

EUROPEAN COMMUNITIES

The Council

Brussels, 17 May 1977
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613/77 (ASS 378)

R E S O L U T I O N

on the Conference on the Law of the Sea
as it affects the European Community

adopted
by the European Parliament
at its session of
13 May 1977

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The European Parliament,

- having regard to the work accomplished so far at the Third United Nations Conference on the Law of the Sea,
- having regard to the Sixth Session of the Conference, which will begin in May 1977,
- having regard to the report of the Legal Affairs Committee and the opinions of the Committee on Agriculture, the Committee on Regional Policy, Regional Planning and Transport, the Committee on Energy and Research and the Committee on Economic and Monetary Affairs (doc. 82/77),

I. GENERAL OBSERVATIONS

1. Recognizes the difficulties involved in finding answers to all the problems with which the Law of the Sea Conference is concerned, which has the ambitious task of seeking to establish, through negotiations on a world scale, a new legal framework for dealing with the varied and complex questions which arise from the increasing use of the seas and the exploitation of marine resources;
2. Regrets nevertheless that the Conference has not yet been able to complete its work;
3. Expresses its satisfaction at the fact that the Member States have, to an increasing extent, been able to present a common position at the Conference on many issues;
4. Considers it essential, however, for the Community as such to take an increasing part in the Conference, since the questions to be discussed concern in whole or in part sectors in which the Community has sole competence to draw up Community-wide regulations and to contract obligations vis-à-vis third countries;
5. Draws attention to the need for Member States to make all necessary efforts to ensure the adoption by the Conference of a provision, such as that proposed on behalf of the Community at the Fifth Session in September 1976, under which the Community as such would be able to become a party to the future Convention;
6. Considers it necessary, in view of the inter-related nature of the negotiations and the need to ensure adequate protection of Community interests, that the Community and the Member States should act together on all outstanding issues;
7. Calls on the Council and Commission to make renewed efforts to work out common rules for fishing zones in the Community;

II. OBSERVATIONS ON PROCEDURE

8. Conscious of the fact that the large number of delegations participating in the Conference, the vast scope of the subjects under discussion, the different degrees of importance attached to individual topics by the various states or groups of states, as well as the need to follow a policy of obtaining the widest possible consensus before proceeding further, have in the past created procedural difficulties;
9. Suggests therefore that consideration should be given to the Conference adopting a new approach to its work, which could consist in drawing up and concluding separate conventions on subjects on which general consensus can be reached while continuing the negotiations on questions on which it does not at present seem possible to reach agreement;

III. OBSERVATIONS ON SUBSTANTIVE ISSUES WHICH COULD FORM THE SUBJECT OF SEPARATE CONVENTIONS

(a) The 200-mile economic zone and the outer limit of the continental shelf

10. Notes that there is now general acceptance of the principle of extending to 200 nautical miles from the baseline the zone in which coastal states have exclusive rights in respect of the exploitation and conservation of fish stocks as well as the extraction of minerals, petroleum and natural gas reserves from the seabed, and that this acceptance is already reflected in international practice;
11. Considers that it is nevertheless necessary that, in the interests of the legal security and the future development of the Law of the Sea, the Conference should complete its work through the adoptions of provisions which regulate all questions connected with the zone;
12. Considers, furthermore, that any agreement drawn up by the Conference should enable coastal states to extend their jurisdiction over the seabed beyond the 200 mile zone where the area of seabed concerned forms part of the natural prolongation of the state in question, subject to stipulations in the Convention as to the conditions under which such extension may take place;

(b) Exploitation of the international seabed

13. Endorses the principle that the international seabed and its resources should be regarded as the 'common heritage of mankind';
14. Believes that the exploitation of this 'common heritage' should benefit all mankind;
15. Considers therefore that an International Authority should be established having responsibility for the exploitation of the resources of the international seabed and operating under provisions which provide
 - security of access for all countries, under agreed conditions and on a non-discriminatory basis;
 - for the possibility of exploitation both by States and companies and by an operational arm of the Authority, in which the interests of the developing countries would be especially reflected;
 - protection of the interests of developing countries which are producers of the minerals concerned;
 - a system of decision-making within the International authority which takes account of the different interests involved, including those of consumer countries;
16. Considers that, in view of the long-term importance of the International Authority and the need of the Community to import the greater part of its requirements for the minerals concerned, it would be highly desirable for the Community as such to be represented on the Council of the Authority, thus enabling the Community to exert its full influence and to protect its interests in a body whose proceedings may be expected to have a significant impact on the policies and principles under which raw materials are exploited in the future;

(c) Settlement of disputes

17. Stresses that worldwide arrangements for settling disputes arising from exploitation of the seas and oceans are in the highest interests of all states;
18. Recommends the adoption at the Conference of a convention allowing recourse to arbitration proceedings in the event of disputes;

IV. OBSERVATIONS ON CERTAIN OTHER PROBLEMS CONNECTED WITH THE LAW OF THE SEA CONFERENCE

19. Reaffirms the principle of freedom of navigation, and in particular, the principle that within the territorial sea of 12 miles all vessels should retain the right of innocent passage and that within the 200-mile zone all states should enjoy freedom of navigation and of over-flight and freedom to lay underwater cables and pipelines;
20. Emphasizes, in view of the increasing pollution of the sea, the need to make rapid progress in the protection of the marine environment and draws attention to the effective steps that can be taken at regional level and through specialized United Nations bodies in this regard;
21. Welcomes the acceptance by the Conference of the principle that all states should be entitled to carry out marine scientific operations for peaceful purposes and in such a way as not to interfere with the legitimate use of the sea by other states;
22. Hopes, moreover, that any conditions applied to this principle will be strictly limited should marine scientific research be made subject, in the economic zone, to the consent of the coastal state;
23. Hopes that approval will be given at international level to the principle that the results of marine scientific research should be made available to all who have an interest therein and that all states will agree to the desirability of promoting the development of such research and of transferring marine technology to the developing countries while taking account of any rights deriving from patents;
24. Trusts that the agreements reached and the pursuit of negotiations on outstanding complex questions will lead to progressive international codification of the Law of the Sea, which will be of lasting benefit to all countries without exception;
25. Instructs its President to forward this resolution, together with the report of its committee, to the Council and Commission of the European Communities and to the parliaments and governments of the Member States.