January 1989

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Recommended Citation

Link to publisher version (DOI)
http://dx.doi.org/https://doi.org/10.15779/Z38RR88

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The European Community and the Pacific

Gunter Weiss*

Seen from Europe, nothing could be farther away than the Pacific; and yet the European Community (EC) follows attentively the political, economic, environmental, and other developments in this area.

There are a number of reasons for the EC's interest. First, and most obviously, there is trade. The EC is the largest trade unit in the World. One of its largest competitors, Japan, faces the Pacific; another, the United States, has the privilege of being an Atlantic country as well as a Pacific one. While one can have the impression—at least here in Berkeley—that the United States is looking more and more to the Pacific, I have recently been told that as a matter of fact California has a larger trade with the EC than with the Pacific Rim states.

The EC faces the same kind of problems that the U.S. faces with the countries of East Asia—in particular Japan—and the newly industrialized states like Korea and Taiwan: a significant imbalance of trade. The high potential for development in this densely populated region of the world also obliges the EC to consider carefully its position in those markets. The EC has concluded trade and cooperation agreements with the People's Republic of China and ASEAN.

Of course, today trade can no longer be considered an entirely regional problem; but it is closely linked to other aspects of policy, in particular, development.

A second interest stems from the special links that several member

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1. According to GATT figures for 1984, the shares of world trade are 18% for the European Community, 17% for the United States, and 9% for Japan. THE EUROPEAN COMMUNITY IN THE WORLD 3 (1986) (Eur. file No. 16/86).
4. Imports from Japan in 1985 were 28.577 billion ECU, while exports to Japan in the same year were 10.474 billion ECU. THE EXTERNAL TRADE OF THE EUROPEAN COMMUNITY 6 (1987) (Eur. file No. 1/87).
states of the EC maintain with the Pacific states that have been their colonial or overseas territories. The EC's cooperation policy with developing states takes special care of this historic situation.

As provided for in the Treaty establishing the European Economic Community, association agreements have been concluded with African, Caribbean, and Pacific countries, mostly former dependencies of Member States. These agreements, concluded for successive five-year periods between the EC and its Member States on the one side, and sixty-six developing states on the other, have become a kind of model for modern cooperation policy aimed at enabling the partner countries to determine for themselves their priorities in economic development, and to develop and diversify their trade. Such associations also include some, mostly very small, overseas territories that still are dependencies of Member States but are not part of the EC territory. The French territories of New Caledonia and French Polynesia (Tahiti) may be cited as examples.

The last enlargement of the EC, by the accession of Spain and Portugal in 1986, has further increased the EC's interests in the Pacific region in two respects. One is the special relationship that Spain, through historical and linguistic links, maintains with Latin American countries. It might be argued that the EC has somewhat neglected such relations in the past. If so, one reason was the absence of special relations before 1986, and another reason was certainly the unstable or undemocratic political situation in many Latin American countries, in particular on the Pacific coast. The EC very much hopes that the latter situation will continue to improve. Close ties have been established with the Central American countries of Honduras, Guatemala, Nicaragua, El Salvador, and Costa Rica through a recently negotiated economic and political agreement.

The other at least potentially increased interest of the enlarged EC lies in the sector of fisheries. Fisheries is probably the sector of the economy where the EC has most successfully demonstrated worldwide its responsibilities and capacities. Under article 38 of the EEC Treaty, fisheries is one of the sectors where authority has been transferred entirely from the Member States to the EC, and the EC has been able to establish a complete internal and external fisheries policy. Further-

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8. The Pacific states concerned are Fiji, Kiribati, Papua-New Guinea, Western Samoa, Solomon, Tonga, Tuvalu, and Vanuatu.
more, this sector constitutes one of the main reasons—and the most clear-cut one—for the EC’s signing the 1982 Convention on the Law of the Sea.  

Until recently, fishermen of the EC have shown only sporadic interest in Pacific fisheries. In particular, the German fleet has attempted to fish off New Zealand and occasionally fishes for Alaskan pollack under the U.S.-EEC agreement. Pacific fishing grounds are much too far away from Europe. The German high seas fleet has particularly suffered from the creation of exclusive economic zones, since it had been created nearly exclusively for the fishery off foreign coasts, where they have now been widely expelled. The EC was unable to provide suitable compensation for this highly sophisticated fleet in the EC fishery zone.

The German situation can be compared with the situation of Spain, which has a huge fleet now widely unemployed for similar reasons. Spain, behind major eastern bloc countries and Japan and Korea, is the country whose flag flies on fishing vessels nearly all over the world; with its accession to the EC the latter has taken over the responsibility of providing fishing rights. It is to be expected, therefore, that the EC might look into fishing opportunities in the Pacific, in particular for Spanish vessels. This could be the case for tuna, where the EC has already expanded its interests to much of the Indian Ocean.

I must, of course, leave aside at this stage the feasibility of such agreements concerning fishing activities. Most likely they would, like the agreement with the Seychelles, have a component of cooperation through port facilities, transformation, and so forth.

Further interests of the EC under its jurisdiction include matters like maritime transport and environmental questions. But more important will be the question of seabed mining (and other types of ocean exploitation) where the Pacific Ocean offers special opportunities. Even though these activities as such are not actually under EC authority, the trade of the extracted material would be. A need might therefore arise to grant further authority to the EC, since there would otherwise be permanent power disputes, creating suspicion and perhaps hostility of third states. Such disputes have already occurred in the law of the sea fora.

Article 235 of the EEC Treaty provides for such an extension of responsibility where a need arises for common action. Another example is the so-called Single Act, the first major amendment of the original

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14. There are exceptions, such as a few joint ventures or other private local arrangements, generally unknown to the EC authorities.
16. The first agreement in this area was with the Seychelles in 1983.
17. See 1982 Convention, supra note 13, annex IX, art. 2; LOS BULL. No. 5, at 26 (July 1985).
European Treaties, which entered into force last year. Under the Treaty, new areas of authority have been ceded to the Community (in particular in environmental policy).

The EEC therefore always draws to the attention of her negotiating partners that EC law and authority are subject to a one-way evolution, increasing them necessarily, and that it is unpredictable where it will end.

When writing down these few lines that I would have liked to present orally, I discover that it was an opportunity to give a rough and very summary outline of what the European Community is and does. Was this an abuse of our theme? I think that no region of the world could permit itself to neglect the largest economic power actually existing, and which has the potential to extend its powers. A somewhat greater stability in the EC has created a more positive attitude to European integration than in recent years, and this process of integration is accelerating. Both sides—the EC and Pacific states—have to look at each other's interests to develop their relations to the benefit of all.