

MEDITERRANEAN REGIONAL POLICY

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THE object of this paper is to outline a possible strategy of trans-national institutional development at the regional level for the Mediterranean, but it offers us no more than a framework within which the major questions might possibly be discussed by the various specialists in their respective areas of competence (and in the variety of their interactions). The first part sketches out the thoughts at the back of the institutional proposals sketched out in the second part.

The first point to be stressed is the recognition of the desirable complementariness of global and regional policies and institutions, both with regard to the Law of The Sea in particular, and to the New Economic Order in general.

With regard to the Law of the Sea, it was conceived from the start as a project to set up global institutions which did not exclude, but on the contrary called for subsidiary regional institutions as well. This recognition of the complementariness of global and regional institutions continues to be reflected in the actual state of the text under debate, however disappointing it may be in many respects.¹ Indeed, the disappointing nature of the institutions likely to emerge at the global level calls for attempts to seek to reinforce institutions at the regional level. Such attempts are all the more necessary in those areas, like the Mediterranean or the Caribbean, where the application of the concept of the common heritage is most obviously superior, when one counts the advantages to be reaped, over that of the extensions of national rights. Of course, developments at the regional level must be so conceived as both to dovetail into and enhance, not obstruct or diminish, those at global level.

With regard to the more general context of the new economic order, it appears by now to have been generally recognised that there was a basic defect in the first major Club of Rome report,

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¹ See Single Negotiating Text (S.N.T.) I (20); II (50, 53, 105, 133-135); III (5, 6, 10, 11, 14).

The Limits of Growth. A challenging attempt to describe the world as a single system in which both natural and cultural factors interact was made, but because of its purely global approach, the importance of regional diversity tended to be discounted. Hence, both burdens of responsibilities and possible remedies were distorted. The second major Club of Rome report, *Organic Growth*, then took regional differences into account; but the principles according to which the regionalisation of the world was set out by the Mesarovic-Pestel team appears debatable. It was of the type to which a harsh critic might even be tempted to apply the epithet 'backward-looking' because of being continent-centred, as opposed to the forward-looking, because ocean-centred, type.² The Mediterranean, in particular, from the continental-centred point of view, simply ceases to be itself a region, and its bits become bits of different models according to which regions can be conceived.

The first kinds of criteria are such politico-economic ones as are used in the Law of the Sea S.N.T. as the basis for representation on the Council of the Seabed Authority. It is clear that from this point of view, it is not at present, nor is it likely to become in the immediate future, possible to consider the Mediterranean as a coherent region at all. Within the area, the major divisions of the world criss-cross: the differences between East and West, characterised by conflicting political ideologies, the differences between North and South characterised in terms of stages of economic development, the cultural differences, involving notably those between now secularised and other still theocratic societies. The whole tangle is, of course, made more complex by the existence of the Palestinian-Israeli problem.

It is true that positions have been put forward which could, theoretically, produce coherence out of this chaos. The doctrine of non-alignment in the East-West competition, that of self-management as a principle of internal national organisation, and that of cultural dialogue might be taken to constitute the components of a coherent whole. But the practical chances of its being achieved in practice in the short-term must be considered to be dim. It follows that, if these kinds of political-economic criteria were adopted as the only ones, then it would make no immediate sense to discuss the Mediterranean as a region.

However, there are other kinds of criteria on the basis of which

²See: Pardo and Borgese: 'The New International Order and the Law of the Sea: A Projection'. (I.O.I.: Occasional Papers) Malta, 1976, to which the rest of this paper is obviously greatly, and perhaps abusively, indebted.

to consider the rational constitution of regions. At least two such models should be considered.

The first model is the continent-centred regionalism, such as that towards which European Federalism tends, is both the handiest and most relevant example. Such a model pictures of the continental region as essentially a federation of nation-states to be achieved by the process of the gradual transfer of power from the smaller to the larger unit. The model still retains the modern Western idea of centralized and monolithic sovereignty at its basis – an idea related to, and perhaps rooted in, in the idea of absolute private ownership as developed in the tradition of Roman Law. It has, therefore, an inbuilt tendency to operate in the jungle-competitive manner of private owners and nation-states, but on a larger scale, with similar results only writ large. Such a regionalism, although it certainly tends to reduce the number of sources of conflict which exist among the nation states, has been shown by experience to be not only very difficult to realise, but also ambivalent in the global perspective for the stated reason.

In the context of the Law of the Sea text, continental regionalism might come to be expressed eventually in the kind of regional centres and offices which the Seabed Authority may set up, with regional enterprises for the exploitation of the continental shelf beyond twelve miles. Such institutions would probably fit in, for example, with the collective interest of the European Economic Community, as at present constituted, if this collective interest proved strong enough to overcome other fissiparous factors.

In the context of the Mediterranean, however, continent-centred regionalism appears to yield unrealistic as well as undesirable results. On the one hand, if the present Mediterranean complex is looked at in terms of the stage of development reached, it can be readily seen that there is no simple North-South division between its parts corresponding to the continents of Europe and Africa. There is a very complex tangle caused by the non-coincidence of the frontiers of nation states with socio-economic and ecological realities. The most obvious example is Italy, where the political unit ranges from very highly developed to underdeveloped parts. But there too are many other examples for them to be listed. A continent-centred regionalisation is bound to render the problems of the establishment of a new economic order in the Mediterranean more difficult than it already is.

On the other hand, the prospect of neo-colonialist relationships is likely to be evoked if, instead of picturing the North and the South sides as drifting apart into two separate continental folds,

the European and the African, the picture of a Euro-Mediterranean region is presented. The present problems of the European Common Market may suggest that European regionalism is ailing partly because it lacks a proper Mediterranean component, but the E.E.C. is unlikely to get the needed cure by merely aggregating some more Mediterranean countries into its present state; these countries would instead catch Europe's sickness. It appears, therefore, that what may be required is a radical change of the hitherto dominant model of conceiving the development of regional institutions.

An alternative model is provided by ocean-centred regionalism. This type of regionalism has arisen recently in relation to environmental policy, fishery management and scientific research, especially in connexion with enclosed or semi-enclosed seas, such as the Caribbean or the Mediterranean. Here, the space was not yet blocked as on land by the institutions of national sovereignty and private property. The concept of the common heritage, which is related to, and perhaps rooted in, the idea of social ownership, as distinct from both private and state ownership, could still be applied, as was originally envisaged on a global scale by the proponents of the new Law of the Sea. With reference to the Mediterranean, it does not seem to have either of the characteristics of both impracticality and undesirability of the continental-centred regionalism when considered from the point of view of the area. Indeed, even the most cursory examination of Mediterranean history shows very clearly that the periods of sea-centredness coincide precisely with the periods of prosperity, and vice-versa.

The strategy appropriate to the adoption of such a model has been labelled Political Functionalism. However, this label should not be allowed to lead to confusion, due to the existence of the sociological school which also goes by the name of Functionalist and with which Political Functionalism has little, if anything, to do.³ Although there is a contemporary phenomenon which points most clearly to its contemporary relevance, namely the growth of the trans-national companies, the functional idea also harks back to the political institutions which preceded the birth of the nation-states, namely, the complex system of specialized and often overlapping jurisdictions typical of the Middle-Ages, the phenomenon which Perry Anderson has called 'the parcellisation of sovereignty'.⁴ Anderson has stressed that, in the period before the birth of

³See: Haas E.B.: 'Beyond the Nation State', Stanford, California, 1964.

⁴Anderson P.: Passages from Antiquity to Feudalism, London 1974, pp. 147-153.

the modern nation-states in Europe, 'political sovereignty was never focussed in a single centre. The functions of the State were (on the one hand) disintegrated in a vertical allocation downwards, at each level of which political and economic relations were, on the other hand, integrated.' The division of sovereignty was into 'particularist zones with overlapping boundaries, and no universal centre of competence'. Moreover, there were two types of areas of competence – one, the manorial, essentially related to the unit of production, and another, the territorial, essentially related to geography. Such a twofold division of competence offers strong similarities to the type of the very structure set up in the Yugoslav self-management based Constitution. It implied a dynamic tension within its structure, with Courts of Justice as the central modality of political power instead of strong, central, legislative-executive institutions.

Sea-centred political functionalism would, indeed, be much more in accordance with Mediterranean tradition than a European-African centred polarization. In fact, divisions have of course always existed in the Mediterranean which, if it is a system at all, remains today, as it has always more or less been, a complex of subsystems. But a careful examination of history, which it would be both outrageously impossible and out-of-place to attempt here, would certainly show that a real fracture, in the sense of aloofness between the Northern and the Southern parts, only occurred quite recently. At least in the period from the emergence of Islam until the contemporaneous decline of Ottoman power and the rise of European colonialism in the area, the model of Mediterranean history can be pictured as follows: the regional contained two areas which were politically and culturally distinct, but nevertheless so clearly related in terms of geographical, ecological and other communication factors, that the existence and identity of each of them could be and was only asserted and developed in their mutual relationship. This relationship, necessitated by those factors which amount to what Braudel has called 'structure', was however ambivalent, in the sense that each side sought to profit from it in two contrary ways – by seeking to transfer its own characteristics on the other and also by borrowing from the other such characteristics as it lacked. The result of such a relationship was a constantly changing power equilibrium between the two. The dynamic character of this relationship was only destroyed and the balance reduced to a static and non-dialectically developing condition of mutual cultural and political aloofness by the coincidence of the Ottoman decline and the European colonial interventions. Even though these inter-

ventions could not be and were not the same kind of thing as where they occurred in areas with a cultural as well as a power vacuum, they produced the deepest fracture ever experienced in the Mediterranean world.

It is now, for various reasons, impossible, even were it desirable, to reproduce the dynamic and dialectical cultural equilibrium of the pre-imperialist times, exactly as it existed before the imperial deluge of last centuries. But it is possible to anticipate a similar result if the road towards implementing the ocean-centred type of regional model is taken up and pursued to some possible measure of fulfillment.

The starting point of such a road should be those perceived and ascertained needs for which technically viable institutional solutions can be set up, especially in those space which have not already been pre-empted by nation-state organisations, or where international organisations of the required kind already exist; the continuation of the road would include the weaving of these institutions into an ever-spreading web, ensuring the increasing participation and acquisition of experience by as many people as possible in their running.

From the political point of view, a frontal attack on the most apparent problems of the area requiring an international solution is avoided because of scanty prospects of success. This does not imply that urgent short-term responses to such problems do not have to be made, but that at the same time the task of working towards longer-term solutions by other, even if more circuitous, routes should be taken in hand. The creation of some new structures of transnational government may prove to be a surer way to ensure a radical orientation towards peaceful development, than the attempt to resolve immediately the political divisions of the Mediterranean nation-states. This bypassing route implies a three-fold task:

First, strengthening existing institutions which play a significant Mediterranean role;

Secondly, creating one by one new institutions to fulfil urgent and necessary functions that are at present not being fulfilled by any agency;

Thirdly, setting up integrative machinery to ensure the harmonious operation of all these bodies, with the maximal participation of Mediterranean citizens, and the continued development of Mediterranean peaceful co-operation.

The existing Mediterranean institutions with a regional competence are the following:

A. FISHERIES

The General Fisheries Council for the Mediterranean (GFCM) is a body of the Food and Agriculture Organisation of the United Nations. It was set up in 1949 with a wide competence in the field of fisheries research, scientific advice, training, statistics, standards, etc. GFCM has recently decided that its competence should be extended to aquaculture and fish-farming.⁵ It is also currently increasing its *de jure*⁶ and *de facto* involvement in the 'adoption, implementation, and enforcement of conservation measures,'⁷ particularly the protection of living resources and fisheries against pollution. It is to be hoped that its role will extend to the study of pharmacological properties of algae and other marine flora, research, extraction and marketing assistance.

The Symposium held in connection with the GFCM's 12th session emphasized the fact that 'many of the constraints impeding a more rational use of Mediterranean fisheries were institutional in nature'. These are problems of:

- enforcing management measures,
- of improving fish distribution,
- of improving statistical collection systems,
- and the need for training at all levels,
- need to improve communications between scientists, administrators and fishermen.

If the GFCM is strengthened to deal adequately with these regional problems, it could be an important component of the envisaged institutional network of the Mediterranean.

B. ENVIRONMENTAL PROTECTION

The second institution is the Mediterranean Action Plan of the United Nations Environment Programme (UNEP). UNEP on a global level has a competence in geophysics; global pollution and health; ecosystems and natural resources; and economic and social programmes related to the environment.

Part of UNEP fund goes into ocean-related projects, including several regional programmes. UNEP's action plan for the Mediterranean, presented at the Barcelona Conference,⁸ involves (1) An

⁵ GFCM/XIII/76/12,13. This involves COPRAQ-GFCM's Co-operative Programme of Research into aquaculture.

⁶ GFCM/XIII/76/4,5.

⁷ GFCM/XIII/76/2, March 1976.

⁸ This key UNEP Mediterranean Conference, was held on 28 Jan.-4 Feb. 1975; the major objective was the adoption of the Action Plan.

assessment programme whereby monitoring and research will give us a clear idea of the ecological state of health of the Mediterranean sea; together with assistance training and equipment. (2) The evolution of a *legal basis* for regional co-operation: this involves oil dumping; oilspills, land-based pollution, etc. (3) A programme to incorporate *environmental safeguards in the future development* of the Mediterranean region.

Detailed information for this programme will be gathered on protection of soils, recycling of fresh water, resource economics, waste treatment, aquaculture, and the environmental aspects of *tourism* and *industrial* development.

(4) A network of stations for information and action in case of oilspills (arising for example from the increased Suez traffic) and other disasters.

The Action Plan and the network of monitoring stations should be developed into an integrated Mediterranean institution in charge of pollution control and environmental management. The *legal basis* for regional co-operation on pollution, which was part of the plan, has now been given an adequate basis in the Single Negotiating Text of UNCLOS. This should now be applied to the special needs and problems of the Mediterranean sea. In particular: protocols on oil-spills, shipping lanes to avoid congestion of marine traffic and consequent accident risks; and the dumping of noxious liquid substances; marine pollution from rivers (Rhône, Po and Ebro) and from pesticides from agricultural use.

As regards the *assessment programme*: the International Marine Science newsletter stated in 1974 that 'Perhaps the worst problem in the Mediterranean is the lack of agreed baselines from which one can monitor pollution-included changes'. For such purposes, and also in connection with the disaster-action station network, a regional station is being set up in Malta.⁹ The whole network should be established as speedily as possible and consolidated. The same should be said with respect to the 'Environment and Development' aspect of UNEP's Mediterranean Action Plan.

⁹ CMPMRP (Co-ordinated Mediterranean Pollution Monitoring and Research Programme). The Expert Consultation on the Joint Co-ordinated Project on Pollution in the Mediterranean, 8-13 Sept. 1975, IOC (UNESCO), WMO, UNEP, develops operational documents for two pilot projects: (a) baseline-studies and monitoring of oil and petroleum hydrocarbons in the sea, (b) coastal transport problems of pollutants.

C. SCIENTIFIC EXPLORATION

The existing Mediterranean structure in the field of co-operation in marine science consists of the following bodies:

1. Intergovernmental Oceanographic Commission (IOC) (UNESCO, Paris).
2. International Commission for the Scientific Exploration of the Mediterranean (ICSEM) (Monaco).
3. Co-operative Investigations in the Mediterranean (CIM) (a joint project of IOC, ICSEM, and GFCM).¹⁰

Starting from the third one, we may note that CIM has the job of setting appropriate basic research priorities and proposing them to the scientific workers in the laboratories of the Mediterranean research centres.

ICSEM is a scientific body which carries out marine research, especially biological and issues scientific reports.

The IOC, operating as a sub-agency of UNESCO and composed of representatives from 91 countries, has among its functions the co-ordination of certain other U.N. organisations in the field of marine sciences: its specifically Mediterranean interests are reflected in the CIM and its interests are mainly in the general area of physical oceanography, namely ocean science, ocean services, and training, education and mutual assistance. IOC is also involved in two projects within U.N.E.P.'s Mediterranean Action Plan.

The Co-operative Investigations of the Mediterranean like certain of IOC's other 'Co-operative Investigations' bodies, was not envisaged to be an ongoing body, although it could become so. In fact, in a March 1975 meeting of the IOC, this Commission was concerned with 'the types of regional mechanisms to be set up to replace the co-operative investigations of the commission upon their termination'.¹¹ In the case of the Mediterranean, it seems that CIM at least until recently was a mosaic of national programmes rather than an integrated regional programme.¹²

This type of situation clearly increases the attractiveness of the idea of strengthening CIM and ICSEM solidly integrating them into a Mediterranean institutional network. Whatever the outcome, the

¹⁰ Besides many Mediterranean countries, participating states include: the Federal Republic of Germany, Austria, Belgium, Bulgaria, U.S.A. (observer), Rumania, U.K., Switzerland, U.S.S.R.

¹¹ 3-9 March 1973, Cini Foundation, Venice.

¹² Dr. M. Ruivo, in Report of the First Meeting of the International Co-ord. Group of C.I.M., F.A.O., H.Q., Rome, 10-13 Oct. 1972.

essentially interdisciplinary nature of ocean studies with both physical and biological aspects of the marine environment, it could, indeed, function as one of the regional scientific centres envisaged by the draft text on the Law of the Sea.

Thus, there are three existing Mediterranean structures to be modified and strengthened:

- A Fisheries Body,
- An Environmental Protection Body,
- A Scientific Exploration Body.

New institutions are required because certain functions, not yet provided for by appropriate regional institutions, now have considerable importance and urgency.

D. SEABED ACTIVITIES BODY

A regional centre is required to regulate the activities on the seabed. The main requirement envisaged relates to oil, gas, and mineral extraction from the seabed and beneath; such a body could also deal with other uses of the seabed, such as human submarine settlements.

The prospect of finding increasingly significant quantities of oil under the Mediterranean sea, and the prospect of conflicts, between adjacent or opposite nation states, make a Seabed body particularly urgent.

The Seabed body would seek to establish common ownership solutions whenever and wherever feasible, possibly in the light of the arrangements established by the Eems-Dollard Treaty between Germany and Holland in the North Sea. With this body as with other existing or proposed regional institutions, there should be a machinery for settling disputes on a regional basis. Current conflicts, notably the Greek-Turkish disagreements over the Aegean oilfields and the oil-related demarcation dispute between Malta and Libya, underlines proposal. In such cases if disputed areas, the Seabed body should be empowered to declare common ownership over the disputed areas and arrange for pooling costs and sharing profits among the participating countries.

E. ENERGY BODY

Because of the scale of today's energy problems, and because of the ocean's potential in this respect, an institution is required to allow the Mediterranean States to carry out a co-operative programme of scientific research, technological innovation, exploitation and mutual assistance to ensure the equitable sharing of results, with regard to unconventional sources of energy.

The Mediterranean sea could then be used as a common source of energy through such means as:

1. Geothermal gradients.
2. Wave energy.
3. Wind energy or surface of the water.
4. Solar collection on water surfaces.
5. Currents.

F. ECONOMIC INSTITUTIONS

A Mediterranean Development Bank could be established in order to achieve a more balanced growth in the area by helping to channel capital resources available in countries of the region for the development of the region.

The tasks of such a bank and associated institutions should eventually be expanded, to aid for instance in rationalising Mediterranean agriculture, and help establish common Mediterranean policy vis-a-vis the EEC.

The Beirut charter also proposed a Mediterranean fund, which would help cushion the effect of environmental measures taken by towns and to assist establishments such as sewage treatment plants.

Besides reforming three existing bodies and adding new ones, an integrative institution, a kind of Mediterranean Council, is then required, to:

(a) harmonise the activities of these bodies in view of the normal interactions and possible conflicts of uses of Mediterranean marine space and resources;

(b) consider the needs of other activities not at present regulated (in a Mediterranean context) by any institutions. Proposals and action on creating new projects and bodies would be within the competence of the Council, for, besides those mentioned several other regional bodies can be envisaged, ranging from, for instance, a central statistical data bank to an institution for the protection of submarine archaeological and historical treasures.

The Mediterranean Council could be composed of two chambers, in a manner analogous to the Yugoslav self-management model where one chamber is based on work units (factories, etc.) and the other on residential units (citizens of the area).¹³ In the Mediterranean case, there could be, on the one hand, a *Technical Chamber* formed of the policy making bodies of all the participating techni-

¹³Cfr.: 'Social Property' — Report of an International Seminar, held at the University of Malta by the Extension Studies Board and the International Ocean Institute, ed. P. Serracino Inglott.

cal institutions, which are transnational structures, which are 'larger' than the nation-state. However, the history of the Mediterranean, as Marx noted, is the history of its towns and their hinterlands, which for centuries have been the basic unit of Mediterranean life.¹⁴ Therefore, for the second chamber of the Council, there should be perhaps envisaged a *civic or political chamber* based on subnational institutions, namely municipalities of Mediterranean towns. This would be closer to the life of the people of the Mediterranean and afford a measure of popular participation in the running of the Council. The civic chamber could arise out of the United Towns Organisation, which already exists as an association of municipalities and has contributed to the growth of consciousness of the unity of the Mediterranean environment by the 'Beirut Charter on the Protection of the Mediterranean Sea against Pollution'. The Civic Chamber would not be another technical body; it would operate along with the technical bodies, in such a way that decisions of the Council would always involve the Civic Chamber and that part of the Technical Chamber whose technical competence is closest to the issue at hand.

Setting up the institutions that have been described is a matter for political decision-makers. However, one of the most important and necessary roles belongs to scholars in universities and research institutions, and relates to the state of knowledge about the Mediterranean as a region and as a system. The importance of the broad-based collecting, collating and distributing of data is obvious, but it may be in place to emphasise the related task of forming the conceptual basis and devising the analytical tools which these new regional bodies need for their operation co-operation.

Work was done along these lines at the Split Conference of Pacem in Maribus held by the IOI in Yugoslavia. In this an attempt was made (Rosen) to present a method for carrying a systems analysis of the various ecological, economic, social and political factors involved in the Mediterranean 'systems'. As far as I know, there has been no serious attempt to put this into practice, and it was obvious that the method itself could be improved.

For this reason, an attempt has been made at the University of Malta to produce a method or language for describing complex systems; it has not yet been used to build a model of the Mediterranean, but it is intended to attempt a description of the system of conflicting multiple uses of the region in this language. A paper is available for those who are interested, and discussion or preferably co-operation on it is very cordially invited.

¹⁴ See: K. Marx, *Pre-Capitalist Formations*, 1964, London, pp.77-78.