

EUROPEAN PARLIAMENT

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MOTION FOR A RESOLUTION

tabled by Mr SAYN-WITTGENSTEIN, Mr KLEPSCH,
Mr VAN AERSEN, Mr JANSSEN VAN RAAY, Mr GIAVAZZI,
Mr FILIPPI and Mr HERMAN¹

on behalf of the Group of the European People's
Party (Christian-Democratic Group)

with request for urgent debate
pursuant to Rule 14 of the Rules of Procedure
on the results of the Third Conference on the
Law of the Sea

¹The request for urgent debate is signed by
Mr SAYN-WITTGENSTEIN, Mr VERGEER, Mr KLEPSCH,
Mr BARBI, Mr DIANA, Mr JONKER, Mr JANSSEN VAN
RAAY, Mr HABSBERG, Mr Konrad SCHÖN, Mr d'ORMESSON,
Mr DESCHAMPS, Mr GIAVAZZI, Mr FILIPPI, Mr VAN
AERSEN, Mr CROUX, Mr MAJONICA, Mr LÜCKER,
Mr LUSTER, Mr F. HERMAN, Mr BERSANI, Mr FISCHBACH
and Mr ADONNINO

The European Parliament,

- having regard to the consideration of Document No. 1-14/80 on the economic aspects of the Third Conference on the Law of the Sea,
 - considering that these economic aspects cannot be dissociated from matters of a general political nature and have moreover both external economic and intra-Community components,
 - recalling in particular the complex question of making a specific committee responsible for drawing up a report on the many difficult problems associated with the subject matter of the Third Conference on the Law of the Sea,
 - having regard, furthermore, to the current practice in several national parliaments of having a separate body to deal with items on the agenda of the Conference on the Law of the Sea,
1. Establishes the following principles to be observed by the Community and the Member States in the negotiations on the Third Conference on the Law of the Sea:

(A) National maritime boundaries

12-mile territorial sea:

- (i) The European Parliament, while recognizing the extension of territorial waters to be common practice, points out that, where in the past maritime problems had perforce been solved by international agreement, this process has now been replaced by a dubious procedure of appropriation (a maritime version of land-grabbing).
- (ii) The European Parliament stresses the desirability of intra-Community cooperation in this area (utilization system).
- (iii) The European Parliament notes that the right of innocent passage may only be restricted in the event of a threat to external security, and is thus better guaranteed than it was in treaties in the past, but regrets the retention of general clauses permitting interruption of the right to innocent passage.

24-mile contiguous zone:

- (iv) The European Parliament regards the doubling of contiguous zones as a unilateral geographical extension of the coastal states' territorial zones.

It is unjustified, in view of the rights already announced for the economic zones.

- (v) The concept of a highly industrialized economic community like the EEC is incompatible with privilege for some countries at the expense of the others, and demands that these areas be opened to the European Community for all economic activities.

200-mile exclusive economic zone/continental shelf:

- (vi) The European Parliament is convinced that an extension - and especially an extension without any quid pro quo - of sovereignty in the form of economic zones and over wider continental shelf areas is an affront to geographically disadvantaged states.
- (vii) It is, however, certain that a choice had to be made here between extending national sovereignty and handing over the previously open seas to the proposed International Seabed Authority. Parliament demands that disputes arising from 'nationalization' be settled by regional arrangement and makes this a condition for its support for the system of economic zones.
- (viii) To that extent the European Parliament regards the legal system which the participants in the Convention are attempting to introduce as an opportunity for the Community to make progress by means of agreed guidelines towards the exploitation of maritime resources and the control of the activities of third countries (especially in respect of their catch quotas) in a way that is equitable and comprehensible to all its Member States. It is an **essential** feature of a community that its member governments should strive for coordination of effort in prospecting for and exploiting natural resources, introducing measures to conserve fish stocks and in legislation on artificial islands, in respect of environmental protection and marine research. In the long term these endeavours should be reinforced by legal acts of the Community.
- (ix) The European Parliament endorses the view that the continental shelf adjacent to a coastal state, equal in terms of sediment justifies the mining activities of that state. It therefore lays considerable importance on an objective definition of the outer limits of the continental shelf. It calls upon the Commission to submit maps of possible maritime boundaries showing the geographical limits of Community jurisdiction.
- (x) The European Parliament urges that agreement be reached on a distance from coastline to edge of continental shelf, on the basis of objective criteria.

- (xi) The European Parliament criticizes the interim compromise formula arrived at by the Conference under which the International Seabed Authority would be involved in relations between national states, insofar as part of the revenue from the resources of the continental shelves situated outside the 200-mile zone would be shared out through that authority. It endorses the widely-held view that, while these levies might hamper necessary commercial exploitation of raw materials, they should be used to strengthen regional cooperation.

The European Parliament therefore sees opportunities for extending the scope of the Treaty of Rome to develop common policies covering economic zones and cooperation on the continental shelf.

(B) Straits

- (xii) The European Parliament points out that with the extension of coastal states' sovereignty, the problem of straits has become a matter of worldwide concern to the shipping industry. It welcomes the fact that coastal states have been given no further executive powers other than in protection of the marine environment.

(C) Archipelagoes

- (xiii) The European Parliament's fear that the convention, in defining territorial waters, would deviate from the principle of effective jurisdiction has been confirmed in the arrangements arrived at by the Convention for sovereignty in archipelagoes. The right to a maximum ratio of water to land of 9 : 1 on the assumption of correspondingly distant island areas is an indirect encroachment on the freedom of the seas which are open for all countries to use.

(D) High Seas

- (xiv) Except in respect of navigation, the European Parliament regards the arrangements currently under discussion as a substantial restriction of the areas designated 'high seas'.
- (xv) It is in favour of the proposal to increase the obligations of flag states (in countries with large merchant fleets) in respect of ship safety and protection of the marine environment. Too little attention has been paid to the conservation of living resources in the high seas.
- (xvi) The European Parliament calls upon the Commission to propose rules on the fishing of particularly migratory species of fish within the EEC zone.

(E) Protection of the marine environment

(xvii) The European Parliament welcomes the powers to be conferred on coastal states to police and penalize vessels flying foreign flags, varying according to the degree of sovereignty exercised in their territorial and contiguous waters, and economic zones. Nevertheless it assumes that internal disputes between Member States of the Community will be settled by mutual agreement.

(xviii) The European Parliament assumes that the Commission will be instructed by the Council to help IMCO (Intergovernmental Maritime Consultative Organization) issue international anti-pollution regulations for special areas.

(F) Marine research

(xix) The European Parliament notes with satisfaction that permission to conduct marine research within 200 mile zones may be refused only for a limited number of reasons. It regrets to note that marine scientific research conducted in other countries' economic zones will normally be subject to the jurisdiction of the coastal states via a bureaucratic approval procedure.

(xx) The European Parliament, in the nature of things, would be glad if it could be made easier for third countries to conduct marine research especially outside this zone.

(G) Deep-sea mining

(xxi) The European Parliament feels especially committed to two principles in assessing the question of deep-sea mining:

- Mining on the seabed means the production of raw materials;
- For the benefit of mankind as a whole, the international law of the sea must encourage all potential producer countries to have deep-sea mining carried out by their most efficient enterprises.

(xxii) The European Parliament recognizes the obligations of the industrialized countries towards the interests and needs of the developing countries. However, a responsible policy on resources should not be aimed at regulating and controlling the international raw material markets with the sole aim of equalizing or even eliminating competition for the benefit of land-based producers of the resources in question. A system in the form of an official monopoly would contradict the principle of the equality of nations and would hamstring efficient operations.

- (xxiii) The European Parliament supports efforts to achieve regulated competition between marine and land-based mining. A fair transfer of revenue from royalties would help here, so long as it did not impede exploitation.
- (xxiv) The European Parliament points out the advantages of allowing private firms as well as the official 'Enterprise' to engage in deep-sea mining. It supports any means of ensuring that exploitation by countries and companies to be allowed to engage in seabed mining according to objective criteria should begin no later than those of the Seabed Authority and its proposed 'Enterprise'.
- (xxv) The European Parliament emphasizes that all agreements with the authority should be on a long-term basis, in order to guarantee time for mining projects to be brought to fruition.
- (xxvi) The European Parliament warns the Member States of the Community against signing clauses making a transfer of mining and processing technology the basis for cooperation between commercial undertakings and the Seabed Authority and their 'Enterprise'. The European Parliament emphatically rejects any elimination of competition between commercially interested parties via a clause providing for direct compulsory transfers of technology. But even the indirect procedure of transferring knowhow via the Authority to third countries would hardly further the interests of the countries thus favoured without further aid through cooperation on the basis of trust with the industrialized countries.
- The European Parliament also points out that there has been no agreement on a code covering vital data, nor have any arrangements for their protection been made; serious legal problems and disputes must therefore be expected.
- (xxvii) The European Parliament also regrets to note that production ceilings are to be linked to the growth in world demand for a single metal (40% of nickel). Such restrictions fail to take into account the complexity of a raw materials policy which should be based on the interplay between the supply of various raw materials on an equal competitive footing, the necessity to hold stocks and the benefits of development.
- (xxviii) The European Parliament expressly rejects any future moratorium on the issue of mining licences to private undertakings, and will maintain this view in a review conference. As of now it invites the future executive body of the Seabed Authority to bona fide cooperation. Parliament regards the introduction

and use of a right of veto in the routine decision-making process of the institutions as a vital component of any review of the convention.

(xxix) The European Parliament calls upon the Commission to agree interim legislation with the Member States by concerted action pursuant to Article 116 in conjunction with Article 113(1) of the EEC Treaty, in accordance with the principles governing international exploitation of the seabed as agreed jointly by the Members of the EEC, taking this present resolution into account, and, after referring it to Parliament, to submit it to the Council for adoption;

2. Decides to organize its own work on the Conference on the Law of the Sea as follows:

(xxx) The European Parliament decides to set up a non-permanent committee to deal with the subject-matter of the Third Conference on the Law of the Sea.

(xxxi) It regards as having priority, on the basis of the provisional and final results of the Third Conference on the Law of the Sea, matters connected with introducing Community management of sea affairs;

(xxxii) In view of the importance for the European Community of the Conference on the Law of the Sea (Community clause), it authorizes its above-constituted committee to delegate expressly a number of Members of Parliament to attend the next session of the Conference in Geneva and requests it to establish itself before the summer recess with a view to examining the possibility of such a delegation.

3. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States.

JUSTIFICATION

Urgency is justified by the impending resumption of the Conference in Geneva, at which it will be finally decided whether the European Community will be entitled to sign the Convention in its own right. The democratically elected Parliament of the European Community must therefore state its position on the present negotiating text of the Third Conference on the Law of the Sea.