

EDITORIAL

As the scheduled final session of the UN Law of the Sea Conference began in New York at the beginning of March nations who have worked for more than eight years on a treaty were saying that one will be completed this Spring — either with or without the USA. These nations believe they are ready to ensure participation by Europe and Japan through negotiating remaining specifications by these countries.

Although the US has returned to the conference table after a year's absence, it has not, during its review process, succeeded in establishing priorities among its demands and placing them in the amendment form required before the conference can consider them.

The chief US objection is to what it considers to be Third World control over how much can be mined and who can mine the deep-seas not belonging to any nation — and the US returned with 68 pages of demands ("the book of amendments") that a proposed cartel for exploiting sea-bed minerals be drastically re-shaped. All those proposals were expected to meet with stiff resistance from Asian, African and Latin American countries.

Washington has been considering a "mini treaty" as an alternative, a document limited to advanced nations like Japan, the Federal Republic of Germany, the UK and France, which already possess the technical know-how for ocean mining. Third World delegates are convinced, however, that they can tie up the industrial nations for efforts to act alone with law suits, once a global treaty has been passed. On March 16, the developing countries, through the Group of 77, rejected the US amendments. However, Leigh Ratiner, Counselor to the US Law of the Sea delegation said that he was still quite optimistic. "If I were the Group of 77 I would reject the US ... amendments as a basis for negotiation and I would then proceed to negotiate on the underlying issues". The basic issues — production ceilings, technology transfer, decision-making in the Council and access, presented by the US, are still considered acceptable for discussion, he said.

Another major question involves guaranteed US representation on the 36-member council that would fix policy on sea-bed mining. The US has proposed several methods of weighted voting to strengthen its hand. However, the categories of voting are such that the US qualifies under several of these and would certainly be a member. One suggestion, to allay US fears, is to specify that the largest contributor to guaranteed loans under the treaty would be a member. Since contributions are pegged to UN contributions, the US would, automatically, be one.

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On 18 February, the European Parliament debated the proposal for a Council Directive on the environmental impact of certain projects (see also article on page 84). On the basis of a report prepared by Beate Weber, the Parliament considered the Directive article by article and adopted a resolution embodying the Parliament's opinion (OJ, series C).

In a departure from previous practice, the parliament not only voted on each proposed amendment to the draft directive but actually voted to adopt the text article by article and ultimately adopted the Directive itself as amended by a substantial majority.

Since the European Parliament has no legislative power, its version of the Directive has no particular force of law. It provides, nevertheless, a yardstick by which to assess the Directive's "impact" on the in camera deliberations of the Council. There will certainly be no alternate version of the text available publicly before the Council's decision — at the earliest in June under the Belgian chairmanship, but more probably within the following twelve months under the Danish or German chairmanship.

(As the more important detailed amendments are only reproduced as an annex to the parliamentary debates and are consequently virtually unknown, the Institute for European Environmental Policy, D-5300 Bonn, Adenauerallee 212, has prepared a full amended text which will be sent upon request to journal subscribers). □

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