Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1169 (1998)[1]

The oceans: state of the marine environment and new trends in international law of the sea

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the fact that the United Nations has declared 1998 International Year of the Oceans, and that the 1998 Lisbon World Exhibition (Expo '98) has chosen the oceans as its theme.

2. It recalls the work it has carried out in this field since its inception, notably Recommendation 1227 (1993) on oil pollution of the seas.

3. The Assembly supports the declaration on "Ocean Governance in the 21st Century" issued by the Independent World Commission on the Oceans in Lisbon on 1 September 1998. It recalls the communiqué published on that occasion by its Committees on Science and Technology; Environment, Regional Planning and Local Authorities; Agriculture and Rural Development; and the Sub-Committee on Cultural Heritage of the Committee on Culture and Education.

4. It recalls the efforts carried out by the United Nations to draw up new international law on the seas. It welcomes the work done by its specialised agencies to draw up new treaties and set up new programmes that aim at preventing and fighting sea pollution. It welcomes the setting up of an Independent World Commission on the Oceans, which will help to develop new proposals for a better management of the seas.

5. In the light of the above, the Assembly considers that it must contribute to this year and refers to the parliamentary conference on the oceans organised by the Assembly in Paris on 19 March 1998, which considered, inter alia, the current state of the marine environment and analysed the most recent trends regarding international law in this field.

6. Nearly three-quarters of our planet's surface are covered by oceans. Oceans have consistently provided the world population with resources, and have been a primary way for peoples to communicate. Roughly two-thirds of mankind live within 80 kilometres of the sea. Yet the number of people whose activity has a direct impact on the oceans is even higher if one takes into account the population living in the draining basins of the world's major rivers. These figures are increasing constantly.

7. As a consequence, mankind's influence on the oceans is steadily growing. Tourism, increasing urbanisation of coastal areas, the use of pesticides in agriculture, the release of sewage or industrial waste into the sea, rivers or the atmosphere, or the use of chemicals and antibiotics in aquaculture, to quote but a few factors, are all contributing to the deterioration of the marine environment. The effects vary significantly from zone to zone. Coastal areas bear the brunt of these changes, while arguably the open seas are less affected.

8. It is estimated that land-based activities account for three-quarters of the oceans' pollution load, while maritime transport generates roughly 12%, and dumping roughly 10%. One per cent of the total pollution load seems to come from offshore mineral exploitation, in particular from the oil industry. It is worth noting that one-third of the pollution generated by land-based activities is carried to the oceans by the atmosphere.

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1. Assembly debate on 24 September 1998 (31st Sitting) (see Doc. 8177, report of the Committee on the Environment, Regional Planning and Local Authorities, rapporteur: Mrs Blunck). Text adopted by the Assembly on 24 September 1998 (31st Sitting).

9. These increasing pressures on the marine environment are causing, inter alia, a deterioration in the quality of sea water, sometimes with public health implications, and physical effects on the coastal areas (increasing urbanisation, deforestation, etc.). In turn, this has lasting negative effects on the coastal and marine ecosystems.

10. In the light of these facts, it is clear that coastal states cannot be held solely responsible for the state of the marine environment. On the contrary, all countries have an impact on it, be it larger or smaller, and therefore it is up to all of them to co-operate in order to manage the seas better by developing new policies to exploit marine resources in such a way as to guarantee the sustainable development of the oceans.

11. There are a number of emerging problems concerning the oceans to which the international community should pay further attention. More should be known about the potential effects on the marine ecosystems of substances that are being released into the seas. The same applies to the effects that some waste might have on the molecular processes of marine organisms, and thus indirectly on mankind. On another note, technical progress is making it possible to drill in deeper areas of the oceans than before. Yet little is known about the potential environmental impact of such new activities.

12. The Assembly welcomes the entry into force of the United Nations Convention on the Law of the Sea, which signals a major change in the regulation of the interaction between mankind and the seas. It is pleased to note that the convention mentions the protection and preservation of the marine environment as one of its main aims.

13. Several international conventions have been adopted over the past fifty years that seek to reduce and prevent sea pollution. They concern mostly pollution from shipping activities, dumping and oil drilling, and thus cover only a fraction of the total sources of sea pollution.

14. On the contrary, some of the regional conventions sponsored by the United Nations Environment Programme have shifted gradually from pollution control to environmental protection and from there to development issues, thus leading the way to a more integrated approach to marine environment issues.

15. The Assembly notes that, while this represents major progress, it is also true that the negotiation of international agreements can be slow and burdensome, as is their implementation. Not enough seems to be done to monitor whether all signatories actually comply with the obligations set out in these treaties. Furthermore, a large number of escape clauses usually weakens the overall impact of a convention. In addition, little attention has been paid to the financial resources needed to implement them.

16. The Assembly regrets that two recent Council of Europe treaties (the Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment and the draft convention on the protection of the environment through criminal law), which aim at filling gaps in international environmental law, have failed to receive enough support from member states.

17. Although it carries less weight and is not binding, so-called "soft law" has proved to be a less burdensome procedure to reach broad agreements on how to protect the marine environment. "Soft law" has provided both the international community and national and local authorities with valuable policy guidelines. Thus it has proved its worth as a source of inspiration for national legislation and local initiatives alike, and has paved the way for the negotiation of stricter and more binding agreements.

18. Although science should provide one of the bases for most political decisions regarding the protection of the marine environment, this has often not been the case.

19. The Assembly:

19.1. invites all member states of the Council of Europe that have not yet done so to sign and ratify the United Nations Convention on the Law of the Sea, as well as the other relevant global and regional conventions sponsored by the International Maritime Organisation and the United Nations Environment Programme;

19.2. stresses that the current state of the marine environment in many coastal areas calls for an integrated and multi-disciplinary approach to the problem, for the latter can no longer be dealt with from the point of view of pollution control only. In this context, the Assembly welcomes the development, under the responsibility of the Directorate of Environment and Local Authorities of the Council of Europe, of two documents: the model law on sustainable management of coastal zones and the Pan-European code of conduct for coastal zones - both of which are part of the project on the Pan-European Strategy of Biological and Landscape Diversity - and urge national and local authorities to draw inspiration from these documents in their own legislation and programmes;

19.3. recalls that prospective parties to a new agreement should consider whether any new proposal regarding international legislation is actually feasible - financially and otherwise - before entering a lengthy and difficult drafting process;

19.4. recalls the need to assess the extent to which existing international treaties are being effectively implemented by their signatories, in particular with regard to dumping of oil, and nuclear and toxic waste;

19.5. calls on the international community, and Council of Europe member states in particular, to consider "soft law" as a plausible and efficient alternative to traditional international treaties, which can sometimes prove burdensome to negotiate and implement;

19.6. calls on the international community to acknowledge that the exploitation of the oceans, the sea-bed and coastal areas must be carried out along the lines of a global sustainable development policy;

19.7. calls for stricter measures regarding the use of chemicals in aquaculture and their disposal into the seas;

19.8. calls for a better dialogue between scientists, managers and politicians, so that science can gain importance as the basis for political decisions concerning the protection and preservation of the marine environment;

19.9. calls on the international community, and on the Council of Europe's member states in particular, to fund research on the emerging risks that oceans are facing, including global climate change and new pollutants which might have an effect on the molecular processes of marine organisms;

19.10. calls on the international community, member states and oil and mining corporations to fund research on the impact of deep-sea drilling on the marine environment;

19.11. calls upon member states and, where appropriate, the European Union, the FAO and other international organisations to engage in consultations with a view to creating a European maritime agency to help develop a coherent vision of European maritime policy, especially as regards the development of an integrated approach to coastal area management.