

European Communities

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Working Documents

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ANNEX

to the report

drawn up on behalf of the Legal Affairs Committee

on the signing and ratification of the Convention

on the Law of the Sea

- Opinion of the Committee on Development and
Cooperation -

Draftsman: Mr M. PONIATOWSKI

PE81.829 /Ann./fin.

On 24 November 1982 the Committee on Development and Cooperation appointed Mr Michel PONIATOWSKI draftsman.

At its meeting of 1 December 1982 the committee considered the draft opinion and adopted its conclusions by eleven votes to three.

The following took part in the vote: Mr Poniatowski, chairman and rapporteur; Mr Bersani and Mr Kühn, vice-chairmen; Mrs Caretoni Romagnoli, Mrs Cassanmagnago Cerretti, Mr Enright, Mr Ferrero, Mr Lezzi, Mr Narducci, Mr Pearce, Mrs Rabbethge, Mr Rinsche (deputizing for Mr Wedekind), Mr Vitale (deputizing for Mr Vergès) and Mr Vankerkhoven (deputizing for Mr Wawrzik).

On Thursday, 18 November, the European Parliament rejected a motion for a resolution by Mr von HABSBURG on the signing of the agreement on the Law of the Sea during the debates on topical and urgent matters. In this motion for a resolution the author requested that the conclusion of the agreement on the Law of the Sea, which was to be signed by the Member States and the Community in December 1982, should be postponed.

A large majority of members of Parliament considered that it was not desirable to request the Community and the Member States to refrain from signing this agreement.

The result of the vote does not mean that those who consider that the agreement must be signed unreservedly approve of the content thereof. The agreement is the result of negotiations which lasted several years and the result obtained at the end of each separate negotiation constitutes a compromise between numerous and diverse interests. The result of the vote means in fact that a majority of the Members of the European Parliament take the view that it would not be reasonable, from a political point of view, to postpone the signing of the agreement and that both the Community as such and the individual Member States should be encouraged to sign the agreement.

In 1970 the United Nations defined the international seabed as the common heritage of mankind and put an end to the system of 'first come, first served'. This raised the whole question of the Law of the Sea. In spite of the many divergent interests involved, the participants in the United Nations Conference on the Law of the Sea succeeded in agreeing on a comprehensive draft.

This treaty is admittedly no model of clear and balanced wording. The political transactions and inevitable compromises have left their mark. One may regret that the new arrangements for the seas and oceans are so favourable to the coastal states (territorial sea 12 miles, exclusive economic zone of 200 miles, vast continental shelf) and so unfavourable to the international community and the geographically disadvantaged countries (e.g., landlocked countries). A further example testifying to the fact that these 'less advanced countries' find themselves in an uncomfortable situation.

The right to fish (only where surpluses exist) in neighbouring economic zones and the encouragement to be given to the participation by these countries in the exploitation of marine deposits are no more than a paltry consolation. In the meantime the scope and economic significance of international domination have been considerably reduced. The recognition of exclusive economic zones involves the disappearance from the heritage of mankind of 90% of all exploitable gas and oil deposits and 90% of the most important fishing zones. In fact, manganese nodules are the only raw materials still economically accessible.

However, it is better to have a treaty than no treaty at all, insofar as this treaty has as many positive as negative aspects.

The problems relating to the Law of the Sea will probably give rise to numerous conflicts. Sovereignty is under dispute in respect of numerous rocks and islands, the possession of which grants power over vast expanses of sea and the natural resources contained therein. The delimitation of territorial seas, exclusive economic zones and the continental shelf of two coastal states will give rise to numerous conflicts, despite the existence of the treaty, since the provisions adopted on such delimitation are incomplete.

It is easy to imagine the controversies which will arise in connection with fish catches, cross-border gas and oil deposits, environmental pollution and freedom of movement on the seas and in the air.

The treaty provides for certain procedures to help settle disputes: conciliation, Law of the Sea tribunal and arbitration procedures. In addition, countries can always apply to the International Court of Justice in The Hague. These procedures for the settlement of disputes are absolutely essential. If the treaty did not exist, the dangers of political conflict, possibly accompanied by military confrontation, would be much greater.

It is important to bear in mind the consequences of rejection of the agreement. The North-South dialogue has reached deadlock. The initiatives recently taken to revive the dialogue by organizing a new series of international discussions have not so far met with success. The developing countries attach a great deal of importance to the Convention on the Law of the Sea

and regard it as a test of the resolve of the rich countries to contribute to the introduction of a more equitable international order. If it proves impossible to bring about international cooperation in this sector, numerous developing countries will lose all the faith they placed in collective negotiations. If that happens, the North-South dialogue will sink without trace.

In the light of the above, and of the observations already made in the report by Mr VIE on behalf of the Legal Affairs Committee and in the opinions of the Committee on Economic and Monetary Affairs and the Committee on External Economic Relations for the Legal Affairs Committee, the Committee on Development and Cooperation considers that it must recommend the Member States and the Community to sign the Convention on the Law of the Sea.

In order for these views to be incorporated in the motion for a resolution, the following should be added to the recitals and to paragraphs 1 and 4 of the motion contained in the VIE report:

- whereas the developing countries attach great importance to the Convention on the Law of the Sea;

1.....; recommends the Community to sign the Convention on the Law of the Sea.

4.....; recommends the Member States to accede to the Convention on the Law of the Sea.