Italy

Political Conflicts and Legal Difficulties of Effective and Rational Management of Italian Seas and Coasts

The 1982 general law: "Provisions for the defence of the sea"

The Italian coastline measures more than 7,500 kilometres (4,750 miles), and more than 30 per cent of the entire population of the country lives on or near its shores—a total of about 17 million people. The development of towns, holiday villages, and also of major industries (ship-building, petrochemical and metallurgical) which have found it economically convenient to site themselves along the coast, has had a negative effect on the territorial and environmental balance of the coastal area and the sea.

In the spring of 1986, there was yet another repeat of the grave phenomenon of eutrophization of the waters of the Adriatic Sea, due to the huge deposits of azotic and other chemical substances. In many areas bathing was prohibited because the waters were polluted to a dangerous degree for human health, and this began to cause serious difficulties for the tourist industry. Finally, a fierce political battle broke out over the siting in coastal areas (Gioia Tauro and Brindisi) of major new coal-burning electricity generators, which although they may be necessary for the country's economy and to combat unemployment, threaten new and serious pollution.

These recent events are a repeat of similar ones which have occurred in the past and which led Parliament to pass in 1982 a general Law entitled "Provisions for the
Defence of the Sea.” The application and administration of this law was entrusted to the Ministry of Mercantile Marine, which in Italy is responsible for the coastslands which belong to the state, as well as for ports, navigation and fishing rights, and which grants authorization for all productive and building activities which take place along the seashore or make use of the sea.

The 1982 Law provides for:

(a) the drawing up of a “general plan for the defence of the sea and of the seacoast from pollution, and the care of the marine environment” (Art. 1);

(b) the creation of a service to oversee, and to prevent activities and occurrences which may be damaging to the marine environment, together with the building and/or purchase of special ships, entrusted for this purpose to the national Navy (Arts. 2–9);

(c) the setting up of a technical “first-aid” service for the defence of the sea and the marine environment in case of accidents, with the provision of severe penalties to prevent the discharge of polluting substances by merchant naval vessels (Arts. 10–24);

(d) a procedure for instituting “marine reserves” for the protection of the environment and other scientific and cultural elements of value (Arts. 25–30). The Law includes an initial list of 20 areas (Art. 31).

In consequence of this important innovation, the Law of 1982 provides for a far-reaching revision and a rational improvement in the whole central and peripheral administration of which the Ministry of Mercantile Marine is the focal point. A new service, to be known as the Inspectorate for the Defence of the Sea, is to be created in the Ministry, and the Law provides for a staff of 500 persons for this inspectorate, made up largely of technical and scientific personnel.

Problems of implementation

In the years 1983, 1984 and 1985, the activities anticipated by this 1982 Law were put into effect slowly and with great difficulty. Studies were begun on the creation of a system for monitoring the levels of sea pollution, and the national “first-aid” service for accidents at sea which cause pollution was instituted. The construction phase of the new coastal patrol fleet was also begun.

However, actions aimed at drawing up the “general plan for defence of the sea and the coastal area” (see para. (a) above) met with little success, as did the institution of a system of “marine reserves” (para. (d) above). A technical and scientific body called the ‘Sea Council” attempted to draw up co-ordinated projects but it met with methodological difficulties and with the opposition of many regions and local authorities which opposed their own inertia to the state’s responsibilities. At present only the tiny marine reserve of Ustica has been designated.

A fundamental point in the crisis in carrying out the Law has been the lack of revision and up-dating of all the services of the Ministry of Mercantile Marine as a consequence of the institution of the new Inspectorate for the Defence of the Sea. The Law required this revision to have been carried out within six months and it