Sweden

Sweden's Economic Zone Act

The Swedish Economic Zone Act (hereinafter referred to as the EZ Act) is an example of what may be termed "third generation" legislation on the Exclusive Economic Zone (EEZ). The first generation consisted of those national laws which were enacted in the middle of the 70s, almost exclusively for the purpose of extending the limits of the fishing zones. Further to the increasing environmental awareness and concern, the purpose of the second generation EEZ laws at the beginning of the 80s became to strike a balance between resource exploitation and environmental protection. The third generation is primarily concerned with the protection of the marine environment.¹

Preparations for drafting the EZ Act were started in 1989 by the Swedish Ministry for Foreign Affairs. A draft bill was presented in June 1990.² The comments by different authorities and organizations on the proposed draft bill were rather extensive. These comments led not only to fundamental changes in both the content and the form of the bill, but also resulted in the shift of the work from the Ministry for Foreign Affairs to the Ministry of the Environment. The final bill was presented by the Minister of the Environment to the government on 8 October 1992.³ The EZ Act was adopted by the Swedish Parliament—Riksdag—on 3 December 1992,⁴ and it entered into force on 1 January 1993.

The EZ Act itself consists of 18 rather brief sections. It is accompanied by eight older acts and ordinances, all amended to become applicable also to the EEZ. In order to understand the scope of the application of the EZ Act, one has to study the contents of the related amended legislation.⁵ With the exception of the legislation

¹ As regards the Swedish EEZ Act, this is evident not only in the structure and content of the law itself, but more clearly in the explanations appended to the bill. See e.g. Regeringens proposition 1992/93:54, pp. 1 and 50.
² Sveriges ekonomisk zon, DS 1990:41, Utrikesdepartementet.
³ See n. 1.
on the fishing zone and the continental shelf, the rest of the amended laws had previously been applicable to Swedish internal waters and territorial sea, i.e. areas under Swedish sovereignty or sovereign rights.

It is not the aim of this short commentary to deal with all the implications of the EZ Act, but it is hoped that some of the more significant characteristics of the Act can be touched upon. Before looking at the content of the EZ Act, it should be noted that the expression “Exclusive Economic Zone” has, since the time of its inception in 1971, consistently been translated into Swedish as “Economic Zone”. In Swedish, the term EZ is normally used in the expression “Sweden’s [not Swedish] economic zone”, which may give the same impression as “Swedish exclusive economic zone”.

As regards its form, the Swedish EZ Act is different from the majority of similar legislation. Unlike many other national EEZ laws which have more or less followed the pattern in Article 56 of Part V in the 1982 Law of the Sea Convention, the Swedish EZ Act has no apparent connection with that article and is more concerned with Part XII of the Convention. In contradistinction to Article 56 of the LOS Convention, there is no clear statement in the EZ Act as to what type of rights Sweden claims in its EEZ. Instead, the legislator has preferred to specify those areas of activities which will be regulated nationally.

Two of the main activities in the EEZ, fishing and exploitation of natural resources of the continental shelf, are, by virtue of Section 4 of the EZ Act, excluded from the purview of this law and are even for the future to be regulated by separate legislation. The EZ Act is thus concerned with other rights that Sweden enjoys in its EEZ, primarily jurisdiction with respect to the protection of the marine environment.

Section 1 of the EZ Act deals with the question of the limits of the EZ. Two options are envisaged in the Act: either the delimitation line is already decided by agreement with another state, or in the absence of such agreement the median line will constitute the border. In fact, the limits of the Swedish maritime zones are established through agreements with neighbouring states. The only exception is a very small area around the Bogskär group of islands, which is now the subject of on-going negotiations between Sweden and Finland (See Fig. 1). Owing to the existing complications with respect to the fishing zones of Finland and Sweden in the area and the differences between delimitation lines for fishing purposes on