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International Ocean
Institute



May 15, 1994

STRICTLY

CONFIDENTIAL

Dr. Jean-Pierre Levy
DOALOS
Legal Affairs
United Nations Secretariat
U.N. Plaza 2
New York, N.Y. 10017
USA

My dear Jean-Pierre,

Here is something hot for you. At this point it is still CONFIDENTIAL because it is not yet official; but initial reactions have been most positive. Actually the whole thing was the idea of Robert Muller! I do think we will pull it off. Please let me know what you think about it.

As ever yours, and looking forward to seeing you soon,

Elzavly

RECEIVED MAY 31 1994

UNITED NATIONS  NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE UNATIONS NEWYORK

26 May 1994

REFERENCE:

Dear Elizabeth,

Your suggestion for the establishment of a World Commission for the Seas and Oceans does not come as a surprise to me as it is an idea that has been on our minds for years, and one which I have always considered as a necessity. Unfortunately, nobody up to now had the required drive and stamina to carry it through. We had to wait for you. I wish to let you know that I support this initiative wholeheartedly.

I would certainly provide the strongest encouragement to any financial institution that would consider sponsoring this initiative. I would like to discuss it further with you whenever we meet again, hopefully during the next round of consultations.

Love as ever,



Jean-Pierre Lévy
Director

Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs

Mrs. Elizabeth Borgese
Dalhousie University
1226 LeMarchant Street
Halifax
Nova Scotia
Canada B3H 3P7



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FAXED

FACSIMILE TRANSMISSION

To: Dr. Jean-Pierre Levy
FAX No: 809 929 4062
From: Elisabeth Mann Borgese
FAX No.: 1 902 868 2455
Date: 28 February, 1995

Subject: various

My dear Jean-Pierre,

I am just back from Europe where I was for a month --Slovenia, Portugal, Switzerland. Everything fine.

I tried to call you before I left, but you were out of town; I tried to call you when I returned, but you were in Jamaica....

I'll come to Jamaica for the final week (March 12). I can't make it before: Defense of a Ph.D. thesis of which I am the Supervisor; and two lectures at the University --and this is one of the two reasons I want to get in touch with you: because I sort of want to be up to date when I give a lecture!

Could I call you tomorrow morning at 08:00, and you give me a little briefing about what is going on?

The second reason is l'affaire Soares. I am attaching the latest documents. The S-G and Federico Mayor are presently in Vienna, but this matter must be sorted out, and quickly --and I need your friendly advice!

So: I'll try to call you tomorrow morning.

All the best. Good luck with the Session. Is the Council being put together? Because, it would seem: without Council nominations, no Secretary-General

Well, all of this is very interesting.

Much love,

Yours as ever,

WCO



Dalhousie University

International Ocean
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FAXED

FACSIMILE TRANSMISSION

To: Dr. Jean-Pierre Levy
FAX No: 212 963 5847

From: Elisabeth Mann Borgese
FAX No.: 1 902 868 2455

Date: 28 November, 1995

I just had a call from Layashi, to whom I had faxed Dupuy's letter of resignation. He called Dupuy and convinced him to stay on the Commission. Dupuy will not be able to come to Tokyo, but he will stay on the Commission. That is very good news.

Love,

Elisabeth

COPY

Ms. Elisabeth Mann Borgese
Vice-Chairwoman
Independent World Commission on the Oceans
Fax: 1-902-868.2455

16th April 1996

Re: Second Meeting of the Executive Committee (EC)

Dear *Elisabeth,*

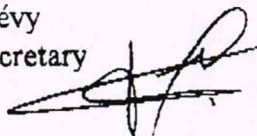
Further to Ambassador Yaker's letter dated the 27th February, I would like to inform you that as all travel and accommodation arrangements will be done in Lisbon, we would very much appreciate if you could send us, by fax, urgent confirmation of your attendance of the Executive Committee meeting.

If the Commission is to provide you with an airline ticket we would greatly appreciate if you could send us details of your flight, Airline and schedule, in order for us to issue a pre-paid ticket. Travel will be in Executive Class, as was the case for the Tokyo meeting.

We would appreciate an urgent reply by fax to 351-1-396 4170.

Yours sincerely,

Jean Pierre Lévy
Executive-Secretary



1W60



Dalhousie University

International Ocean
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FAXED

FACSIMILE TRANSMISSION

To: Dr. Jean Pierre Lévy
FAX No: 351 1 396 4170
From: Elisabeth Mann Borgese
FAX No.: 1 902 868 2455
Date: 18 April, 1996

Subject: Executive meeting

Dear Jean Pierre,

I see, you are on the job!

This is to confirm that I shall attend the executive committee meeting.

I would like to make my own travel arrangements, because my ticket is very complicated. Could I please be refunded in Lisbon for the portion due?

Please also let me know in what hotel reservations are being made.

Could you also let me know who is attending?

Some time ago I sent a fax to Chairman Soares, that is, I asked Layashi to send it through, because I did not have the new fax number. I also requested that this item should be put on the agenda of the Executive Committee.

I don't know whether President Soares ever saw the fax. I never got an answer. I thought perhaps that if he were informed of the case about which he probably knows nothing, he might want to settle it before the meeting, and then we need not put it on the Agenda.

I would be grateful if you could follow up on this matter.

It will be lovely to see you in your new office!

Yours as ever,

Elrath



Dalhousie University

FAXED

International Ocean
Institute



Facsimile Transmission

To: Jean Pierre Lévy, Executive Secretary, Independent World Commission
on the Oceans, Lisbon, Portugal

Fax: +011 351 1 396 4170

From: Margaret J. Wood, Director, International Ocean Institute
Dalhousie University, Halifax, Nova Scotia, Canada

Fax: +1 902 494 2034

Date: April 22, 1996

Total Number of Pages: 4

Dear Jean Pierre:

It was nice to speak to you, yet all too briefly!

As promised, we have forwarded your fax on to Elisabeth in New York.

I am attaching her horrendous itinerary to allow you to follow her around the world for the next few weeks -- a.k.a. to make the necessary arrangements for her arrival in Lisbon).

*Cheers,
Margaret*

RECEIVED OCT 21 1996

To: Prof. Elizabeth Mann Borgese
Fax: 902 868 2455
From: Jean Pierre Lévy
Date: 17/10/96
Fax: 351 1 396 4170
Subject: Working Groups

COPY

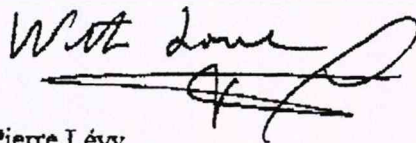
No of pages: 1+7

Thank you very much for your fax and comments. I send you herewith the result of our work in Lisbon, prepared jointly with Salvino, Mário Ruivo and Mário Baptista Coelho and hope it is satisfactory "at this stage".

Concerning your comments on the report of the Legal Study Group, I agree wholeheartedly with you! Some members of the group were too "conservative" and I hoped for more far-reaching results. It is nevertheless a good document.

As I cannot unilaterally modify the report, it will be submitted as a "Draft" report to the meeting in Rotterdam. This will give an opportunity to elaborate further the recommendations to be included in the final Report of the Commission. In the meantime I keep your comments in my files.

All the best



Jean Pierre Lévy

c.c. Layashi Yaker
Mario Ruivo

15 - 18 January 1997
Lisbon

SG/OE/1

**STUDY GROUP ON THE ECONOMICS OF THE OCEAN
IN THE CONTEXT OF SUSTAINABILITY**

Draft Agenda

1. Opening
2. Adoption of the agenda
3. Main issues
 - 3.1. Sustainability in the context of the economics of the oceans
 - 3.2. Equity in the context of the common nature of the Oceans
 - 3.3. Globalisation aspect of ocean economy and its impact
 - 3.4. Economic incentives
 - 3.5. Intersectoral linkages
 - 3.6. Methodological problems
4. Additional Topics
5. Conclusions and recommendations
 - 5.1. Final discussion
 - 5.2. Drafting
6. Closing

15 - 18 January 1997
Lisbon

SG/OE/2

STUDY GROUP ON THE ECONOMICS OF THE OCEAN IN THE CONTEXT OF SUSTAINABILITY

Annotated Agenda

1. Opening

The wealth of the oceans demures insufficiently appreciated in the world as a whole. Yet, apart from their economic potential, the oceans offer humankind an excellent opportunity for global governance. To seize that opportunity in the perspective of sustainable development, the integrated management of ocean resources must address the ownership of those resources.

It is therefore a primary objective of this workshop to identify approaches that apply sustainability in enhancing the use of the oceans and their resources. To do so, the participants will analyze what may constitute "ocean economics" since, given sea and land linkages, its eventual evolution as a sub-science, would, in affecting terrestrial economics, contribute toward a more equitable and peaceful economic order in the next century, bearing in mind that the concept of the common heritage of mankind has been applied to the oceans.

Economic practice mainly based on classical economics while generating wealth has also led to cumulative environmental degradation and a growing gap between the rich and the poor within and between countries and regions. As the Brundtland Report and the documents emanating from the UNCED process have pointed out, the eradication of poverty is a precondition for environmental conservation; the conservation of the environment, including soils, water and air, is a precondition for the eradication of poverty, and both are predicated on peace and comprehensive security.

Contemporary economics seeks to transcend this situation through the concept of *sustainable development*, but the challenges to be faced are manifold. Some of the major ones are:

- Uncertainty and unpredictability;
- Vulnerability;
- The co-existence of quantifiable and nonquantifiable, monetarized and nonmonetarized components of the system;
- Multidisciplinary, including ecological, socio-political, cultural and ethical dimensions

While "ocean economics" must be considered as a part of national and international economics, Agenda 21, with its emphasis on the *coastal area*, where 60 to 80 percent of the human population resides, clearly establishes this land/sea linkage; indeed, the issues faced by contemporary economists on land loom even larger in the oceans. Thus the nonquantifiable component of ocean economics tends to *overwhelm* the quantifiable one. Much more than an

economic resource, the ocean is a crucial part of our life support system - and how can one quantify a life support system and translate it into dollars and cents? Uncertainty and vulnerability are more present in the oceans than on land. Hence multidisciplinary in an ocean context has to be more pervasive and must include the natural sciences -- marine biology, physical and chemical oceanography, climatology, meteorology, etc., together with socio-political, cultural and ethical principles.

The close interrelationship between the problems of ocean space and the different concept of "ownership" imposed by the nature of the ocean itself and enshrined in the United Nations Convention on the Law of the Sea constitute additional challenges to the economist. At the same time, there is, in the LOS Convention and Agenda 21, already an emergent legal and institutional framework for sustainable ocean management. Marshalling advanced thinking in contemporary economics and ocean economics (fisheries economics; the economics of offshore oil; shipping economics; the economics of tourism; the economics of coastal management), the Study Group will seek new approaches to the *problematique* of ocean economics and make recommendations with regard to the management implications of new insights.

In determining the economic tools required for analyzing and forecasting sustainable development, especially in a North-South context, the group will also bear in mind socio-political, legal as well as scientific and technological considerations.

2. Adoption of the Agenda

The Draft Agenda will be reviewed by the members and adopted after modification if necessary.

3. Main issues

3.1. Sustainability in the context of the oceans:

Distinguishing between the natural sciences approach to sustainability and that of economics, the Group would examine, in economic terms, the sustainability of living and non-living resources. Particular attention would be paid to the concept of ownership and its relation to the management of sustainable development and discount rates and to the influence of technology (as identified under the heading of intersectoral linkages in 3.5 below). Managerial implications will also be discussed in relation to:

i) Management: institutional framework:

- (a) local (fishing villages; coastal megacities);
- (b) national (Commissions on the Oceans);
- (c) regional: passing from a sectoral to an integrated approach;

ii) Management: Policies (co-management; new forms of cooperation between the public and private sector;) and techniques to enhance sustainability (critical examination of concepts such as "precautionary principle," "Polluter pays"; tradable pollution permits, trade able individual quotas, etc.)

iii) International taxation.

The Group may, for example, assess the adoption and utilization of taxation to transcend ownership issues and, in the process, monetary and market systems.

When addressing economic sustainability (as opposed to biological sustainability) discount rates have to be introduced and properly defined, particularly in the context of a uniform management system.

3.2. Equity in the context of the specific nature of the Oceans.

Bearing in mind the role of equity in the context of the common nature of the Oceans, the Group will assess how the exploitation of ocean resources affects equity considerations.

Access to technology, promotion of education in sciences and technology and the development of new technology through joint research and development are some of the issues that may be examined in the perspective of equity in its economic setting. Technology cooperation, in terms of (1) Generating investments from private and public sector, nationally and internationally and (2) Integrating technology cooperation provisions of various Convention regimes (Law of the Sea, Biodiversity, Climate, etc.) so that they can financially benefit from one another, will also be discussed.

Special attention would be paid to benefit sharing with particular reference to the underprivileged of today (the poor in developing countries and the urban poor in the developed) and of tomorrow (future generations). Ocean use taxation as a source of revenue could be used to finance the above-mentioned technology-related issues.

3.3. Globalisation aspect of ocean economics and its impact.

The Group may wish to consider the impact of increasing globalisation on ocean affairs, both at the international and the regional level.

3.4. Economic incentives.

What is absent today in the reports of the past world commissions, addressing among others, sustainability, is the aspect of "incentives" without which many agreements and conventions have failed to operate successfully. Innovative incentives should be structured on property rights and subsequently on monitoring issues and should be equally applied to the main uses of ocean resource including fisheries, transportation and tourism. Economic incentives should also lead to a more equitable development of those resources.

How can economic incentives be used to give those signals that would make sustainable development possible? How can economic incentive policies be woven together in a manner that facilitates international cooperation in the resolution of ocean problems?

3.5. Intersectoral linkages

In conducting its discussions in the spirit of inter-disciplinarity, the Group will bear in mind, above all, a) legal and institutional aspects and b) the application of scientific and technological innovation to socio-economic development. The concept of technological development, referred to in 3.3. above may need to be revisited since contemporary high technology, not being a collection of hardware whose "transfer" can be legislated, cannot be owned as if it were an old steel-mill. Information and knowledge-based, technology today, and more so tomorrow, must be 'transferred' through that equitable development of human resources that joint research and development renders possible.

Scientific and technological innovations heavily influence the level of ocean economic potential, while ensuring sustainability, creating a direct link to this concept.

Technological innovation is highly related to equity as well because only joint technological research could enable poor countries to exploit the oceans more profitably, while assuring sustainability.

3.6. Methodological problems

The contribution of "Marine Product" to the Global Economy.

For decades several economists have tried to quantify the contribution of "marine product" to the global economy. The major impediment to such an approach is the difficulty to define the "marine product" in view of the complexity of upstream and downstream linkages.

Approximation have been made however and states depending heavily on the ocean for their GNP have been identified (Brunei - offshore petroleum; Iceland-fisheries; Singapore-Harbour; Caribbean island - tourism etc.).

The group may wish to consider this issue and without attempting to reach final conclusions it may underline the importance of the Oceans in economic terms.

4. Additional Topics

The Group is invited to consider any additional topics relevant to the subject. In particular the Group may wish to consider the need to study in depth some questions for which selected papers may have to be commissioned by recognized experts.

Problems related to vulnerability and uncertainties may be further explored.

5. Conclusions and recommendations

5.1. Final discussion

In its Conclusions, the Group will seek to determine new and innovative approaches, holding out the hope that the promise of science and technology is essentially a pledge for a better quality of life for present and future generations.

5.1. Drafting

It is hoped that after a general discussion of issues that could lead to possible recommendation, members of the Study Group, either individually or in small drafting parties could be willing to prepare short contributions on selected subjects identified during the meeting.

Without prejudging the results of such considerations, a few ideas which could form the basis of such contributions are mentioned below.

- i) The Group may discuss ways and means to provide the institutional framework and practical mechanisms necessary, especially at the regional level, for regional and global, South-South and North-South cooperation in joint research and development ventures in environmentally and socially sustainable marine technologies, generating synergisms between private and public participation and investment. To do so, the Group may need to conduct a total review of technology transfers and capital movement in relation to ocean development and the conservation of the marine environment.
- ii) The Group may wish to consider the limitations of conventions and agreements relating to transfer of Technology and technical assistance, and seek new approaches to overcome the problems inherent in technology transfers in the manner they have so far been conducted. The Group may therefore wish to consider the feasibility of a system in which the various Convention regimes merge in such a way that they reinforce one another in technology development.
- iii) The Group may wish to underline the importance of integrated environmental management, with particular reference to coastal and insular areas, not only as a tool for the attainment of sustainable development but also, in understanding and mastering conditions of economic uncertainty (stemming from both economic and non-economic causes) including their social dimension.
- iv) The Group may wish to suggest practical economic incentives for promoting sustainable development, aimed at local, regional and global levels of decision-making.

6. Closing

15 - 18 January 1997
Lisbon

SG/OE/3

**STUDY GROUP ON THE ECONOMICS OF THE OCEAN
IN THE CONTEXT OF SUSTAINABILITY**

Tentative Timetable

Wednesday 15 January

- 10.00 to 13.00 - Item 1 - Opening
- Item 2 - Adoption of the agenda
- Item 3.1 - Sustainability in the context of the economics of the oceans
- 15.00 to 18.00 - Item 3.2 - Equity in the context of the common heritage of mankind
- Item 3.3 - Globalisation aspect of ocean economy and its impact

Thursday 16 January

- 10.00 to 13.00 - Item 3.4 - Economic incentives
- Item 3.5 - Intersectoral linkages
- 15.00 to 18.00 - Item 3.6 - Methodological problems
- Item 4 - Additional Topics

Friday 17 January

- 10.00 to 13.00 - Item 5 - Conclusions and recommendations
- Item 5.1 - Final discussion
- 15.00 to 18.00 - Item 5.2 - Drafting

Saturday 18 January

- 10.00 to 12.00 - Item 6 - Closing

To: Vice-Chairmen and Members of the IWCO

From: Jean Pierre Lévy
Executive Secretary IWCO

Lisbon, 14 December 1997

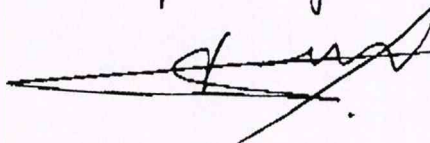
Yesterday the Office of the Chairman received by telephone the following information from our colleague Prof. Driss Ben Sari:

His Majesty King Hassan II has graciously granted the request of the Chairman, as was suggested during the closing of our Fifth Session in Cape Town on 14 November 1997, to expand the Executive Committee meeting in Rabat to an extra Session of the Commission.

A preparatory visit to Rabat will take place on the 17 and 18 December 1997, to discuss with the Moroccan authorities the logistic details of this extra Session. As soon as possible, at the latest early January, you will be fully informed about the logistics.

However, we would already now ask you to kindly book 4 - 6 February 1998 (arrival on the 3 February and departure on 6 February after lunch) for the extra Session in Rabat.

Finally, we wish you the very best of the Season and especially for 1998, which should see the successful finalization, publication and presentation of the Report of the Commission.

Best personal regards


RECEIVED JUL 03 1998

RES / IWCO

Secretariat14, Avenue de Joli-Mont,
1209 Geneva,
Switzerland.

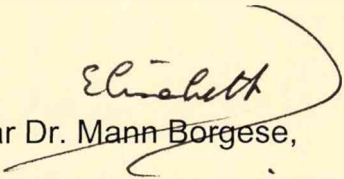
Tel.: 41-22-710.07.11

Fax: 41-22-710.07.22

E-mail: secretariat@world-oceans.org

Dr. Elizabeth Mann Borgese
Dalhousie University
1226 LeMarchant St.
Halifax, Nova Scotia
B3H 3P7 Canada

Our ref. : lwco 9805\03.let - jpl/lb

Geneva, **25** June 1998


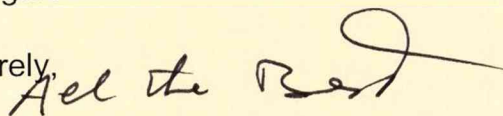
Dear Dr. Mann Borgese,

It is my pleasure to enclose the final proof of the Report of the Commission, *The Ocean ... Our Future*. It reflects all of the comments on the previous version that we have been able to take into account.

Although it is still under embargo and will not be presented officially to the public until 1 September 1998 at Expo'98 in Lisbon, we felt that it was important that you have a timely copy at your disposal which you can peruse at your leisure and use in generating support for the ideas and recommendations that it contains. Please note that the readability of this copy, especially because of its 10% reduction, is less than that of the original.

With best regards.

Yours sincerely,

Jean-Pierre Lévy,
Executive Secretary.

RECEIVED DEC 18 1998

Secretariat

14, Avenue de Joli-Mont,
1209 Geneva,
Switzerland.

Tel.: 41-22-710.07.11

Fax: 41-22-710.07.22

E-mail: secretariat@world-oceans.org

Mrs. Elisabeth Mann Borgese
Dalhousie University,
1226 LeMarchant St,
Halifax,
Nova Scotia,
B3H 3P7 Canada

Our ref. : lwco 9809\16.let - jpl/jve/fm

Geneva, 8 December 1998

Dear Elisabeth,

As you know, the Final Report of the Commission was circulated to all permanent representatives to the United Nations. It was subject of discussion during the General Assembly.

I send you herewith on a personal basis for your information, a note on what happened during the 53rd Session.

Best regards,

*Sorry I could not come to P.d. -
Ack the Board*

Jean-Pierre Lévy,
Executive Secretary.



The presentation of the report of the Commission to the United Nations in New York and the debate on the Law of the Sea in the General Assembly.

Presentation of the report

On the 19th of November 1998 President Mário Soares presented the final report of the Independent World Commission on the Oceans to the delegations accredited to the United Nations in one of the large conference rooms of the General Assembly.

This meeting was extremely well attended, as some 80 delegations were present (more than usually attend a typical committee meeting of the General Assembly). Among the delegations were a great number of permanent representatives.

The presentation by President Soares was very well received. Several positive statements were made in reply.

The Lisbon Declaration, in its newly printed version, was circulated and some copies of the report The Ocean... Our Future were handed out.

After the meeting a courtesy visit was paid to the Secretary-General, Mr. Kofi Annan, in his office. The Secretary-General reiterated his support and appreciation for the work of the Commission.

A lunch was offered by the Ambassador of Portugal, Antonio Monteiro, at his residence to the Secretary-General and his senior staff, including his Chef de Cabinet and the Legal Counsel.

In the afternoon a short briefing was delivered to several NGOs. Some NGO representatives requested that a presentation of and briefing on the report of the Commission be made in preparation for the April 1999 session of the Commission on Sustainable Development, when it will take up the sector of the oceans.

Debate in the General Assembly

One week after the visit of President Soares, the General Assembly took up its item 38 on Ocean Affairs and the Law of the Sea on 24 November 1998.

The meeting had been preceded by a series of informal consultations conducted under the chairmanship of the representative of Finland who was very cooperative.

The draft resolution on the item contained a specific reference to the Commission and its work. This reference had been subject to protracted negotiations over the past weeks as some of the delegations were reluctant to mention the work of the Commission. Finally, thanks to all the "friends of the Commission", an agreement was reached.

This reference in its final version reads as follows:

The General Assembly.....

24. Takes note of the work of the Independent World Commission on the Oceans, and of its report entitled 'The Ocean ... Our Future', and welcomes its issuance in the context of the International Year of the Ocean;

The results of the daylong (until 7pm) series of statements on Ocean Affairs and the Law of the Sea were very positive for the Commission. At the end of the day the resolution, co-sponsored by some 60 States, was adopted by a vote of:

- 134 in favour, including the USA, (the USA initially intended to abstain in view of the inclusion of a positive reference to the Commission but finally agreed to vote in favour);
- 1 against (Turkey, as usual in view of its position vis-à-vis the LOS);
- and 6 abstentions (some Latin-American countries for constitutional reasons and Iceland, apparently for reasons related to the treatment by the Commission of issues of fishery).

All other statements made were positive. Even the USA made a balanced declaration, by Senator Clairborne Pell, which is worth quoting:

"This resolution also refers to the work of the Independent World Commission on the Oceans (IWCO). We recognize the work that went into this report, under the leadership of our esteemed colleagues from Portugal. Many of its ideas should be given consideration by Member States. On the other hand, we wish to register our concern that some of the recommendations in this report are inconsistent with the Law of the Sea Convention and our support for this resolution cannot be seen as an endorsement of the conclusions reached in the IWCO report."

Most of the statements made by delegations tended to entrust the Commission on Sustainable Development with the task to review the whole situation concerning the Oceans and a number of delegations specifically mentioned that the results of the work of the Commission should be taken into account in this review.

The Secretary-General of the International Sea-Bed Authority, Mr. Satya Nandan, embraced the recommendation of the Commission relating to the need to establish some Forum of the General Assembly (possibly a Committee of the Whole) to review ocean issues in depth every two years. He hoped that the CSD would take up this recommendation.

The overall results obtained in New York during the 53rd session of the General Assembly can be considered as very satisfactory. The next opportunity to promote the result of the work of the Commission will take place during the Spring 1999 session of the Commission on Sustainable Development. It is foreseen that the Mission of Portugal to the UN will take the initiative to organize a side event devoted to the work of the IWCO directly relating to the consideration by the CSD of the sector of the ocean. President Soares intends to be present at that event.

* * *