third countries.

Under the jurisdictional profile, UNCLOS recognizes the jurisdiction over the installation and use of artificial islands, plants and structures, the conducting of scientific research and the protection and preservation of the environment to the State that holds the EEZ. In relation to the exclusive rights of the coastal State, the Convention preserves the rights and establishes the obligations of third States within the EEZ of others. Art. 58 reaffirms the obligation to safeguard certain international freedoms relating to the high seas, applying it within the EEZ, where the right of navigation, overflight, laying of pipelines and submarine cables by foreign countries remains (3). This regime strikes a legal balance between exclusive exploitation rights by the State that owns the EEZ and freedom of the seas for third States. The compromise between exclusive rights and international freedoms made by the Convention was made possible by adhering to a functional conception of law. That is, both cases are functional with respect to the activities to be carried out lawfully, on the one hand the exploitation of resources, on the other the exercise of communication, air and sea traffic. A confirmation of the functional nature of the applied law comes from the following art. 59, which governs the residual legal situations compared to those just now regulated in a specific way, establishing that the Convention does not attribute rights or duties to the coastal State or other States, and identifies the principle of equity in relation to the circumstances to solve any conflicts, and to the interests of the parties in the specific case. The principle of equity is also the one according to which, articles 69 and 70 UNCLOS (with reference to articles 61 and 62), protect and introduce the rights of the so-called disadvantaged States, that is, those without access to the sea or with a coastline that is too small, which risks precluding them from exploiting marine resources.

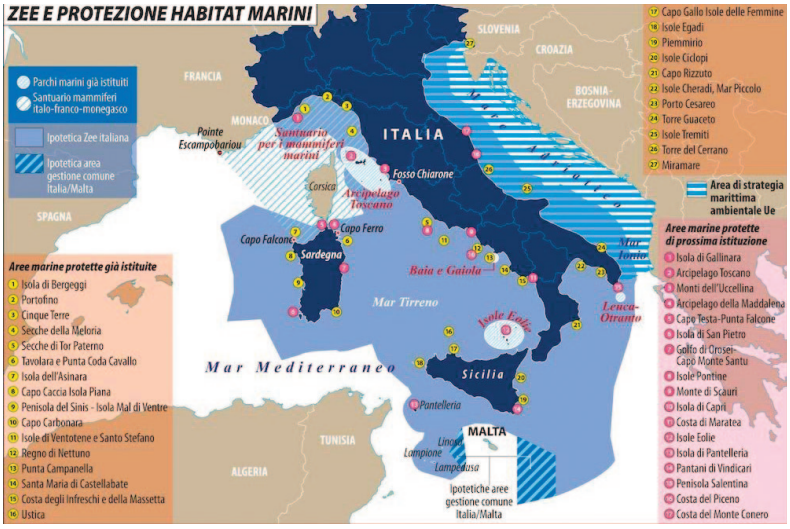
The law provides that part of the surplus of the biological resources of the Exclusive Economic Zones of the neighbouring coastal States is to be redistributed to them according to agreements. The Convention also deals with regulating the methods of delimitation of the Exclusive Economic Zones and establishes that, in the case of frontager or contiguous States, they must be traced and defined on the basis of international law dictated by art. 38 of the Statute of the International Court of Justice, or according to equity, alternatively with the discipline of the solution of disputes provided for in Part XV UNCLOS (art.74 UNCLOS, duty of cooperation in good faith). On this point, to settle the numerous disputes that have arisen, the International Court of Justice (4) has also intervened several times to establish that when the delimitation occurs at the same time, there must be a single line. The multiple EEZs that have been established thus far in the Mediterranean derive, in fact, from bilateral agreements (the Cyprus/Egypt EEZ established in 2003, the Cyprus/Lebanon one in 2007). The legal regime of the EEZs reflects the spirit with which the case was introduced into international law: the greater recognition of the coastal States' sovereign rights to exploit natural resources, even beyond the territorial sea. It is a regime based on a series of rules of a customary nature, the fulcrum of which already existed prior to the approval of UNCLOS. In the seventies the same prerogatives, now recognized by the Convention, were peacefully exercised by the States; in relation to them, UNCLOS carried out a mere coding function. The phenomenon, known as creeping jurisdiction (5), had already extended State sovereignty to marine areas, today EEZs, like the territorial sea. The exact definition of the legal nature of EEZ was reached, with a compromise between the two approaches that emerged from the work of the Third United Nations Conference on the Law of the Sea. These reflected the opposite claims of the major fish markets in the North (Russia, United States, Japan, CEE countries) with fleets capable of fishing far from national borders, compared to those of developing countries further south, which powerlessly witnessed the depleting of resources off the coast. According to a first theory, the EEZ was nothing more than a portion of the high seas within which the coastal State could exercise functional rights for the achievement of economic purposes, without prejudice to the regime of freedom of the seas.

The second theory, defined the EEZ, as an area of extension of State power (like the territorial sea) wherein the rights of the coastal State could be exercised, exclud-

ing other State powers, thus denying the freedoms traditionally recognized to other States on the sea. A solution was needed that would allow coastal States to safeguard the exploitation of their basins, saving them from those who came from afar, claiming the freedom of inshore navigation. The final position subsumed in the Montego Bay Convention was, so to speak, median, placing the EEZs in a sphere halfway between the territorial sea and the high seas. A third genus that unites, yet at the same time keeps distinct, the prerogatives of coastal States and those of third States, in the strip between the territorial sea and the high seas. The compromise of the definitive regulation of the EEZ harmonises specific rules, exclusive sovereignty and general freedoms and, as mentioned above, is functional in nature. Nonetheless, it leads to hybrid legal conclusions, which generate not a few difficulties in practice and therefore risk of conflict between States, as the history of the initiated files at the International Court of Justice demonstrates (6). Furthermore, the fact that the rules governing the exploitation of biological resources, and not of the seabed and subsoil, are inherited from the regulation, already contained in the Geneva Convention of 1958, might superficially appear to support the argument that the Convention on the rights of the sea has only collected the existing institutes, subsuming the rules of the continental platform into those of the EEZs. The reality is very different, the two disciplines are far from coinciding, as demonstrated by art. 56, par. 3 UNCLOS, in which express reference is made, for rights related to the resources of the seabed and subsoil, to the provisions of Part VI, relating to the continental platform, and not V, which concerns the EEZs. It is therefore clear that even in the 1982 Convention the intention was to keep the rules of the EEZ and those of the platform separate, for various reasons that go beyond the subsisting, partial geographical coincidence, making them correspond to a lack of connection from the point of view of law. The disciplines of the EEZ and the continental platform are therefore not superimposable. The interpretative complexity derives from the impossibility of conclusively applying one, rather than the other, legal regime in the territorial zone of 200 nautical miles, which remains subject to two, not complementary, regimes. Both the one and the other regulation are incomplete in terms of recognizing the rights of the coastal State. This problem then leads to conflicts on the boundaries of the EEZs, as none of the interested States and third parties lends itself to renouncing their own exclusive rights in favour of the others. Specifically, it bears remembering that in the EEZs the legal regime for exploitation concerns natural resources, be they biological or mineral, while that of the continental platform applies only to non-biological resources. From a legal point of view, this distinction, which may seem insignificant, actually generates a relationship of specialty of the rules relating to the platform with respect to those EEZs that, in the application stage, would mean the prevalence of the former over the latter. This circumstance is also evident from the tenor of the rules that authorize the establishment of the EEZ. These are rules that grant *rights* to the coastal State that, as such, requires an express man-



A map indicating the borders of the Greek-Egyptian agreement. One of the many new jurisdictional arrangements in the eastern Mediterranean Sea (ISPI).



Map of the Italian EEZ and special marine areas (Laura Canali for *Limes*).

ifestation of will, and a declaration, and are therefore less incisive. This is not the case for the platform, on which the sovereignty of the coastal State is recognized as an inalienable right. Basically, in the event of a conflict to establish the rights of the coastal State over the area within 200 nautical miles, the prevailing discipline will be that relating to the continental platform, regardless of whether the State has declared its EEZ, in the same way in which it is undoubtedly applicable even beyond 200 nautical miles. If, on the other hand, it is a question of establishing the rules applicable in the case of exploitation of the mineral resources of States without a platform, the same discipline would be inapplicable on the seabed within 200 miles from the coast, as only the legal regime defined for the EEZ would apply, which, by the express will of the UNCLOS conventional imprinting, ignores the morphology of the territory, in order to allow, in any type of dispute, the implementation of the Convention. If, from the economic point of view, linked to the rights of exploitation the question is difficult, but still clear to sort out in the event of a conflict, the same cannot be said in cases in which one of the voices of discord concerns the clarification and limits of the content of the freedom of navigation.

Last April there was news of significant tension off the coast of the Laccadive Islands, in the Indian Ocean, due to military exercises carried out by the US Navy consisting of destroyer USS *John Paul Jones*. According to the Indian government, the warship should not have transited the EEZ under international law and the rules on EEZs and CP (Continental Platform) contained in the UNCLOS, but the United States objected to the non-existence and illegitimacy of Indian claims. To further support the validity of its claims, in the Official Communiqué of the American 7th Fleet, the United States openly confirmed that the exercises, part of the FONOP - Freedom of Navigation Operation - took place without the authorization of India.

In addition to recalling that the United States never ratified UNCLOS, unlike India which proceeded in 1995, it bears mentioning that the excellent relations between the two countries were not at issue, because the exercise was aimed not at harassing India, but at downsizing the Chinese ambitions in the South China Sea, demonstrating that the rights and claims in the EEZs reflect a purely random nature of maritime law in those areas. However, the universal legal question remains, beyond the claims of the disputing parties, whether military naval exercises can be qualified as an expression of freedom of navigation within an EEZ and whether this in some way restricts the exclusive rights of the State that owns the EEZ itself. The answer has yet to be found. The sore point is that this problem derives from an actual discrepancy of UNCLOS, wherein there is no provision that expressly prohibits the carrying out of military exercises or manoeuvres in the EEZ, due to the fact that the legislators of the Convention did not want to do so. In principle, the comparative reading of art. 19, paragraph 2, lett. b UNCLOS, establishes that military manoeuvres are prohibited by the Convention in the territorial sea, in terms of harmless passage, therefore the discrepancy with respect to the EEZs might only be illusory and, in reality, reveals the desire to sanction their lawfulness. It bears mentioning that some Convention signatory States have declared the prohibition of military manoeuvres, and Italy is not among these. Finally, taking into account that the legal regime of freedom in the Area, or the interna-

tional sea space beyond the outer limit of the continental platform, remains *res nullius* to this day, that is nobody's property, free from national jurisdictions (unlike the EEZs) and therefore subject to international standards, a common heritage that no State in the world can make its own, it may be argued that the shadow of national sovereignty unfolds as we move away from the mainland, State powers fade from the territorial sea towards the high seas, passing through the contiguous zone, the EEZs and the continental platform. The ultimate goal of a greater jurisdictionalization of marine areas starting from the coast allows and satisfies the need for fair use between States.

Map of the extension of the Italian EEZ boundary (Laura Canali for *Limes*).

The Italian situation

In the Mediterranean basin, the question of EEZs is particularly delicate. The creation of Exclusive Economic Zones has always been particularly difficult in the Mediterranean Sea due to the morphology of the basin itself, which is identified as semi-closed. In art. 123 UNCLOS has dedicated a general obligation of enhanced cooperation to these type of seas, with a view to avoid, as much as possible, litigations and disputes for the delimitation of areas of exclusive sovereignty, according to the geopolitical implications of the basin. This has meant that traditionally, the Mediterranean States preferred to establish Ecological Protection Zones (EPZ), valid for establishing the boundaries of fish exploitation, whose discipline, in large part, is already suited to guaranteeing them the same prerogatives as the EEZs. This custom has changed in recent years due to some events such as the discovery of huge hydrocarbon deposits in the eastern Mediterranean area, which extends from Israel up to the Greek coasts. Therefore, the EPZs have shed their skin and, to a large extent, States have begun to replace them with the establishment of EEZs. One of these is Italy. The proclamation of its ecological zone took place with Italian Law 61/2006, in order to legally protect itself against the initiatives of other Mediterranean States, especially frontager and adjacent States, which began to proclaim their own exclusive zones in the form of "*ecological and fishing zones or fishing areas*" with the aim of transforming them, only at a later time, into real EEZs (7). The delimitation of the EEZs in the Mediterranean is made increasingly complex by the scarce distance between opposite coasts, almost always less than 400 miles, which involves the reciprocal lapping of the frontager EEZs. Thus, the establishment of fishing areas was more suited to meeting the need of safeguarding fish resources from the aggression of Asian fishing vessels in continuous increase in the Mediterranean, as well as the growing need for environmental protection of marine biodiversity and repopulation of species. This explains why, since 2003, there have been transformations of the Ecological Protection Zones into EEZs in precursor countries such as Croatia (Parliament decision, October 2003), France (decree, October 2012), Spain (royal decree, April 2013), Tunisia (provision, June 2005) and Libya (decision of the General People's Commission, May 2005), followed by Cyprus, Egypt, Israel, Lebanon, Morocco, Monaco, Syria and Turkey. Italy has long remained indifferent to the EEZ revolution, some even spoke of "Zee-phobia" (8). The disdained and little-known subject has always been linked to fishing, an area in which Italy has never claimed its rights.

The first time that the Italian voice was raised in the UN forum was in 2018, following the occupation of the Italian marine spaces up to 13 miles off the coast of Sardinia (with an overlap of 70 miles to the Italian EPZ, es-

tablished in 2011) from Algeria with the declaration of its EEZ. The reasons behind Italy's behaviour are probably attributable to an erroneous perception of the changes in the balances of the Mediterranean that occurred in recent years to the detriment of Italy, which has long been the only player and the consequent effort to acknowledge a more complex and articulated scenario in the Mediterranean. The truth is that, by now, the EEZ regulation is the true fundamental law of the sea, and Italy too, especially following unscrupulous foreign initiatives, has acknowledged that it must take a step forward to protect its national heritage not only in terms of exploitation, but above all with regard to the affirmation of its sovereignty.

In this action, it is vital that the various institutions that, in various capacities, have competences on the portion of the maritime environment included in the EEZ work in a synergistic way, avoiding overlaps that would inevitably lead to ineffectiveness and possible internal conflicts.

To this end, without prejudice to individual institutional responsibilities, all the actors involved must collaborate within the framework of a univocal set of rules that recognizes specific roles and safeguards peculiarities in the broadest respect for the principle of the best use of the public resources invested. In this context, it is essential that the Italian Navy be granted the role of coordinating activities on the high seas as well as the performance of specific tasks in favour of other institutions, thanks to the availability of a differentiated set of operational capabilities that can act at a multidisciplinary and multidimensional level.

The content of the bill for the establishment of an Italian EEZ

The awareness of the multiple implications of the proclamation of an Exclusive Economic Zone, in relation to the new geopolitical and strategic dynamics created in the Mediterranean, led to the Chamber of Deputies' approval of the bill for the establishment of an Italian EEZ, presented in 2020. The document, A.C. 2313, which finds the legal conditions in the Italian ratification of the Montego Bay Convention with Italian law no. 689 of 1994, also obtained technical and financial approval, wherein it is emphasized that the expansion of the maritime space, pursuant to the current Italian Legislative Decree 201/2016, is subject to a series of EU implementation obligations, and that with reference to the so-called marine waters, the Italian Legislative Decree 190/2010, already provided, for the Italian legal system, in implementation of EU obligations, the program to achieve and maintain a good environmental status within the exercise of a right already permitted by current legislation. Basically, the legislative framework can already accommodate, without any modification, not even financial, the establishment of the EEZ. The content of the bill A.C. 2313, authorizes the establishment of an Exclusive Economic Zone beyond the external limit of the Italian territorial sea (art. 1, paragraph 1), envisages that the instrument of law is a decree of the President of the Republic (Article 1, paragraph 2) , on a proposal from the Ministry of Foreign Affairs and International Cooperation, following a resolution of the Council of Ministers, to be notified to the States whose territory is adjacent to the territory of Italy or faces it. Paragraph 3 of art. 1 establishes the external limits of the EEZ to be determined on the basis of agreements with the States whose territory is adjacent to the Italian one or faces it. Pending the stipulation, the external limits of the EEZ are defined, on a provisional basis, so that they do not hinder or compromise the conclusion of the agreements themselves. In art. 2, the sovereign rights of Italy are established, contained in the international regulations in force, finally in art. 3, it is specified that the establishment of the EEZ does not compromise the exercise, according to general and international treaty law, of the customary freedoms of navigation, overflight and laying of submarine pipelines and cables, as well as of the other rights provided for by the international regulations in force. Essentially, an almost total and peaceful reference to the regulations of the Convention on the subject of EEZs. Italy's decision to acquire an EEZ is the urgent viaticum needed to appear competitively on the Mediterranean strategic and economic scene. In short, Italy is now aware that the Mediterranean is no longer just *nostrum*.

Legal aspects of the Italo-Greek agreement on the EEZ

There will be no need to elaborate any further proposals in relation to the future Italo-Greek EEZ, another delicate issue that must be resolved quickly. Given that, from a regulatory point of view, the delimitation will require the

mere adaptation of the old bilateral agreement, stipulated in 1977, the EEZ with Greece is particularly important and necessary, following the energy objectives and partnerships created with the signing of the bilateral agreement in the Eastern Mediterranean Gas Forum (EastMed) project. [point after parenthesis inserted] In fact, the pipeline will transport gas from the fields of Israel and Cyprus, to Greece, Italy and other countries of south-eastern Europe, making them definitively independent from Russian supplies. But, with the Italo-Greek agreement, Italy also becomes an active player in facing the new Turkish-Libyan axis created with the 2019 *Memorandum of Understanding*, already condemned by Greece and the EU, as contrary to current international law, and therefore, in fact, having no effect for the international community. At the moment, the Greek and Italian governments have entered into a simple *pactum de contrahendo pro futuro*, that is to say a declaration of intent to reach the common delimitation of the EEZ in the very near future.

This *pro futuro* agreement can prevent, and eventually resolve any dispute, particularly in reference to the recall made to the joint commitments already stipulated by the two countries within the common European fisheries policy and in the exploitation of energy resources in offshore areas, off the Salento coast, where interests are extremely common. These merits derive from the good legal quality of the agreement itself. The prerequisite, as anticipated, is the old treaty signed in 1977 for the delimitation of the continental platform, ratified by Italy with Italian Law 290/1980. The new understanding indicates it as the basis for the new delimitation "*of sovereign rights and jurisdiction*" exercisable by each State (art. 1, par. 1). In particular, the new marine border will be identified as the extension of that of the continental platform to the water column above, as per established international practice. This solution, from a legal point of view, is in itself the most suitable to settle any critical issues due to the different time of establishment of the two institutes (CP and EEZ). The case of CP, codified in the Geneva Convention in 1958, was qualified as a norm of customary international law in 1969 by the ruling of the International Court of Justice in the case of the North Sea CP. The institution of the EEZ, which appeared with Part V of the UNCLOS, was codified only thirty years later, therefore all the States that had already defined their own CP, including marine soil and subsoil, also found themselves having to consider the sovereignty over the overlying water column, introduced into coastal maritime sovereignty by the EEZ regulations. This is the origin of the custom of extending the agreed-upon seabed and subsoil boundary line directly to the waters above, by virtue of practices with flawless practical implications. On the one hand, to prevent the different areas from falling under different jurisdictions, with the aggravation of disputes and problems of managing the overlapping of competences and sovereignty; on the other hand, the identification of an objective geographical parameter leaves little room for any dispute to arise. The case of the previously ratified Italo-Greek border, which the future delimitation agreement of the EEZ will operate upon, falls into this typology. It is therefore, *in nuce*, an effective and fully legitimate agreement that can also act as a precedent for future delimitation agreements to be entered into by Italy and Greece, with Tunisia and Turkey respectively. The characteristic common to the two stipulating countries, that they both do not have an EEZ, also facilitates the definition of borders, already consolidated by custom. A clause, contained in par. 3 of the same article, anticipates the possible extension of the northern and southern borders, following the establishment of those with the other neighbouring States (Albania, Libya, Malta) (art. 1, par. 3). Fishing rights as per EU regulations and the rights of third countries, pursuant to art. 58 of UNCLOS, shall be preserved by art. 3. It bears pointing out that the two countries would maintain the customs that have already arisen. An example would be thepreservation of the red shrimp fishery by Italy in Greek marine areas that, following the new agreement, would become part of the Greek EEZ or even the territorial sea. To this end, the States, by mutual agreement, notified the EU Commission of the amendment to the regulation on fishing, to protect Italian fishermen after the proclamation of the Greek EEZ. The latter is a veritable novelty that could become a precedent in international practice: the protection of Italian fishing rights in the Greek EEZ and territorial sea. If this provision is, in abstract terms, already compatible with the international law of the sea contained in UNCLOS, there are considerable doubts with regards to the EU. Given that the Union has exclusive competence in the field of fisheries, unlike

the delimitation of marine areas, which are entirely state-owned, the problem of joint fishery agreements and the corresponding protection of the rights held so far by Italian fishermen, remains the only open point for secure enforceability. Assigning the right to fish in the exclusive zone or in the Greek territorial sea (in the event that the Greek territorial sea was extended in the future up to 12 nautical miles) means reserving Italian fishermen the right to access a large area of Greek sovereignty and this on the basis of historical rights that are not disciplined under UNCLOS. The topic, which is often talked about in maritime disputes related to the EEZs, suffice it to recall all the events in the Chinese seas (9), is particularly controversial, since there is no definition of historical law in the Convention, yet art. 15 UNCLOS is reserved as a valid title in the delimitation of the territorial sea. It will therefore be doubly interesting to see the international and European position, also in relation to the fact that the protection of the rights of a category of individuals has never taken place in a delimitation agreement, but rather in specific deeds and documents. The completeness of the provisions of the treaty is finally expressed in the dispute resolution clause, which grants ITLOS (International Tribunal for the Law of the Sea), in the absence of a different agreement between the parties, the jurisdiction to decide.

Conclusions

It is clear that a large part of the peace on the seas that States and the international community have on their agendas depends on the arrangements and legal regime of the EEZs. In some cases, the redrafting of maritime borders, or the claiming of existing ones, is leading to real conflicts and strategic policies related to the exercise of Sea Power, which risk changing the current world balance forever. As regards Italy, in the immediate future, it must make the most of the crucial role of the Italian Navy, as a national reference element in conducting surveillance activities on the high seas and in coordinating all the actors who will be involved, in various capacities, in the dynamics of the EEZs in relation to their respective institutional tasks. ⚓

NOTE

(1) Tamar, (about 11 TCF = trillion cubic feet) and Leviathan (21 TCF), Israel, discovered in 2009 and 2010 by Noble Energy and in production since 2013 and 2019 respectively; Zohr, Egypt, (30 TCF), discovered by ENI in 2015 and in production since 2017; Aphrodite, Cyprus, discovered by Noble Energy in 2011, is not large in size and has not yet been developed by the *joint venture* partners (about 4 TCFs); Calypso, Cyprus, discovered in 2018; Glaucus, Cyprus, discovered in 2019 (5-8 TCF); Tuna, Turkey, discovered in 2020 (around 14 TCF).
(2) Calculated from the baselines from which the width of the territorial sea is measured.
(3) Reference to the application of Articles 88 and 115 where compatible with Part V, UNCLOS.
(4) See F. Caffio, *Glossario del diritto del mare*, V edition, Supplemento Rivista Marittima, November 2020, pag. 84.
(5) See F. Caffio, *Glossario del diritto del mare*, V edition, Supplemento Rivista Marittima, November 2020, pag. 84.
(6) Case Somalia *vs* Kenya, still pending before the International Court of Justice (ICJ), called to decide on sovereignty over the portion of the Indian ocean, licenses for exploration of hydrocarbon fields, and on the right to fish. Case Chile *vs* Peru, maritime dispute settled by the IGC in 2008 because Kenya refused to recognize the sovereignty of Peru in the marine area included in the 200 nautical miles from the coast and outside the Chilean EEZ and CP (Continental Plate), pursuant to art. 74 and 83 UNCLOS on the delimitation between states adjacent to EEZs. Case Romania *vs* Ukraine, 2004, in which the IGC had to settle the delimitation of the borders of the CP and EEZ in the Black Sea. Case Nicaragua *vs* Honduras of 2007, in which the CIG settled the delimitation of the territorial sea of the CP and the EEZs according to equity and international law in the Caribbean Sea for the extraction rights of natural resources and fishing rights between the two countries.
(7) See Andreone, G., Cataldi, G., *Regards sur les évolutions du droit de la mer en Méditerranée*, in AFDI, 2010, 1 ss.; Andreone, G., Cataldi, G., *Sui Generis Zones*, in Attard.
(8) Term coined in 2005 by prof. Tullio Scovazzi, professor of international law.
(9) Arbitration award in the case The South China Sea Arbitration (The Republic of the Philippines vs The People's Republic of China), on an appeal filed by the Philippines in 2013, in July 2016 the Permanent Arbitration Tribunal in The Hague issued the ruling which established that the "*nine-dash line*" is a violation of international law. The *nine-dash-line* is the historical right on which China bases all its claims in the South China Sea.

BIBLIOGRAFIA

Proceedings from the videoconference of the members of the European Council, March 25 and 26, 2021, available at www.senato.it.
Dossier n. 297, Italian Bill, Istituzione di una zona economica esclusiva oltre il limite esterno del mare territoriale, A.C. 2313, Report of the Chamber of Deputies Studies, XVIII Legislature, May 2020.
Dossier n. 297, Italian Bill, Istituzione di una zona economica esclusiva oltre il limite esterno del mare territoriale, A.C. 2313, Report of the Chamber of Deputies Studies, XVIII Legislature, October 2020.
Parliamentary Acts, Chamber of Deputies, XVIII Legislature, Italian Bill, n. 2313, December 2019.
Technical-Financial Report of January 14, 2021, in relation to the coverage of the Italian Bill, A.C. 2313.
Masulli, M., *L'Italia verso l'istituzione della zona economica esclusiva e la partita del Mediterraneo*, novembre 2020, at ispionline.it.
De Pascale, F., *L'Italia supera la "Zee-fobia": una novità per la pesca nel Mediterraneo*, November 2020, at affarinternazionali.it.
United Nations Convention on the Law of the Sea, UNCLOS, at un.org.
Italian ratification law UNCLOS Convention, at gazzettaufficiale.it.
Conforti, B., *La zona economica esclusiva*, 1983, Milan, Giuffrè.
Conforti, B., *Diritto internazionale*, 2014, Editoriale Scientifica.
Del Vecchio, *Zona Economica Esclusiva e Stati Costieri*, 1984, Florence, Le Monnier.
Caffio, F., *Oltre l'intesa turco-libica: il problema delle ZEE nel Mediterraneo*, December 2019, at Analisi Mondo.
Latino, A., *Italia e Grecia: zone economiche esclusive e interessi nel Mediterraneo*, June 2020, at ispionline.it.
Cataldi, G., *Il diritto internazionale marittimo*, November 2020.
Nandan, S.N., *The exclusive economic zone: a historical perspective*, at fao.org.
The list of resolved and pending cases before the International Court of Justice may be found at https://www.icj-cij.org/en/list-of-all-cases.
U.S. 7th Fleet Public Affairs, published April 7, 2021, article: *7th fleet conducts freedom of navigation operation*, at c7f.navy.mil.