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RIBOLOVNE ZONE S POSEBNIM OSVRTOM NA ZAJEDNIČKU RIBARSTVENU POLITIKU EUROPSKE UNIJE

Sažetak

U ovome radu analiziraju se ribolovne zone, koje predstavljaju morske prostore u kojima su propisima obalne države pravno uređeni ribolov i zaštita bioloških bogatstava mora. Ribolovna zona je preteča gospodarskoga pojasa, a u svijetu je ima mali broj država. Države proglašavaju ribolovnu zonu izvan granica teritorijalnoga mora radi zaštite ribljega fonda nastojeći osigurati održivo iskorištavanje morskih resursa. Pravni režim ribolovne zone analizira se prvenstveno kroz prizmu primjene normi međunarodnoga prava mora u nacionalnim zakonima i praksi svake obalne države koja ju je uspostavila. Na temelju istraživanja u ovome radu te analize dokumenata i propisa, stajališta raznih znanstvenika i obalnih država prema predmetnom pitanju, proizlazi da razlozi proglašavanja ribolovne zone nisu uvijek pravne nego često političke i gospodarske naravi. Važnost jurisdikcije nad morskim prostorima izravno je vezana uz raspodjelu sve iscrpljenijih ribljih bogatstava koju prati snažno povećanje nezakonitoga, nereguliranog i neprijavljenog ribolova. Istraživanje upućuje na hitnu potrebu smanjivanja razine iskorištavanja živih bogatstava mora s ciljem osiguravanja održivosti ribarstva. Sva pitanja razmatrana na stranicama rada ukazala su na nužnost novoga pristupa gospodarenju i očuvanju bogatstava mora te zaštiti od onečišćenja pri čemu se za sve države koje još nisu zaštitile svoje interese u prostorima u nastavku teritorijalnoga mora, kao rješenje ocjenjuje ostvarivanje suverenih prava i jurisdikcijskih ovlaštenja u okviru ribolovne zone ili gospodarskoga pojasa. U radu je istaknut značaj integriranog pristupa upravljanju ribarstvom, prije svega stalnom i sustavnom suradnjom te proširenjem jurisdikcije obalnih država izvan teritorijalnoga mora što će pružiti mnoge mogućnosti za ostvarivanje spomenutih ciljeva. U radu je naglašena povijesno pravna tradicija i posebnost pravnih sustava u kontekstu međunarodnog pravnog okvira te iznesen usporedni prikaz i analiza rješenja u zakonodavstvima promatranih država. Znanstveni doprinos rada se ogleda u tome što se ribolovne zone država dosad nisu obradile cjelovito na jednome mjestu, na način koji bi prikazao nastanak, razvoj, razloge proglašenja ribolovne zone, usporedbu sa gospodarskim pojasom, analizu zaštićenog ekološko-ribolovnog pojasa u Republici Hrvatskoj, poredbeno nacionalno pravo sa izrađenim kartama ribolovnih zona promatranih država, analizu prakse Suda pravde te dokumente i ulogu Europske unije u

upravljanju ribarstvom kroz Zajedničku ribarstvenu politiku Europske unije. Stajalište je autora da trenutno stanje koje zbog dugotrajne nebrige za resurse i okoliš prijete ribarstvu i drugim djelatnostima vezanima uz more, zahtijeva složeniji odnos svih država koje moraju djelovati u pravcu osiguranja održivog iskorištavanja ribarstvenih resursa te promicanja integriranog pristupa korištenju morskih prostora.

KLJUČNE RIJEČI: gospodarski pojas, međunarodni sporovi, međunarodno pravo mora, ribarstvo, ribolovna zona, Zajednička ribarstvena politika Europske unije, zaštićeni ekološko-ribolovni pojas.

FISHERIES ZONES WITH SPECIAL REFERENCE TO COMMON FISHERIES POLICY OF THE EUROPEAN UNION

Summary

The purpose of this study is to analyze fisheries zones, which represent sea areas where fishery and the protection of biological sea resources have been regulated by laws and regulations of the coastal state. The fisheries zone, which is the predecessor of the economic zone, has been established by few countries in the world. States declare a fisheries zone beyond the boundaries of the territorial sea in order to protect the fisheries fund, seeking to ensure a sustainable exploitation of living resources. The legal regime of fisheries zone was primarily analyzed with regard to the application of international law of the sea into national laws and practices of each coastal State that has established it. Based on the analysis of documents and regulations as well as the views of various scientists and coastal states on the subject matter, the research in this study shows that the reasons for establishing a fisheries zone are not solely legal but often political and economic. The importance of jurisdiction in sea areas is directly linked to the distribution of increasingly depleted fish stocks, accompanied by a strong increase in illegal, unregulated and unreported fishing. The study points to the urgent need to reduce the exploitation of living resources of the sea in order to ensure the sustainability of fisheries. All issues discussed on the pages of this study indicate the necessity of a new approach in the management and conservation of sea resources and protection against pollution, whereby for all states that have not yet protected their interests in the areas beyond the territorial sea, exercising their sovereign rights and jurisdiction within a fishing zone or economic zone seems to be the solution. The importance of an integrated approach to fisheries management is emphasized in the study, above all the constant and systematic cooperation and extension of the jurisdiction of coastal states beyond the territorial sea, which will provide many opportunities for achieving these goals. The study emphasizes the historical legal tradition and specificity of legal systems in the context of the international legal framework and presents a comparative overview and analysis of the solutions in the legislation of the observed countries. The scientific contribution of this study is that fisheries zones have not yet been comprehensively covered in a way that shows its origin, development, reasons for establishment and comparison with the economic zone, together with the analysis of the protected ecological and fisheries zone in the Republic of Croatia, comparative national laws of the observed countries with maps of their fisheries zones,

analysis of the case law of the Court of Justice and documents and role of the European Union in fisheries management through the Common Fisheries Policy of the European Union. The author believes that the current situation, due to the long lasting lack of care for natural resources and the environment, imposes a great threat to fishery and other sea-related activities and that a more extensive cooperation between all states is required in order to ensure sustainable exploitation of fisheries resources and to promote an integrated approach in the use of sea areas.

KEY WORDS: Common Fisheries Policy of the European Union, Ecological and Fisheries Protection Zone, Exclusive Economic Zone, Fisheries, Fisheries zone, International disputes, International Law of the Sea.