

Law of the Sea

Joint Debate on the Reports

by Mr. D. Vié (Doc. 1-793/82) and Mrs. A. Spaak (Doc 1-688/82).

Official Journal of the European Communities, Annex No. 1-292, December 1982

Debates of the European Parliament, pages 6-27

Votes, pages 95-97

5. Votes¹

IN THE CHAIR: MR ESTGEN

Vice-President

6. *Law of the sea*

President. — The next item is the joint debate on:

- the report by Mr Vié, drawn up on behalf of the Legal Affairs Committee, on the signature and ratification of the Convention on the Law of the Sea (Doc. 1-793/82)
- the report by Mrs Spaak, drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection, concerning deep seabed mining and the marine environment (Doc. 1-688/82).

Mr Vié (DEP), Rapporteur. — (FR) Mr President, ladies and gentlemen, the report which I am now submitting to you on behalf of the Legal Affairs Committee relates to an area of exceptional importance: the Law of the Sea.

Its importance is exceptional in quantitative terms because the area of the sea represents close on twice that of the land mass; it is also exceptionally important because essential aspects of the life of our countries are dependent on the sea: freedom of movement and hence the security of supplies, the extension of international trade and closer links between the peoples bringing greater prospects of peace; then again there is the aspect of access to vast resources of food, energy and a reservoir of raw materials holding out the prospect of progress and prosperity for the population of the world. The exceptional importance of this subject is also apparent even to an uninforming observer from the length of the discussions — 88 weeks over a period of nine years — and the bitterness of the controversy to which adoption of the convention does not put an end.

It might seem strange or scandalous, depending on your point of view, that our Parliament should only be dealing with this matter after the event, i.e. after the Convention was signed by 119 countries last Friday. Mrs Veil, the chairman of the Legal Affairs Committee to whom I wish to pay tribute, attempted unsuccessfully to have this debate included on the

agenda of the last part-session which would have enhanced the standing of our Parliament. Of course our agendas are always very full but, in my personal capacity, I feel bound to deplore the fact that our Parliament has been prevented in this way from playing its part under effective and appropriate conditions.

Admittedly the matter is not closed, far from it. I am sure Members will bear with me if I inflict on them details of a rather dry calendar which do seem necessary to me to promote greater understanding of this debate.

Firstly, the Convention was adopted on 30 April last by 130 votes to 4 including the USA, with 7 abstentions, including the USSR.

This was followed by the procedure for signing the text which took place last Friday in Jamaica: 119 countries were in favour and 141 countries signed the final act which was a kind of comprehensive minute of the proceedings — that document was also signed by the USA.

Thirdly, the countries which are signatory to the Convention are automatically members of the preparatory committee for the establishment of the international authority which will be responsible for administering the common heritage of mankind represented by the sea outside the limits of the continental shelf; the other countries were merely observers. Unfortunately the Community was not able in its turn to sign the final act because only five Member States signed the Convention. It is therefore not an automatic member of the preparatory committee but simply an observer. I shall return to that in a moment.

Fourthly, the Convention itself will not enter into force until 60 countries have ratified it. In most cases that presupposes a special national law.

Fifthly, pending this application after ratification by 60 countries, the preparatory committee has the authority to deliver exploration permits to 'pioneer investors'.

Sixthly: these investors are either countries which have earmarked more than 30 million dollars by 1 January 1983 (1 January 1985 in the case of developing countries) i.e. France, Japan, India and the USSR, or entities, namely international consortia of which there are four with the USA in a majority associated with a number of industrial countries — Belgium, Canada, Italy, The Netherlands, the Federal Republic of Germany, etc.

Seventhly, during the transitional period, i.e. before ratification by 60 countries, the signature of one single country will be sufficient to lend credit to these consortia whereas after the entry into force of the Convention all the States of which the individuals or bodies constituting these entities are nationals, will have to

¹ See Annex I.

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be parties to the Convention. Despite the regret which I expressed just now, it therefore seems that the Community has by no means had its last word on this matter.

I apologize again for giving you these somewhat dry details; I shall now try to explain clearly the purpose of this report which is not to deal with the Law of the Sea as such with all its political or economic implications — the committees which have been asked for their opinions will be delivering them — but as the title of the document indicates to examine the signing and ratification of the Convention in light of the provisions of Community law.

Even from that strictly juridical angle, this report which reflects the almost unanimous position of the Legal Affairs Committee with 12 votes in favour and 2 abstentions, is in my opinion of considerable importance because it throws full light on the underlying problem which is that of the respective role of our institutions in the life of the Community. First of all the Council is being reminded of the indisputable juridical foundation of Community powers i.e. Articles 210 and 228. The Council is also reminded of Article 5 of the Treaty which requires the Member States to give effect to the obligations deriving from the Treaty.

Then again this report reminds the Commission that it is the custodian of the Treaties and has a duty to make the Member States aware of their obligations if necessary by proceedings in the Court of Justice (Articles 169 and 175). Finally, this report recalls the possibility of prior consultation of the Court of Justice if there is any doubt as to the compatibility of the Convention with the EEC Treaty (Article 228).

This particular Convention contains the important provision that international organizations may sign it if a majority of their members authorize them to do so. In terms of logic that is absurd. Either the Community has the authority to sign through a delegation of sovereignty deriving from the Treaties in which case it needs no approval from the Member States or it has no such authority in which case it needs the approval not of a majority but of all its members. Herein lies the extreme importance of our debate. Beyond the disputes between experts, we are concerned here with nothing less than the role of the Community in international discussions and, within the Community, the correct balance between its different institutions: the Council, Commission, Parliament and Court of Justice.

The Legal Affairs Committee found it unthinkable for Member States to be able to sign individually, without reference to existing Community achievements; hence the vigorous appeal in this report for a Community decision. The peoples of our various countries represented in this Parliament have already been disappointed by the loss of ground in Europe; each one of

us is aware of this through contacts with public opinion in our respective countries. Of the two common policies provided for in the Treaty only the common agricultural policy is operational and we know to what extent its very existence is jeopardized; all our colleagues realize that the whole issue must be given our close attention. No progress has been made upon energy, commercial, economic and research policy and our electors may well feel that the institutions have lost their *raison d'être* and failed in their duty.

To my mind, this debate provides an opportunity to demonstrate that the Parliament will abandon none of its obligations or prerogatives. It is performing its proper role when it reminds the other Community institutions of their obligations. That is why I should like this Parliament to give its unanimous approval to the report, thus providing evidence of its clear-sightedness and determination to contribute to the construction of Europe which, more than ever, is vital for the peace and security of the whole world.

(Applause)

Mrs Spaak (NI), *Rapporteur*. — (FR) Mr President, ladies and gentlemen, our Parliament has already held several debates and adopted a number of reports and resolutions on the exploitation of the seabed and on the third United Nations Conference of the Law of the Sea. All those texts have laid emphasis on the economic importance for the Community of participation in the exploitation of the mineral and energy resources of the deep seabed given its heavy dependence on external sources of these raw materials. They have all stressed the importance of the Convention on the Law of the Sea which has been laid open for signatures since December 1982 and on which the United Nations has been working since 1973.

It is vital for the Convention to be signed for several reasons which my colleague, Mr Vié, has mentioned: firstly, to ensure legal certainty for activities at sea including exploration and exploitation of the seabed. Secondly, the exercise of those activities by Europe in complete independence; thirdly, protection of the marine environment which is essential to the ecosystem of the land. That aspect is governed by Chapter 12 of the Convention. The Convention cannot be treated as a generally recognized international Law of the Sea unless it is signed and ratified by a large number of states and especially by the major maritime powers of which the Community is one.

Chapter 11 of the Convention relates to exploitation of the deep seabed. It gives rise to serious objections on the part of the Community and, more generally, on the part of those countries which have gained some advance in this area. Once the Convention has been signed by at least 50 countries a preparatory committee will be set up to work out the rules, regulations and procedures needed for its application and func-

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tioning. The work of that committee will serve to define more precisely the somewhat general terms of the Convention and to determine the conditions under which it is to be applied.

I want to stress two important aspects here.

Firstly, only the signatories to the Convention will have the right to vote in decisions. Secondly, there is a distinction between signing and ratification of the document.

To protect its interests and ensure respect for the criteria of environmental protection, the Community must, as the Commission has proposed, sign the Convention jointly with the Member States. It must defend Community positions without which we shall have no weight in the work of the Preparatory Committee.

The Council and Commission must step up their consultations with the United States and with the other countries which voted against the draft Convention or abstained in April 1982 so as to ensure that they do now sign and take part in the work of the Preparatory Committee.

Let me repeat that ratification will depend on the outcome of that work.

A considerable length of time is liable to elapse before the Convention enters into force. It is important to ensure that the Member States do not adopt legislation, even of a temporary nature, which might be detrimental to the environment or to a European energy policy. The Commission should propose at an early date, as already requested by the European Parliament in April 1981, uniform Community arrangements for undersea exploitation of mineral resources compatible and additional to the provisions proposed in the draft Convention. The Community should encourage research on the mineral resources of the seabed and on the environmental impact of their exploitation.

In this area, the Council and Commission should already at this stage take the necessary steps at international level to obtain recognition of protected zones, an idea which is embodied in American legislation. These would be zones containing representative specimens of marine fauna and flora; no exploitation would be permitted in them and they would in a sense serve as a point of reference.

In conclusion, the report which I am submitting to you is of great importance in several areas: in economic terms as regards the exploitation of the deep seabed; in ecological terms in Chapter 12; and finally, in political terms since it implies the coordination of action at Community level.

Mr van Aerssen (PPE), deputizing for the draftsman of an opinion for the Committee on External Economic

Relations. — (DE) Mr President, ladies and gentlemen, I have been asked by our draftsman, Mr Sayn-Wittgenstein, who is unable to be here at the moment, to make a few comments on the two reports. Firstly, we must thank Mr Vié very much for including the views of the Committee on External Economic Relations in his report. This will enable me to be brief. I should also like to thank Mrs Spaak for once again clearly stating the European position and thus outlining the task to be performed by the Commission and Council

I should just like to say a few words about Chapter 11 of the Law of the Sea Convention. The Committee on External Economic Relations feels that, as it stands, it contravenes the provisions of the General Agreement on Tariffs and Trade and that further thought must therefore be given to ways of overcoming this unfortunate situation. There is a difference between signing and ratifying. We are in favour of the European Community signing the Convention so that it can take part in further negotiations.

The need for this is all the more urgent since many serious problems have been solved in the Convention. For example, we now have legal certainty with respect to a large number of controversial points of international law. Mr Vié is quite right: if a solution is to be found to the problems that remain, it is essential for the European Community to be involved in the Preparatory Committee and so to influence future events. It is also particularly important that we should try to bring political pressure to bear on the Council with a view to its clearly defining the issues which are of common interest and therefore fall within the European Community's terms of reference, thus precluding legal difficulties in this area. Mr Vié has made this very clear in his report.

In my opinion, those who say that a balance has still not been struck in this Convention are right. Too many countries were lucky, successful and also well prepared. But we also have to think of a very large number of developing countries, to whom we are linked by just two conventions. They have been left behind. They have not been given the rights they need.

The first amendment proposed by the Committee on External Economic Relations says that the Community clause must be respected, that we in this Parliament base ourselves on this Community clause. The second amendment calls for the Commission, which is acting as the executive in this case, to be given a primary right to a say in the formulation of the Convention in the next two years.

Thirdly, the Council should be required to specify what rights will be covered by this Community clause. It will include the direct application of the Treaties of Rome. Mr Vié has made it very clear that this is still not absolutely clear. It will also include common fishing rights. I would appeal to the Danish Presidency of

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the Council once again to bear this task in particular in mind in the future. It will further include the coordination of environmental protection at Community level, to which Mrs Spaak referred. At all events, existing bilateral agreements must be integrated and further developed, and that is the gist of the fourth amendment proposed by the Committee on External Economic Relations. They must not be sacrificed for the sake of this Convention, because that would deprive us of many opportunities.

We are withdrawing our amendment to paragraph 8, because Mr Vié is himself tabling an amendment which says what we want to say.

Both rapporteurs have our support, and we wish to thank them for expressing the concern we feel in their reports and so emphasizing the primary role to be played by the European Community.

Mr Sieglerschmidt (S). — (DE) Mr President, ladies and gentlemen, the Convention on the Law of the Sea governs matters which are the responsibility of the European Community — as has just been pointed out — and others which are solely the responsibility of the Member States. This in itself indicates the urgent need for the Community to adopt a joint position on questions relating to the Law of the Sea Convention. We know, of course, that five Member States signed the Convention last Friday, and under international law the signing of a convention customarily indicates a declaration of will to ratify it as well.

(Cries of derision)

This means that we can really only go forwards: even if the question of the accession of the Community as such was left aside, there would be serious problems if the other Member States did not eventually sign and ratify the Convention. Even if the majority of six Member States needed for the Community to sign and ratify it was not achieved, the problems I have mentioned would have to be solved.

Even if we disregard these legal difficulties and considerations, which Mr Vié's report discusses in admirable detail and with gratifying accuracy, the question is whether the contents are such that we are justified in wanting to sign the Convention. My group believes that the Convention on the Law of the Sea contains many perfectly acceptable provisions, while others will undoubtedly not find the approval of some Member States, especially those with no or only a relatively short coastline. But, as so often before, a compromise designed to settle worldwide conflicts of interest has again been reached in this case.

The Socialist Group's belief that the positive aspects outweigh the negative stems not least from two specific factors: firstly, the interests of the developing countries are concerned. When wise people say that

the interests of these Third World countries are not properly safeguarded by the Convention, all I can say in reply is that they should kindly leave it to the countries which are in favour of acceding to the Convention on the Law of the Sea, of signing it and ratifying it, to define their own interests. They are surely in a better position to do so than outside advisers.

Furthermore, as so often before — and this is the second point I should like to make — a perhaps imperfect arrangement is still better than none at all. Mr van Aerssen has already said what important matters are governed by the Convention.

We have tabled amendments expressing our support for the signing of the Convention. That is the first step which must be taken jointly, initially by the Member States and then, once the necessary quorum has been reached, by the Community. The Community — the Commission and Council — would be well advised to clarify as many as possible of the doubtful legal points before the Convention is signed and certainly before it is ratified, of course. To support our hope that the Community and the Member States will sign the Convention, we have also proposed the insertion in the preamble of two new paragraphs in which we point out that only those who have signed have a say in the Preparatory Committee. Many of those who are now hesitating will, I believe, eventually accede. They should not therefore leave it until the end of the two year period but sign now. This will enable the Community to sign as well and give it an important right to a say in the decisive details which the Preparatory Committee will be adding to what is in some respects a very generally worded Convention. That is the appeal we make to all concerned.

When the Commission and Council have done what needs to be done, we must — as one amendment rightly states — have the major debate on the ratification of the Convention that must be held, of course, before a final decision can be taken.

Mr Jansen Van Raay (PPE). — (NL) Fellow colleagues, last Friday, 10 December, 119 States and organizations signed the Final Clause of the Draft Convention on the Law of the Sea, in Montego Bay, Jamaica, amongst them, the European Economic Community. Colleague Vié was, in this respect, quite right in pointing out that, as of now, this whole debate has become somewhat superfluous. Nevertheless, it is worthwhile to point out that the Community has not yet adhered to the Convention itself. It is a great pleasure for me, on behalf of the Christian Democrats, to wish colleague Vié every success with his lucid and legally important report, which, fortunately, in the absence of the Commission's adherence, for the present, to the Convention, remains topical.

I have been empowered by our Group to inform the house of the PPE's desire to see the Community

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becoming a fully-fledged adherent to the Draft Convention as such, in addition to its signing of the Final Clause. I should like to add that this in no way implies that there is unanimity in our Group concerning adherence to the Draft Convention by each individual Community Member State for we fully appreciate the difference between Community adherence as such on the one hand, and that of individual Community Member States, on the other. A Luxembourger, for example, whose government has reservations about signing, is in no way being disloyal by voting in this House in favour of the Vié resolution and the Siegler-schmidt-sponsored amendment. We are, after all, talking about a limited area. Whilst it is true that individual adherents to the Draft Convention are precluded from signing only partially, the fact of full adherence by the European Economic Community as such means that it is, *ipso jure*, limited. That area is not, however, unimportant. The Vié report enumerates the following: fishing, freedom of navigation, scientific research of the seabed and its subsoil, environmental protection norms — the subject of colleague Spaak's report — and, in a wider context, freedom of movement for goods, freedom of licensing and open competition. All of these are covered, directly or indirectly, by the Draft Convention on the Law of the Sea, and are matters over which, the European Economic Community, as such, exercises exclusive control. We are, therefore, dealing with areas of crucial importance.

Secondly, I should like to inform the house that, as a result of my Group's desire to see the Community as such adhering fully to the Draft Convention in its entirety, as matters now stand, it should not yet be inferred that we shall also be proponents of ratification in due course. That is an entirely different matter. Nor do I wish to suggest that we have had second thoughts on the matter of ratification, in the meantime. The matter is, let us say, in abeyance. One of the amendments, drawn up by colleague Habsburg, and to which our group has given its unconditional support deals with this specific aspect and I shall gladly leave it to him to go into it in greater detail during his speaking time.

We attribute considerable importance to the aspect of freedom of navigation. I would point out, in this respect, that although the Draft Convention has not yet come into force, important aspects thereof, dealing, amongst others, with freedom of navigation have already, as a result of incorporation into national legal codes, become part of international navigation law.

Mr Prout (ED). — Mr President, my group would first of all like to congratulate Mr Vié on an excellent report.

The draft Convention on the Law of the Sea is a legal hybrid. Parts of it fall within the competence of the Community and parts within the exclusive jurisdiction of the Member States. To the extent that the Com-

munity is competent, Article 228 of the Treaty of Rome applies. That is to say, agreement should be negotiated by the Commission and concluded by the Council after consulting the Parliament.

In numerous resolutions we have pressed for the Community to become a contracting party to the Convention. In its judgment in the Kramer case, the Court declared that Member States participating in international conventions are under a duty both not to enter into any commitment which could hinder the Community in carrying out its tasks and to negotiate on a common basis. Should there be any doubt as to whether or not a matter falls within the Community's competence, the Commission as guardian of the Treaties may obtain the opinion of the Court of Justice.

Unfortunately, Article 228 procedure has not been followed. The Community has not been helped by the fact that the Commission was only granted observer status at the negotiations. Moreover, Articles 2 and 3 of Annex 9 of the Convention permit an international organization to sign it provided a majority of its participating members have signed it first. Now this is in clear contradiction to the requirements of Article 228 of the Treaty of Rome.

Here is a recipe for jurisdictional confusion and Community disarray. We understand that the Netherlands, France, Denmark, Ireland and Greece have decided to sign while the remaining Member States have reservations of one sort or another. The Convention remains open for signature for two years. It is hoped, even at this late stage, that it will be possible to achieve some greater measure of Community agreement. In view of the length of period, such action as is envisaged in Article 5 of the motion for resolution is, in our opinion, premature and we have tabled amendments accordingly.

As long ago as 1973, Parliament raised the problem of recognition of the Communities as a single entity in all international bodies and requested the Commission and the Council to give the matter urgent consideration. We do so again.

Mrs Le Roux (COM). — (FR) Mr President, after years of inaction which fostered the most contradictory unilateral initiatives, the Convention on the Law of the Sea laid open today for signing by the Member States comes at an appropriate juncture to fill a juridical gap which is the source of many disputes and to adapt legal norms to existing or potential practices made possible by the evolution of technology.

We share the hope expressed in the report by Mrs Spaak that the European countries will sign this Convention at an early date. This text is the outcome of many years of complex negotiations. We are aware of the far-reaching importance of the existence of such a convention which anticipates new relations between

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countries and with the common heritage of mankind. This Convention involves nothing less than the issue of the new international economic order which the Communists are fighting for. It is hardly surprising that the opponents of this text include the selfsame countries, led by the United States, which are seeking to perpetuate eternally their domination of the world through the use of force and money.

We welcome the fact that the Convention presents an obstacle to their search for profit and gives an international agency the task of controlling exploitation of the seabed while taking care to establish a source of development for the poorest nations.

Like the Group of 77, we are well aware of the implications of the provisions contained in this Convention. They should spare some of those countries the grave consequences which would arise from uncontrolled exploitation by powerful North American and Japanese companies of polymetallic nodules. The introduction of production plans for certain mineral ores should help to stabilize their prices. That could be an important precedent for the definition of a global strategy on raw materials. Moreover the application of this Convention is urgently necessary to safeguard the marine and coastal environment against the potential dangers of pollution arising from anarchic exploitation: Mrs Spaak clearly highlights this problem in her report.

As regards the proposal that the Community as such should sign this document, we do not see that as the real issue. Quite apart from the juridical aspect of reference to Article 116 for the signing of such a Convention, the underlying credibility of this proposal seems to us to be open to question. What would be the significance of this signature if many Member States did not give the necessary commitment? There would then be legitimate doubts *vis-à-vis* the international community. Some Community countries have already signified their intention not to sign. Do they hope to benefit from the rights opened by this Convention without sharing its responsibilities? This sharing of roles might lead one to think so.

That is why we do not support this proposal that the Convention should be signed by the Community although we do advocate signing by the Member States themselves. The French Communists and Allies hope that the individual countries will sign at the earliest opportunity and that the Convention will enter into force under the best possible conditions.

Mr Sablé (L). — (FR) Mr President, Commissioner, ladies and gentlemen, the Convention which was signed last Friday in Jamaica by 109 countries after nine years of negotiations is one of the most important international agreements to have been concluded since the Second World War in the context of cooperation between the industrialized and developing countries.

This Convention undoubtedly represents progress in the North-South dialogue at a time when that progress was urgently necessary, particularly after the failure of the heavily publicized summits of Cancun and Versailles.

Without being perfect, the Convention creates the necessary texts for the emergence of a new Law of the Sea which will overturn the present rules of customary law and unify national legislation on territorial waters. For the major naval powers it maintains freedom of passage, in particular through straits which are less than 24 nautical miles in width. It enables pollution of the sea to be counteracted and guarantees for each coastal State a wide reserved fisheries zone and, beyond the limit of national jurisdiction, the exploitation of the mineral resources of the deep seabed which are treated as the common heritage of mankind will be ensured by an international agency. The developing countries will thus participate in the exploitation of the wealth to which they would never otherwise have had access; in this way Lomé III will be of vital importance.

It is above all through the creation of exclusive economic zones reserving for each coastal nation sovereign rights over the living and mineral resources of the deep water and marine subsoil up to 200 nautical miles from the coast that the new Law of the Sea introduces effective instruments for future development. We all know that fishing will have a considerable impact on employment in future. It will help to meet the food needs of broad sectors of society which are generally undernourished and although, in the case of the developing countries, the 200 mile zones cover only about one-third of the oceans they do contain some 90 % of the resources at present exploited throughout the world, a relatively large volume belonging to the ACP countries.

With this extension of the 200 mile zone, industrial fishing fleets, in particular those of Japan and the USSR, will have increasingly limited access to the zones which are the richest in fish. This will put an end to spoliation and perhaps hold out real hopes for many countries of the Third World, particularly in the Caribbean.

Of course optimal exploitation of the new fish resources in the exclusive economic zones will often exceed the financial potential of many ACP States. Here it is appropriate to stress the role which Europe can play. By concluding exemplary fishing agreements with a large number of ACP countries, Europe has pursued a policy which has in advance respected the rights that have now emerged from the UN Conference on the Law of the Sea. The Community itself is becoming one of the world's leading maritime powers with the extension to 200 miles of the exclusive economic zone of its overseas departments and territories, be they in the Caribbean or in the Pacific.

Sablé

Who could be better placed than the Community to develop regional cooperation with the neighbouring ACP States in these regions? Ladies and gentlemen, the Community has everything to gain by signing this Convention. Unfortunately it has not yet been able to do so owing to the lack of a majority among the Ten. However, the hope remains that a number of countries will later on join our camp; the Community will then be able to affirm its existence and cohesion and become a fully-fledged member of the Preparatory Committee which will be responsible for drawing up the rules and procedures for implementation of the new Convention. It will thus be able to play a full part in improving a text which, although not perfect, will undoubtedly represent a landmark in history.

Mr Vandemeulebroucke (CDI). — (NL) I wish to extend my warmest congratulations to the rapporteurs of the two reports before the House, colleagues Vié and Spaak. I would like to consider in greater detail the Spaak report which has my full support. I too share the view that the European Community, as contracting party, should adhere to the Draft Convention. Towards the end of her speech, colleague Spaak quite rightly drew attention to the fact that we are not solely concerned here with the wealth of the seabed and the exploitation thereof, but also with marine fauna and flora, for whom protected zones must be recognized at international level.

In this context, Mr President, I should like to draw your attention to the serious problem posed by the Arctic region. A project for this entire region, entitled 'The Arctic pilot project' (APP) is currently under review by the Canadian government. This APP project concerns the exploitation of an extensive natural gas deposit in Melville Bay. It is intended that these deposits be transported aboard giant icebreakers to the South-Eastern coast of Canada, a matter of some importance, given the interest expressed in the project by France and the Federal Republic of Germany. We know from experience that Canada at one time invoked Article 234 of the Convention on the Law of the Sea to prevent passage by an icebreaker through this Arctic region, subsequent to which the Canadian parliament adopted its own law. The question now is whether the Arctic Pilot Project, a matter of far-reaching consequences, will not wreak irreparable havoc upon marine animal life in the Arctic region as well as upon the indigenous inhabitants of Greenland. The question is whether the European Community will lend its support to Greenland and, by extension, Denmark, in invoking Article 234 of the International Convention on the Law of the Sea. We shall be having a debate in the future on a possible withdrawal of Greenland from the European Community. It goes without saying that it is a matter of critical importance for them that projects such as the APP should not have precedence.

There is more at stake here than the exploitation of the rich mineral deposits in the seabed. We are talking

about the very survival of the whole Arctic way of life and of its entire fauna and flora. I look forward to the House giving unanimous approval to the Spaak report and trust that it will be equally consistent in its solidarity with the inhabitants of Greenland.

Mr Eisma (NI). — (NL) We would also like to congratulate colleagues Vié and Spaak on their excellent reports. It is not a good omen that a number of major industrial States, amongst whom, several EEC Member States have not signed the Draft Convention on the Law of the Sea. It is regrettable firstly in that it weakens the effectiveness of the Convention as such in dealing, primarily, with the behaviour of the United States. Secondly, it illustrates the alarming discord among the Community Member States in such a crucial area of international law and of foreign and commercial policy.

We also consider it vitally important that Community Member States who have not yet done so, should still sign and subsequently ratify the Draft Convention. Such EEC unanimity would permit the greatest possible pressure to be brought to bear upon the United States in an effort to prevail upon the latter to accept the hard-won compromise.

The crux of the matter for the United States and a number of Member States is the exploitation of the mineral resources of the seabed; they believe that private enterprise will have too little room for manoeuvre. In this context it can do no harm to point out that, of the various consortia which have been set up with a view to the future commercial exploration and exploitation of the seabed, there has been much talk of European and North American joint ventures. Despite the restrictions on their activities as contained in the Draft Convention, many of these European — and a good deal of the North American — firms accept the terms of the new Draft Convention; and indeed prefer it to the inevitable anarchy which would prevail in the absence of such a Convention. They too believe a system of commercial exploitation carried out by enterprises subject to national legislation, to be undesirable. The Draft Convention on the Law of the Sea affords these consortia the greatest security concerning their investments in deep seabed mining.

Should the Convention fail to be ratified the resultant free-for-all will not be restricted to the exploitation of the seabed but will spread to other areas of marine law which the Convention intends to regulate. The danger then exists that conflicts arising from such a chaotic state of affairs would tend to be solved by threats of, or even the actual resort to, violence. Even those States which still have reservations about parts of the Convention have much to gain, economically and militarily, through the Convention's other stipulations. The only surprising aspect is that they apparently have not yet recognized this sufficiently.

Eisma

Mr President, I shall close by saying that the Convention on the Law of the Sea represents a breakthrough in the field of international law. It is the first important legal area which has come into existence as a result of negotiations at which the developing countries were present. They justifiably attach a great deal of importance to it. As a result the Convention may be said to have taken a step towards becoming a just international order. Without doubt, this Convention is a compromise and, as such, far from ideal but it is far better than nothing at all; hence our feeling that all of the Community Member States and the Community as such should range themselves behind this Convention on the Law of the Sea.

Mr Collins (S), *chairman of the Committee on the Environment, Public Health and Consumer Protection.*

— Mr President, first of all I should like to add my voice to that of the chairman of the Legal Affairs Committee. I do think, as chairman of the Committee on the Environment, Public Health and Consumer Protection, that this debate would have made a great deal more sense had it taken place last month. I hope the Bureau will in future take note of demands of this kind.

I too want to turn the attention of Parliament again to the environmental aspects of the Law of the Sea. In doing so I want to commend the work done by the Committee on the Environment's rapporteur, Mrs Spaak, and to speak in favour of her report.

The problems themselves, Mr President, are clear enough. In the first place we know of the existence of the polymetallic nodules. We know of their widespread distribution and we know something of their immense potential value. This value is economic in the sense that new sources of metallic ores may be made available to replace the dwindling traditional sources, and they are of strategic value because access to them will clearly affect a country's capacity to sustain an industry-based economy in the future.

Secondly, exploitation of these resources, even though this is unlikely on any substantial scale in the near future, will still have an important and probably irreversible effect on the marine and therefore on the global environment. I say 'probably' because one of our great difficulties is that we know so very little about the deep ocean bed. The late and much respected Lord Ritchie Calder, who cooperated with me in framing the resolution on which this report is based, used to say that our knowledge of the ocean bed is about the equivalent of learning the geography of the earth by sitting above the cloud layer and dropping an occasional small net to the ground and then examining its contents when it is pulled up. That means, of course, that in exploiting the resources of metallic nodules we will inevitably disturb areas about whose ecology we know very little. I hardly need to remind Members of this Parliament of the importance of the

marine environment to the continued health and habitability of the earth itself. Therefore, we would argue, both in the Committee on the Environment, Public Health and Consumer Protection and in the Socialist Group, that international controls are essential.

The Law of the Sea's doctrine that the resources of the open sea should be seen as the common heritage of mankind finds support in our group, and we believe that it represents an important and heartening development in international cooperation. It is therefore sad to find that certain Community Member States — the United Kingdom, Germany, Belgium and Italy included — have failed to support the United Nations and have thus given support to President Reagan's view that the Treaty, as it stands, will inhibit free-enterprise exploitation.

Mr President, I would conclude very briefly by saying that free uncontrolled exploitation is the last thing we want. It would be unfair to the nations of the Third World, it would be destructive of the marine environment, it would be shortsighted and against Europe's long-term interests and it would merely represent subservience to the interests of President Reagan and the international mining companies. On all of these grounds we in the Socialist Group support Mrs Spaak's report. The group wants to ensure that the Community itself will play a role in the future control and conservation of the resources of the marine environment.

Mr Habsburg (PPE). — (DE) Mr President, I wish many more reports were as good as Mr Vié's and Mrs Spaak's. What is important about the Vié report is that — and I do not want to discuss the contents now — it principally broaches legal questions, while Mrs Spaak deals with a limited aspect of the draft Convention. I am sorry that Parliament was not consulted earlier and to a greater extent on this issue, and I am also extremely sorry that the Political Affairs Committee did not draw up a report or an opinion on this eminently political question.

I recommend to the House in particular four amendments which I have tabled on behalf of the Group of the European People's Party. As regards the Vié report, I have tabled an amendment seeking to replace paragraph 9a with a new text designed to ensure that Parliament has sufficient opportunity to discuss the Convention before it is ratified. I have tabled an amendment to paragraph 9 because I believe it would be foolhardy to sound the retreat in a statement at this stage. When you negotiate, you must begin by demanding everything. Then you may be able to go on negotiating. But you must not say from the outset: we are prepared to withdraw to a different position.

The two amendments to the Spaak report have been tabled because we feel that paragraphs 3 and 4 detract from the harmony of the report and raise legal ques-

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tions which do not really have any place in a report on environmental questions.

I consider it important — and this debate confirms my view — for us to continue to give serious consideration to this matter. We have plenty of time, and it is hardly surprising that opinions should differ here. I believe that the German Government acted quite correctly, but we should discuss these matters quite openly and sincerely. I call on you, therefore, to back the idea that it is essential for Parliament to consider the Convention in depth before it is ratified.

Mr Pשמazoglou (NI). — (GR) Mr President, first of all I want to express my great satisfaction with the report by the Legal Affairs Committee and with Mr Vié's very thorough introduction, and I want also to stress the importance of Mrs Spaak's likewise very thorough report. The issue is of profound importance and I think Parliament went seriously amiss in not debating it during the November part-session. If this had been done a clear recommendation from Parliament would have been available in time for the meeting of the Council of Ministers held a few days ago at which negative decisions were taken concerning the signing of the Convention on the Law of the Sea at the outset by the Community as such and on referring the matter back to the Commission.

On the other hand the proposal made by the Commission was, in my view, very well thought out and it is a pity, in view of our wish for the European Community to sign the Convention on the Law of the Sea and to participate in laying down the necessary procedures for the operation of the Convention, that we ourselves did not adhere closely to its conclusions.

I want to point out, Mr President, that the greater part of the Convention, and specifically its first ten parts, is really a confirmation and codification of principles and rules governing the Law of the Sea which are already in application and internationally recognized as binding. One such rule is that making provision for the extension of territorial waters to 12 miles, and just such a principle is contained in the affirmation that islands have their own equivalent of a continental shelf.

Acceptance by the European Community of these rules is extremely important if arbitrary acts, acts which in many parts of the world could possibly lead to conflict, are to be stopped, or at least limited and brought under control. In our opinion the first ten parts of the Convention on the Law of the Sea are, like most of it, generally acceptable, and we think that the Convention should be signed by all and that it would have been in the direct interest of the European Community for it to have participated in the formulation of procedures.

There is controversy in particular about Part XI which refers to the establishment of an international auth-

ority and to the procedures for governing deep-sea mining. It is inconceivable that objections and disagreements on this point cannot be overcome. I noted carefully what Mr Von Habsburg had to say a little earlier and in my view the Community is able to play a role in formulating these procedures and it could play an active part in surmounting disagreements and in shaping a text which is generally acceptable. For this to happen, however, it is necessary for the European Community to sign the Convention as a single entity, as a self-contained unity, so that it can play a part in all these processes. This would not prevent the Community from refusing to ratify the Convention if the difficulties turned out to be insurmountable.

Mr President, I believe that we must maintain a resolute and positive stand on the issue of the Convention. The European Community is the greatest trading and shipping power in the world, and for it not to participate in the procedural tasks to be undertaken would be absurd. In my own country, which has a great merchant shipping tradition and a rich island history, interest in the matter is very lively.

I consider it essential for the European Community to play an active role in the final formulation and application of the Convention on the Law of the Sea.

Mr Bournias (PPE). — (GR) Mr President, coming as it does after nine years of tribulation and disagreement the new Convention on the Law of the Sea reveals two disheartening facts about the countries of the West. Firstly, it shows a sharpening of the differences that exist between these countries themselves and between them and other countries of the world and, secondly — despite all the fine words — it demonstrates the difficulty involved in achieving a real understanding between rich and poor countries. Today's 'Le Monde' is indeed right to say that this issue which began with the good of humanity in mind has come to a close without the various national egotisms having been expunged.

On a more specific note, with reference to the Vié and Spaak reports, those of us who belong to the New Democracy Party intend to support the respective motions for resolutions because we dissent from the view that the Treaties of the Community do not provide legal grounds for the Community as such to sign the Convention and that these grounds exist only for Member States acting separately. We consider that if these grounds did not already exist by virtue of Articles 210 and 228 of the EEC Treaty we would need to create them because it is just not credible that the Community should be a mere observer with regard to a great international issue of unforeseeable future dimensions. But we shall vote in favour of the reports for yet another reason, Mr President, namely that we belong to a small maritime country — as my compatriot Mr Pשמazoglou has just said — which has many islands and a long coastline, and consequently we can-

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not remain indifferent about the final legal settlement of the two matters which concern our country directly; these are, firstly, the extension of territorial waters to twelve miles and, secondly, the recognition that each country has exclusive fishing and oil rights over a 200-mile coastal zone.

Mr Alexiadis (NI). — (GR) Mr President and colleagues, it is saddening that division exists among the Member States of the EEC on a matter so crucial as the Law of the Sea, and it is even more saddening that this division has become apparent over one of the Convention's main points, namely the exploitation of marine and deep seabed wealth which is a common heritage...

(The speaker continues unheard at this point because of a technical fault)

... better future for her peoples whether they live in countries bordering the sea or not. Instead of choosing the only democratic and just solution for dealing with the exploitation of this vast wealth in the name of and for the benefit of the Community as a whole the selfish view has prevailed of allowing certain parties exclusive access to it on the pretext that they alone possess the necessary economic and technological means. It is perhaps rather bold, but in essence regrettably true, to say that the old colonial domination of the land masses of our planet has been superseded nowadays by a new form of colonialism whose protagonists claim control over the resources of the oceans. Under such an order of things wordy and oft-repeated declarations concerning the need to narrow the gulf between North and South, between the developed and underdeveloped and between countries unequally favoured by nature becomes so much frivolous talk. And it goes without saying that in circumstances like these effective protection of the marine environment would become just about impossible because such regimes for the extraction of wealth quite naturally accord top priority to economic efficiency, to private expediency that is, and not to the maximization of the social interest, to the good of society as a whole.

It is possible in this matter for the European Parliament, the product of the free democratic consciousness of the peoples of this old continent; to express chagrin over this grave error and at the same time its wish for the mistake to be speedily rectified. By adopting such a position it would demonstrate that Europe remains always the truest champion of the great ideals of justice, of equality of opportunity, of the equitable distribution of our planet's wealth and of shared prosperity. The Convention which became open for signature a few days ago makes an important contribution to the codification and the stability of the Law of the Sea. Given what I have said earlier the EEC as a whole and its Member States individually should go ahead and sign the Convention.

Mr Andriessen, Member of the Commission. — (NL) Mr President, one can easily appreciate why Parliament has felt it necessary to devote two reports to a subject of such importance as that which we are dealing with today. There can be no doubt that we are dealing here with a large-scale venture which may be considered, in more ways than one, as unique in the annals of the evolution of international law.

Such a description befits both the positive and negative aspects of such an operation and the Commission would be the first to recognize the shortcomings of this Draft Convention before the House today or that there is every occasion — and happily a possibility too — to delete the contentious paragraphs in the course of future deliberations.

I would like to begin, Mr President, by congratulating Mr Vié and Mrs Spaak on their exhaustive reports of which the quality conforms to the scale of the topic under review. That topic concerns more than the exclusively maritime States. It raises the full spectre of the dilemma of the developing countries. As such the Commission, heartened by the attention thus being focused on this problem area, believes it to be a positive aspect which should be taken into account in any overall assessment of the Convention.

The Final Clause of the Draft Convention was signed on the last day of the Conference which took place a few days ago, 6-10 December 1982 in Montego Bay, Jamaica, which paved the way for the ratification procedure, thus initiated as of 10 December 1982.

Mr President, the European Community is the sole international organization which, by virtue of the powers vested in her in clearly delineated areas by the Treaty of Rome, is explicitly eligible as a signatory to both the Final Clause and the Draft Convention itself. Without going into the specific powers delegated to the European Community by virtue of the Treaty of Rome, a repetition of which would be superfluous, I would mention in passing that they have been summarized in the Vié and Spaak reports and have also been brought to the fore by various members of the House who preceded me in this debate.

These powers are real and, one may even say, of vital importance for the further development of the Community and it should thus be recognized that the Community as such has the authority to participate as a contracting party in this international legal operation, a matter of some considerable significance.

A number of speakers have referred to the Community's signing of the Draft Convention being conditional upon the prior signing by a majority of the individual Community Member States (regarding which I would refer the Members to Annex 9, Article 2 of the Draft Convention).

The honourable Member Prout has just suggested that such a procedure is a clear contravention of the provi-

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sions of Article 228 of the Treaty of Rome. The Commission does not share this view. Given that Article 228 stipulates that the Commission is the competent body in matters of external negotiations and commitments to be later concluded by the Council, after consulting Parliament, where required, one has to consider that, within the United Nations, the Community has been allocated no more than observer status, which implies in this specific case, that the negotiations on the Draft Convention were in fact conducted by the Member State entrusted with the Presidency of the Council at the time. One might say that, in this specific case, as a consequence of the unique situation, the Community, i.e. the Commission, acted through the person of the Council presidency. Without doubt, the Commission made an active contribution in coordinating matters, endeavouring throughout to achieve an optimum Community line from the Member States, but was helpless in trying to pre-empt the cleavage which finally surfaced among the Member States.

Mr President, we are now faced with a situation in which only five of the ten Community Member States signed the Final Clause of the Draft Convention in Jamaica last Friday, 10 December 1982, and in so doing, also made a common declaration, which has ramifications for the position of the Community at this point in time.

This declaration reads, more or less, as follows: 'My country's representative, in signing the Final Clause of this Draft Convention, declares that his country is a member of the European Economic Community which signifies that it has, by virtue of the founding Treaty of the aforementioned Community, delegated powers to it in clearly delineated areas governed by that Treaty', with the remark: 'Additional information on the nature and extent of these delegated powers will be communicated, in conformity with Annex 9 of the Draft Convention in due course'.

Mr President, the fact that no more than half of the Community Member States signed the Final Clause, means that the Community must be considered, at this point in time, as not being a party to the Draft Convention's Final Clause. My fellow Commissioner, Narjes, speaking before the Council on 23 November 1982 has already indicated that a declaration on the lines of that which was added by the Community Member State signatories to the Final Clause to be incompatible with Community law, adding that the Commission would take the necessary measures to rectify the situation. The Commission considers this declaration unsatisfactory because it fails to specify that eventual ratification of the Draft Convention by the individual Community Member State signatories to the Final Clause is, in conformity with Article 5 of the Treaty of Rome, contingent upon the Community itself as such, signing the Draft Convention. This means that the Commission must, on the one hand, endeavour to ensure that there are more than 5 signa-

tories to the Final Clause and, by extension, to the Draft Convention itself, thereby paving the way for the Community, as such, to adhere to the Draft Convention whilst, on the other hand, taking great pains to obtain a declaration which recognizes the substantial authority vested in the Community as such, by virtue of the Treaty of Rome. The Commission is thus faced with a dual task, but I can assure the House that it will spare no effort and have recourse to all the available legal and political means with a view to achieving the reciprocal respect of the obligations to which I have just referred, by the Community Member States in question.

In considering a fundamental principle to be involved here, Mr President, I trust I have not gone somewhat overboard in my denunciation, but I just wanted to leave no grounds for ambiguity regarding the Commission's position on the matter. In this respect, given the scheduling of this debate some days after, rather than prior to, the United Nations Conference in Jamaica I would not only concur with the honourable Member Janssen Van Raay that it is somewhat superfluous, but would add furthermore that we are now faced with trying to claw back authority which may be considered as having been (unwittingly) ceded by Community Member States at that conference. In trying to iron out the aforementioned thorny legal issue the Commission can only be heartened by the various declarations and interpretations which have been voiced in the House today, whilst fully partaking of the view expressed by several Members of the House that the whole debate would have had more relevance, had it taken place during a previous part-session.

Mr President, I believe that we must act with all due haste in order to be well situated for participating in further developments within the terms of the Draft Convention and as such I am not inclined to share the more leisurely approach (no doubt unwittingly given) of the Members of the House who would have us set time-limits for each stage of the proceedings.

Mr President, I begun by saying that this operation has, one might almost say, in-built advantages and disadvantages. In its report to the Council last October, the Commission emphasized its awareness of the Draft Convention's shortcomings in a number of areas, in particular that governing the exploration and commercial exploitation of the ocean seabed, the relevant definition, in the Draft Convention, giving rise to grave concern, in particular, in Community commercial circles. The Commission is aware of the problem and of the doubt expressed by those commercial interests as to the viability of deep seabed mining, under the regulations as they look like emanating from the Draft Convention negotiations.

Nevertheless, the fact that Community commercial interests remain proponents of an international regulation such as that proposed by the Draft Convention

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may be interpreted as an encouraging sign, even if that enthusiasm is tempered by very real reservations about the enforcement of certain parts thereof.

It should nevertheless be clear from the foregoing, that the Commission has warmly commended the Convention to the Member States, seeing in it the sole instrument of legal security in the international maritime arena at present. Furthermore adherence to the Convention brings with it the possibility of actively influencing the course of future events through a voting right in the Convention's deliberations, from which the definitive measures concerning enforcement will emanate, in particular the activities of the preliminary committee. The Commission feels this to be a widely held view among the Members of this House. The Community's ultimate position regarding the Draft Convention will be dependent upon clarifications from the preliminary committee and the progress attained in rendering the whole area of deep seabed mining acceptable to the industrialized countries. Just one remark on marine environment to which the Spaak report paid particular attention. It is natural that the European Parliament, via its Committee on the Environment, Public Health and Consumer Protection, should be particularly interested in research concerning matters of marine environment and the potential risks for the ecosystem posed by deep seabed mining, a concern shared by the Commission. Much more exhaustive research needs to be carried out in this area, on which the Commission should actively set about elaborating a blueprint. But this is not to say that the Commission shares the view that the area of deep seabed mining merits, at this stage, a Community policy. It believes such a policy to be certainly a possibility but the proposal must be in conformity with the terms of the Draft Convention on the Law of the Sea. Given that it has just been decided that a number of the clauses of that Convention are unsatisfactory in their present form and need to be refined and revised at the preliminary committee stage the Commission feels that it should concentrate its energies on moni-

toring these aspects, postponing a Community policy on deep seabed mining to a later date.

Mr President, concerning the preservation of the marine environment the Commission would like to see the individual Member States' legal provisions in this area being better attuned to what is, in a wider international context, likely to be the norm. It feels that the preliminary committee, to which reference has already been made, should take up the matter as early as March 1983.

With regard to the need to undertake research and to the creation of protected zones in areas where the flora and fauna are particularly important I would point out that the United States is far ahead of the Community. Our knowledge in this field is very fragmentary. Hence the Commission's intention, with the help of the governments and in collaboration with the most specialized organizations in the field, of examining the most appropriate means of undertaking research programmes with a view to having a better evaluation and thus more effective means of combating the harmful effects of deep seabed mining.

Mr President, in closing I would like to say that the Commission shares Parliament's opinion on the need for the Community to have a voice in the activities of the Convention as soon as possible, in the manner I have already indicated. I hope that when the Convention eventually comes up for ratification, and the House has had an opportunity of debating it fully, the proposal made by the Commission some time ago concerning the ratification of international agreements, which entail a considerable extension of existing procedures, will be fully operational. Parliament's consultation on the matter would thus be assured.

President. — The debate is closed.

The vote will take place at the next voting time.¹

(The sitting closed at 8 p.m.)

¹ Agenda for next sitting: see Minutes.

ANNEX I

Votes

This Annex indicates the rapporteur's opinion on amendments and reproduces the texts of explanations of vote. For further details of the voting the reader is referred to the minutes.

EYRAUD REPORT (Doc. 1-776/82 Dairy sector): REJECTED¹

The rapporteur was:

- *for* Amendments Nos 25, 26, 29, 36, 44 and 46;
- *against* Amendments Nos 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 22, 27, 30, 33, 35, 37, 38, 39, 40, 41, 43, 45, 47, 49, 50, 54 and 55

Explanations of vote

Mr Bocklet (PPE). — (DE) Mr President, the vote has unfortunately produced a resolution which in itself is incoherent. The paragraph 4 we have adopted essentially conflicts with the paragraph 6 we have adopted. I find this extremely regrettable, and one reason may be that the House is so poorly attended at the moment. Nonetheless, I feel that paragraph 6 makes a major, positive statement, which is why I consider it acceptable to vote for the resolution. However, I should like to take this opportunity to urge once again that all Members, where possible, be present at voting time so that accidents are avoided and our resolutions are coherent.

Mr Pearce (ED). — Mr President, I am going to vote against this report because although there have been a number of useful amendments accepted, it still contains, particularly in paragraph 6, a good few things that are highly undesirable.

This report sets out to penalize those farmers who have set out to make themselves efficient even though, in an earlier paragraph, it talks about maintaining investment. It is rather like trying to ban combine harvesters or to ban tractors. Imagine what would happen in other industries that we are concerned with — with steel, with textiles — other troubled sectors of our economy, if we tried to penalize those people who have made themselves efficient by the large scale of their production. It is nonsense, Mr President, to penalize those who have succeeded. I believe, in fact, that what is happening is that Members from certain Member States have allowed themselves to be unduly influenced by the votes that this sort of sentiment will attract and I think it will be a very sad day if the House approves this report. I urge Members therefore, Mr President, to reject this report.

Mr Tolman (PPE). — (NL) Mr President, I support the principle of a co-responsibility levy in the dairy sector. It is one of the numerous possibilities for reducing overproduction of milk. The present milk levy has not functioned satisfactorily, the money being allocated either too late or not at all. But despite this criticism one has to admit that the new measure is even less satisfactory.

I intend to vote against the report for three reasons. Firstly, because it foresees that 67% i.e. two out of every three producers, will henceforth be exempt, thus reducing unnecessarily the arable surface. Secondly, because of the special levy per 15 000 kg per hectare. As a result of this, the efficient producer and healthy family concern are being punished. I

¹ For the debate on the Eyraud report: see Debates of 18. 11. 1982.

BEUMER REPORT (Doc. 1-789/82 — Tobacco): ADOPTED

The rapporteur was:

- IN FAVOUR OF Amendment No 1;
- AGAINST Amendments Nos 4, 5, 6, 7, and 8.

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VIÉ REPORT (Doc. 1-793/82) — Law of the Sea): ADOPTED

The rapporteur was:

- IN FAVOUR OF Amendments Nos 1, 3, 7, 13 and 22;
- AGAINST Amendments Nos 2, 5, 6, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, and 21.

Explanations of vote

Mr Tyrrell (ED). — Mr Vié's report deals with the question of whether the Community should sign the Convention on the Law of the Sea on behalf of the Member States and, if so, which parts it should sign. What the House has unhappily done today is to adopt amendments which recommend that the Community should sign and which recommend all the Member States to sign. In fact this question has never even been considered by the Legal Affairs Committee or any other committee. It is a difficult and complicated question and there are times when I think that the House behaves with a quite extraordinary irresponsibility. This is one of those occasions. I regret therefore that I cannot recommend my group to support this report which otherwise, in other circumstances, we would have been only too happy to support.

Mr Plaskovitis (S). — (GR) Mr President, I believe it is essential for the Convention on the Law of the Sea to be signed by as many countries as possible and by a majority of the Community's Member States. The Convention has already been signed by 119 countries, among them 5 Member States. When signing the Convention, the representative of the Greek Government annexed a statement to the effect that Greece transfers to the Community competence in certain matters that do in fact fall within the scope of the Convention. The Community is hence authorized to sign the Convention by virtue of the nature and scope of this competence. I believe that by doing this Greece has made a real contribution to Community objectives. Moreover, I think that if the Community signs the Convention, it will be making a constructive contribution to the better development of North-South relations and will benefit the interests of the less-developed countries of the Third World.

Therefore, notwithstanding certain reservations, we shall vote in favour of Mr Vié's motion for a resolution.

Mr Lomas (S). — I shall abstain on this report because I have very strong reservations about the paragraphs on the role of the Community. But I am in favour of countries signing the Convention as quickly as possible. It is not perfect but it is a step in the right direction and I believe will mean a much fairer deal, particularly for the poorer countries in the world. I gather the Members opposite will vote against this. We certainly know that the British Government, as usual these days in a minority amongst the world's nations, once again acting as an echo for the American Government, is against signing the Convention. It seems that they are worried about the effects it will have on the profits of their friends, the multinationals, who exploit the seabed. But I have got good news for the Parliament, because when the Labour Party wins the next general election in Britain, we shall sign the agreement and we shall ratify it.

Mrs Vayssade (S). — (*FR*) Mr President, although the procedure has already been set in motion and since there is still time for Parliament to deliver its opinion to the Council and Member States on the procedure for the signing by the EEC of the Convention on the Law of the Sea, I and all my French Socialist colleagues favour adoption of the report by Mr Vié. Even if the Convention is imperfect, it does have some highly positive aspects: the definition of a common heritage of mankind and the concerted control of the resources of the sea, a new North-South relationship, a classification and redefinition of the rights of coastal States.

The present juridical situation is one of deadlock between the Community and the Member States. There is a risk of conflict between Community law for the exercise of the authority already transferred by the Treaty of Rome and the countries which refuse to sign the Convention. Given the amendments which have been adopted, the report by Mr Vié represents a start towards new solutions and makes recommendations which will enable the whole matter to be followed up. That is why I shall vote in favour.

Mr Moorhouse (ED). — Mr President, in making my statement I have to declare a limited interest. The present situation regarding the Law of the Sea is, as we know, the outcome of many patient years of negotiation. Without a doubt there is a great deal in the Convention which should receive the wholehearted support of the Member States of the Community. It is only a matter of regret that some of the provisions concerning deep-sea mining leave a great deal to be desired. Indeed, as we have heard to date, only five Member States have indicated their intention of signing the Convention. It is for this reason, I feel, that I have to reserve my own position and with regret vote against the excellent report by Mr Vié. Fortunately, we do have a breathing space of two years before the Convention has to be ratified. I firmly believe we must make the most of that opportunity to secure changes to the Convention which will help to set up a better framework for deep-sea mining.

Mr Habsburg (PPE), in writing. — (*DE*) Mr President, the Vié report is a valuable legal document, and I therefore have no hesitation in approving it.

The debate sometimes created the impression, however, that approval of the report would mean approval of the contents of the draft Convention, that it would exert moral pressure on those European governments which have refused to sign the draft. I feel it should be made quite clear that neither of these contentions is true.

My vote for the Vié report, therefore, does not mean that I do not with conviction endorse the decision of the German and British Governments not to sign. I feel these two governments have done the cause of Europe a greater service than those who believe a convention must be approved simply because it has the support of many members of the UN. The convention has its good sides, but they are outweighed by the bad. Title XI in particular is dangerous for Europe's future. I trust in the good sense of our people and their representatives and therefore believe that the serious objections to the Convention will have an effect in a debate strictly on the merits of the case.

Mrs Pery (S), in writing. — (*FR*) Ladies and gentlemen, Mr President, the third United Nations Conference on the Law of the Sea was held in Jamaica on 7 to 11 December. The final act of the Convention which is the outcome of many years of work defines zones of sovereignty (12 miles, 200 miles and the international zone) and a new world economic order for the benefit of mankind as a whole and in particular of the developing countries. By the same token this new Law of the Sea is a factor for peace and better North-South equilibrium in the fisheries sector and in that of oil and mineral resources. That is why the EEC as such must sign the Convention just as France has done. I shall therefore vote in favour of the two reports by Mr Vié and Mrs Spaak.

However, difficulties remain. Some Member States, and not the least among them, find this Convention too constraining and have not signed it. A preparatory committee is to be set up to prepare the regulations, arrange more flexible procedures and define the respec-

tive financial contributions of the signatory countries. Depending on the results achieved, the Member States and the EEC will then decide whether not to ratify the Convention.

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SPAAK REPORT (Doc. 1-688/82 — Deep seabed): ADOPTED

The rapporteur was:

— AGAINST all the amendments.

Explanations of vote

Mr Johnson (ED). — I want to be silent, Mr President, on the very significant issue of whether or not Member States should or should not sign the Law of the Sea Convention — that is something you have already discussed in the context of the Vié report. I do not speak for the group — let me be quite clear about that. Were I to speak on that subject I would not be speaking for my group because I personally deeply believe that the Community should be a party to that Convention and that individual Member States should sign it. But that is my personal opinion.

In speaking for the group I address myself to those other aspects of the Spaak report, which we in this group do indeed favour because we are concerned that the interests of the environment should be protected, should be looked after where the matter of seabed mining is concerned. There is a real danger, and this has been brought to the notice of this House before, that as far as that great expanse, which is known as inner space is concerned, there could be a scramble for the riches of the ocean bed which would make the scramble for Africa which we saw in the last century pale into insignificance.

Now, of course, there are countries represented in this chamber today who participated in the scramble for Africa in the last century, and look what a mess they made of it — some of them. If there is to be a scramble at all, it has to be an orderly scramble.

(Interruption)

Now in the event — let us be quite clear about this — that there is not to be the signing by a large number of Member States of this Convention, the need for Community rules becomes all the more important. That is perfectly obvious. You cannot have different Member States in the Community having different regimes. Let us see what we have got already! We have a deep-seabed mining provision in Britain, in Germany we have the Schutz ...

(The President urged the speaker to conclude)

Well, I have three more seconds, two more, one more ... I have finished, Mr President.

(Applause from the European Democratic Group)

Mrs Théobald-Paoli (S), writing. — *(FR)* The two reports on the Law of the Sea and the seabed were the subject of a joint debate yesterday because they relate to the same topic.

They are of fundamental importance to the Community. Two Member States, including France, will be granted zones of economic influence covering an area equivalent in each case to that of the USA.

This Convention holds out the prospect of an Eldorado of science for mankind. It sets up a new Law of the Sea founded on a principle of greater equality between all the States in the distribution and utilization of the resources of the sea.

We approve the statute for maritime space which preserves freedom of navigation, particularly in straits.

The Convention also represents a perfectly acceptable compromise between the interests of the coastal States and those of the maritime powers for the preservation of the marine environment.

Even if the arrangements applicable to the international seabed have certain imperfections and shortcomings, they can be corrected by the measures which will be taken for the implementation of the Convention.

The countries of the Community are directly concerned in the establishment of arrangements for exploitation of the seabed, since their industries depend on external sources of supply. It is imperative for them to be allowed to participate in the definition of regulations for implementation of the Convention so as to improve its provisions and make it acceptable to the entire international community, particularly the United States.

And if the EEC countries are to make their voices heard, it is essential for a Community position to be clearly defined on the strategy to be followed by the preparatory committee.

To avoid the nuisances which might result from the exploitation of mineral nodules, the preservation of the marine environment will be our second objective.

That is why it is vital to avoid anarchical exploitation of the seabed.

Definition of exploitation and preservation of the seabed are our two objectives. The Convention must be signed if they are to be attained.

That is why I shall vote in favour of the excellent report tabled by Mrs Spaak and also in favour of that by our colleague, Mr Vié.

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BARBARELLA REPORT (Doc. 1-991/82 — Budget): ADOPTED

The rapporteur was:

- IN FAVOUR OF Amendments Nos 6, 7 and 14;
- AGAINST Amendments Nos 2, 10 and 11.

Explanations of vote

Mr Cousté (DEP). — (FR) Mr President, this supplementary budget constitutes a trial for our Community because it seeks to eternalize the system of financial compensation which the EPD group has always strongly opposed.

The European Community is sailing through a severe storm at present, but the answer proposed by our Member States to the challenges confronting them is derisory. There is a lack of determination and of Community spirit and nothing more than clever arrangements from one day to the next. When the need for a Community spirit and a true Community concept is the greatest, we see only protectionist or anti-protectionist tricks. At a time when we should be building new common policies we are resorting instead to crude bargaining, to compensatory refund arrangements for some countries or others, but for some in particular. At a time when food supplies for Europe are at stake we only hear talk of weakening the common agricultural policy.

Our group, which has always denounced the mandate of 30 May, now sees its most pessimistic forecasts turn into reality.