

Van Ettinger & Associates
advisers

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COPY

TELEFAX

To :	Subject :
Attention of : Elisabeth Mann Borgese	: your phone call of 13 July last
Your fax nr. : 1-902-868.2455	Our ref. : ALG950\17.FAX
Date : 1995-07-25	From : Jan van Ettinger
Your ref. :	Our fax nr. : 31-1807-19120
	First page of: 2 page(s)
Please call above telephone nr. if not properly received	

My dear Elisabeth,

Thank you very much for your phone call of 13 July last. Both Peet and I highly enjoyed talking with you, as we always do.

In the meantime Peet has heard the results of her (additional) tests: everything was O.K., the oncologist was very satisfied (even her liver-related blood test is, at last, nearly back to normal) and she only has to come back mid January 1996. As you can imagine, she as well as I felt tremendously relieved! Yesterday I went to the hospital for a test on the home trainer. My performance was 96% and the reason I did not make it to 100% was not due to my heart but fatigue in my legs as a result of my physical exercises. I, therefore, expect the cardiologist to be very satisfied when I see him next Tuesday.

In response to your, still unanswered, fax of 21 May last, I inform you as follows. Your World Commission for the Oceans should keep track of the Earth Charter Project (initiative launched in April 1994 by the Earth Council and Green Cross International with the support of the Netherlands Government). Its address is:

Earth Charter Project,
Mohamed Sahnoun,
Executive Director,
Lange Voorhout 58,
2514 EG The Hague, The Netherlands. T.: 31-70-3469660 F.: 31-70-3656297

As I told you over the phone, I was not impressed by their recent Basic Elements as you can gather from my attached fax of 26 May last to Ambassador Sahnoun.

In this respect, I also draw your attention to: 'The United Nations in its Second Half-Century', the report of the Independent Working Group on the Future of the United Nations (included Alicia Bárcena). The report resulted from a project supported by the Ford Foundation, which recently sent me a copy of it.

Do not forget your overdue stop-over in Amsterdam! Much love from both of us,

Ma



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: Jan
FAX No: 31 1807 19 120

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

Date: 20 December, 1995

Subject: Commission

Dearest Jan,

I did a little home work --and am attaching it FYI. Do you like it?

Merry Christmas --and the marzipan is on its way!

Much love,

Elzaveta
Layashi loved it! He called.

INCO

FAXED

FACSIMILE TRANSMISSION

To: Jan
FAX No: 31 1807 19 120

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

Date: 27 December, 1995

Subject: List

Dear Jan,

Here are the numbers, etc., in as far as I have them:

H.E. Dr. Mario Soares
President of the Republic of Portugal
Lisbon
Phone 351 1 364 8846
fax 351 1 363 6603

I don't have Patrick Kennedy

H.E. Professor Guido de Marco
Deputy Prime Minister and Minister of Foreign Affairs
Government of Malta
Palazzo Parisio, Merchants Street
Valletta, Malta
Phone 356 242 191 or 237 833, or 242 855
Fax 356 237 822 or 234 494

H.S. Dr. Jose Israel Vargas
Minister of Science and Technology
Government of Brazil
Brazilia, Brazil
Fax 55 612 251 141

H.E. Mr. Oscar Arias
Fundacion Arias Para la Paz y el Progreso Humano
Apartado 8-6410-1000
San Jose, Costa Rica
Fax 506 222 6782

I don't have Caflish

Herrn Staatssekretaer Klaus Juergen Hedrich
FAX No: 49 228 535 3335

Macdonald is now in Halifax. Best addressed c/o IOI. His home phons number is 1 902
429 6632

I don't have Ruperti.

Ezekiel Solofa
Vice Chancellor
University of the South Pacific
Suva Fiji
I don't have his numbers

I haave Su Jilan at the office, after New year. I don't have Velikov.

That is it.

Happy New Year and much love,

Elores

COPY

IWCO-I/6/Rev1

SECOND DRAFT

PURPOSE
AND
TERMS OF REFERENCE

28 December 1995

Dear Elisabeth,

Here follow my suggestions for changes in your admirable 'home work':

- The first three, in the Introduction, are rather minor ones;
- My suggestions under 'Purpose and Terms of Reference' are more important as I felt there was too much emphasis on ratification and implementation of the Law of the Sea Convention and the implementation of Agenda 21. I have kept all of your text but somewhat toned down on this point.

Please let me know soonest whether you can agree with my suggestions. If not I will then type the 'final' text into our word processor, as we agreed.

Much Love,

Ma

INDEPENDENT WORLD COMMISSION ON THE OCEANS

Purpose and Terms of Reference

INTRODUCTION

In view of the fundamental importance of the world ocean in the development of human society, the maintenance of peace, and the health of the biosphere, an INDEPENDENT WORLD COMMISSION ON THE OCEANS ("the Commission") has been established.

The oceans cover three-fourth of the surface of our planet. They will have major impacts on the economy/ecology of the 21st century. The new order for the oceans, created by the United Nations Convention on the Law of the Sea, 1982, in conjunction with the decisions of the United Nations Conference on Environment and Development, 1992, could be a model for, and must be a part of, a new global order, more equitable and capable of bridging the gap between the rich and the poor and of meeting the challenges of the next century.

This Commission takes its place in a long series of Independent Commissions, from ^{to} Olof Palme's Commission on ~~Development and Disarmament~~ to Willy Brandt's Commission on North-South relations, to Gro Brundland's Commission on the Environment and Ingvar Carlsson's Commission on Global Governance and including Nyerere's South Commission, Jacques Delors' Commission on Education, and Swaminathan's Commission on Food security. They all have succeeded, in the face of bloody wars and upheavals, to maintain their faith in the dignity and equality of the human individual, in equity and greater freedom. They have stood for the right to economic development, to a healthy environment and comprehensive security for present and future generations.

The Commission, the youngest in the series, will continue this great tradition. There is something, however, that makes this Commission different from the others.

The difference arises from the very nature of the medium we are dealing with: the World Ocean. The Ocean forces us, ineluctably, to think differently, to behave differently, from the ways in which we have been thinking and acting on land for the last few thousand years. The first and last lesson, that to govern Nature we must obey her, is driven home to every oil platform, every fishing boat or container ship.

Land Development

(civil)

every marine engineering or marine scientific research project, every coastal community, by every 30-meter wave crashing down on it. Working in and with the oceans instills a respect for nature we rarely feel on land. Our perspective on nature and culture, on environment and development, necessarily changes.

Neither fish nor pollution recognize the boundaries our land-trained brains try to impose on them. Political space, economic space, and ecological space refuse to coincide, and as the world shrinks under the impact of the communication and information revolution, the oceans no longer separate continents but connect them. They belong to all of us. They ~~are~~ a common heritage of mankind.

form

PURPOSE AND TERMS OF REFERENCE

It is from this perspective that the Independent World Commission on the Oceans will, in the coming three years:

seek to develop world consciousness of the unique role of the oceans for planetary survival and of the critical importance of rational management of ocean space and resources, and for this purpose;

draw the attention of world leaders -- including political, business, environmental scientific and academic leaders -- and the public at large to emerging issues relating to ocean development and the direct or indirect impact of human activity on ocean resources;

encourage ~~the ratification and implementation of~~ the United Nations Convention on the Law of the Sea ~~and~~ the further development of the ocean regime emerging from it in the light of changing scientific perceptions and discoveries, with particular attention to the problems and needs of developing countries;

Seek ways to enhance the implementation of Agenda 21 and, (in particular, Chapter 17 which deals with the Seas and Oceans),

Study the interactions between the Law of the Sea Convention, the Biodiversity Convention, the Climate Convention and other recent Treaties, agreements and

(see also last page)

programmes and explore ways of utilizing overlaps for enhancing the implementation of each;

examine the economic potential of the oceans, including fisheries and the future developments in aquaculture and mariculture; desalination for agricultural and domestic purposes; mineral and energy production; sea-borne trade and ocean-dependent tourism; marine scientific research and technology development; as well as the equitable distribution of these goods and services;

analyse the requirements of integrated coastal management and the impact of the conclusions of the World Conference on Population, the World Conference on Habitat, the Agreement on Straddling Fish Stocks and Highly Migratory Stocks, the World Conference on Small Island Developing States as well as of Trade and coastal tourism on integrated coastal and ocean management;

explore new forms of North-South and South-South cooperation in joint technology development;

study the dangers threatening the seas and oceans and the viability of its living resources and marine biodiversity; the potential implications of sea-level rise and global warming and its social and economic impacts;

Endeavour to define modalities for strengthening the institutional framework for ocean governance, at local, national, regional, and global levels and examine the place of ocean governance within the United Nations system as a whole;

Contribute to the interpretation and development of the concepts of the peaceful uses of the oceans and the reservation of the oceans for peaceful purposes as well as the potential contributions of ocean governance to the implementation of the Secretary-General's Agenda for Peace;

In the fulfilment of its tasks, the Commission ^(F) shall closely cooperate with the United Nations, UNESCO, other agencies and programmes of the U.N. system competent in ocean affairs, other intergovernmental organisations as well as nongovernmental organisations, at the national, regional, and global level.

^(F) will encourage the ratification and implementation of the Law of the Sea Convention and the implementation of Agenda 21 (in particular, its Chapter 17). Furthermore, the Commission

W O



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: Jan
FAX No: 31 1807 19 120

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

Date: 28 December, 1995

Subject: corrections

Dear Jan,

The changes are fine --so please go ahead. I hope President Soares likes the new texts!

You have not reacted to my letter to Sidney! I have not heard back from him. If he does not react soon, I get another scientist. I can get all of this without any money. I am in touch with Busuttill who is trying to get in touch with Dasgupta, about the economics paper, and we should get a working group on technology together right after New Year. I have in mind Vargas and Faleiro. I'll be in touch with Jean-Pierre about the legal/institutional background paper.

In any case, I want to make quite sure that all four papers are ready by May 1. You have never seen me working so furiously!

Much love,

Elisabeth

WCO



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: Jan
 FAX No: 31 1807 19 120

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

Date: 29 December, 1995

Subject: Plan of Work.

Dear Jan,

everything is fine, except for one little printing mishap on Page 2, under "B", paragraph beginning "Read together..." on line 6, after "future" there is a funny sign. I guess it should simply read "for future work of the Secretariat and Working Groups developments." Do you need italics?

As to the "statutes," what about a letter along the following lines?:

Dear Commissioner,

Enclosed you will find a set of documentation, incorporating the decisions and discussions of our first Plenary Session in Tokyo, December 13-15, 1995.

The paper entitled "Composition and Organization" was adopted by the Plenary, as you may remember, practically without discussion, due to the pressure of time. Several Commissioners talked to me after the session and suggested the following amendments:

Article 13: This should read, "The meetings of the Executive Committee shall be called by the Secretary General at least two months prior to the date of the meeting." The

Plenaries, obviously, need a lot more time for preparation.

Article 15 (b) *The Coordinator shall advise the Chairman and coordinate the Chairman's office in Lisbon.*

Article 15 (c), a sentence should be added at the end of this para. *"He will be assisted by an Editorial Committee composed of Members of the Commission."*

Article 17, "The Commission will use as appropriate in its programme of work the results of relevant thematic and local meetings *and hearings to generate a "grass roots" contribution to its work.*"

If I do not hear from you by January 31, I assume that you are in agreement with these amendments.

I believe this documentation indicates the substantive progress made by our First Plenary Session. We are well on the way now towards meeting this new and challenging responsibility and opportunity.

With warm wishes for a successful 1996,

Sincerely yours,

President? Secretary-General?

Love

Elizabeta

12/1/96



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: Jan van Ettinger
Fax: 41 22 710 07 22

From: Elisabeth Mann Borgese
Fax: 1 902 868 2455

Date: July 10, 1996

Subject: Document

Dearest Jan,

I hope you have safely returned home, and everything works. We are so far behind schedule that it is not funny, and I am afraid you are 100 percent right when you say the Report will be published in 1999!

Now could you fax me the Press Release which we are all supposed to have? I could not get it in Rio, but I hope you have it!

All the very best,

Yours as ever,

Elisabeth

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

TELEFAX

To : International Ocean Institute	Subject : your fax to Layashi Yaker of 11 January 1998
Attention of : Elisabeth Mann Borgese	Our ref. : lwco 9800\50.fax - jve
Date : 13-01-1998	From : Jan van Ettinger, Senior Officer.
Your fax nr. : + 1-902-8682455	Our fax nr. : 41-22-710 07 22
Your ref. :	First page of : 1 page(s)
Please call above telephone nr. if not properly received	

Dear Elisabeth,

In response to your fax of 11 January 1998 to Layashi Yaker, further to his reply to you of today, and after consulting Jean-Pierre Lévy on this matter, which I could only do just now, I have the pleasure of informing you as follows.

We have as yet no plans for publication of Denzil G.M. Miller's paper *The Southern Ocean: A Global View and African Perspective*, but we do not exclude that we will publish it in the course of this year in some form or other.

Quite apart from that, pending Miller's agreement, we have no objections against its publication in *Ocean Yearbook 14*. However, you should acknowledge that this paper was specially prepared for and presented to the Independent World Commission on the Oceans, during its Fifth Session, held in Cape Town, 11-14 November 1997.

With warm regards,



Jan van Ettinger,
Senior Officer.

c.c. Layashi Yaker

RES/IWCO

COPY

January 30, 1997

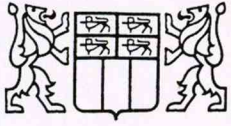
Mr. Jan van Ettinger
IWCO 14 Ave. du Joli Mont
Geneva, Switzerland
CH-1209

Dear Jan,

You may interested in this nice letter from Mr. van den Muijsenberg.

Love,

E. van der



Town Hall
 Coolsingel 40
 3011 AD Rotterdam
 P.O. Box 70012
 3000 KP Rotterdam
 The Netherlands

J.H.A. van den Muijsenberg L.L.B.
 Vice-Mayor

 Commissioner for
 Port
 Personnel and Organization
 Information Policy
 Refuse Policy

RECEIVED JAN 28 1997

COPY

Professor Elisabeth Mann Borgese
 International Ocean Institute
 t.a.v. Dalhousie University
 1226 LeMarchant Street
 Halifax Nova Scotia, CANADA B3H 3P7

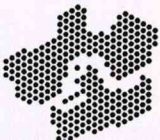
	your reference	telephone (10) -4173395
our reference	your letter	fax (10) -4172910
SEZ 97/111	November 26, 1996	
subject		date
Appeal of Yokohama		Januari 20, 1997

Dear Mrs. Mann Borgese,

Thank you very much for your kind letter of November 26, 1996 with the enclosed "Appeal of Yokohama". I was very pleased to be in a position to welcome your Independent World Commission of the Oceans to the city and port of Rotterdam and to outline our thoughts on the role of port authorities in the protection of the marine environment. As already indicated in my address to the Commission, I too feel that ports can play an important role in relation to the environmental quality of the world's oceans. This role is based on the fact that ports are located at the interface between land and water and are the focal points of international trade. Their importance for the regional and often national economy provide ports with an excellent and powerful position from which they can influence policy making in areas which at first glance seem to be beyond their influence.

In my presentation I gave some examples as to the policy which has been and is being pursued by Rotterdam. Recognizing that only a clean and safe port will be able to survive in the long term, a number of actions have been deployed, both in the port area itself as well in the fore and hinterland.

Rotterdam



You may recall the example of the River Rhine project, which is aimed at reducing the pollution of the river Rhine, the river which is partly responsible for the level of contamination in our port.

Sea going shipping, which is partly responsible for marine pollution at sea as well as in ports is stimulated to improve its environmental behaviour by the introduction of the Green Award system. Ships which operationally and technically perform over and above legal standards are rewarded in a material or immaterial manner. These are only two examples of ways in which ports can contribute to a cleaner environment, even in areas which are beyond their formal sphere of influence.

Following the above, I can only agree with the Yokohama statement which reaches similar conclusions. I also agree with their suggestion that co-operation between ports and port cities will enhance the positive effects of actions aimed at improving the marine environment.

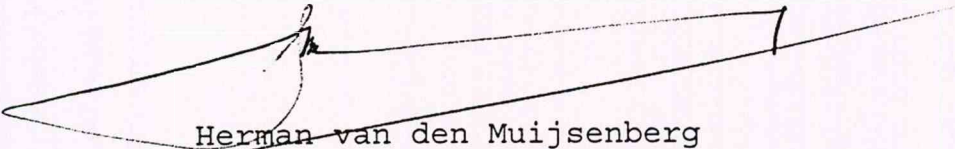
Regarding the suggestion to establish a World Union of Port Cities I wish to point out that there is already a global port organization: the International Association of Ports and Harbors, IAPH. With a membership of 240 ports from 85 countries IAPH is an organization which has direct input in IMO, the International Maritime Organization of the United Nations. Safety and environment are issues which are considered of prime importance to the organization. In fact, the IAPH organization comprises a Technical Committee, especially charged with dealing with these issues.

I feel that the aims of the Yokohama statement may well be served by and through IAPH, without the establishment of a separate body.

Since Yokohama is a member of IAPH I intend to contact them with the suggestion to pursue their and our environmental goals through the possibilities which IAPH has to offer.

Once again, thank you for your kind letter.

Yours sincerely,



Herman van den Muijsenberg
Commissioner for the Port



Rotterdam

NE3/IWCO

Professor Salvino Busuttil
II-Palma
Palma Road, St Paul's Bay SPB07
Malta

Tel.(356)573954
Fax(356)574471

Fax to Jan van Ettinger, IWCO, Geneva.

23 June 1997

Dear Jan,

COPY

THIS IS TO CONFIRM the Agreement reached at the E.C. meeting in Newport, Rhode Island, USA, of the IWCO whereby Professor Elisabeth Mann Borgese, on the understanding that IWCO consented to reimbursing the agreed sum of personal expenses incurred in matters relating to the creation of the Commission to her, stated that she was immediately donating the same amount to the Commission; and it should so be recorded in our Minutes and Accounts, for the figure of US \$ 41.094

JB correspondingly to the amount claimed.

Sincerely yours,

SALVINO BUSUTTIL
TREASURER, IWCO

COPY

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

TELEFAX

To : Borgese Residence	Subject : Legal Problems Concerning Bioprospecting
Attention of : Elisabeth Mann Borgese	Our ref. : lwco 9711\81.fax - jve
Date : 5 August 1997	From : Jan van Ettinger, Senior Officer.
Your fax nr. : + 1-902-868.2455	Our fax nr. : 41-22-710 07 22
Your ref. :	First page of : 9 page(s)
Please call above telephone nr. if not properly received	

My dear Elisabeth,

How are you since our last (EC) meeting on 5 June 1997 in Newport? To me that seems already ages ago!

Please find attached a recent European Council on Environmental Law paper on the Legal Problems Concerning Bioprospecting for Genetic Resources Located in Marine Hydrothermal Vents Beyond National Jurisdiction.

Jean-Pierre, who greets you dearly, finds this an excellent paper and wants to take it into account in our Final Report. We send it to you, as your ardent interest in the subject matter is well known to both of us.

We are slowly but surely making progress in the direction of a first draft of the text of our Final Report, which will form the prime subject of the Commission's discussions during its Fifth Session, on 10-15 November 1997, in Cape Town.

Love,

Jan

Jan van Ettinger

422 4416
Goggi
516 283 5129
COPY

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

TELEFAX

To : Borgese Residence	Subject : Your fax of 6 August 1997
Attention of : Elisabeth Mann Borgese	Our ref. : lwco 9711\81.fax - jve
Date : 7 August 1997	From : Jan van Ettinger, Senior Officer.
Your fax nr. : + 1-902-868.2455	Our fax nr. : 41-22-710 07 22
Your ref. :	First page of : 1 page(s)

Please call above telephone nr. if not properly received

My dear Elisabeth,

It was very good to hear, through your fax of yesterday, that you are 'still alive and kicking' even though that came as no surprise to me.

I am glad that you liked the Genetic Resources paper I faxed to you. As I understood from Jean-Pierre, who left yesterday for Strasbourg - New York - Kingston - Lisbon, the European Council on Environmental Law is a non-governmental organization.

As to your 'next question', the Final Report of the Commission, I do appreciate your concerns. However, I would suggest that you wait until you receive its first draft which will be circulated to the Commission by mid-October.

First of all, we do intend this first draft to come as a happy surprise even, or should I say especially, to you. But, as much as we may hope for this, we can of course not guarantee to deliver a miracle at the first attempt. Secondly, in any case this first draft will give you (and the other members of the Commission) a concrete basis on which to draft textual amendments if not additional recommendations and proposals.

I feel that you stand a better chance to have your own amendments, if put on paper, adopted by the Commission if you keep the freedom to defend them in Cape Town. This freedom you lose if you would form part of the team preparing the first draft.

Love,


Jan van Ettinger

c.c.: Jean-Pierre Lévy



Dalhousie University



International Ocean
Institute



FACSIMILE TRANSMISSION

To: Secretariat
 IWCO
 Fax: 41 22 710 07 22

From: Elisabeth Mann Borgese
 Fax: 1 902 868 2455

Date: February 22, 1998

Subject: Text revision

Elmann



Suggestions for minor changes for final draft

1. There should be some consistency with regard to the status of the high seas. On page 14 they are referred to as “public trust,” and we have heard Guido de Marco’s eloquent advocacy of that term. On p. 35, the high seas are referred to as “common property,” which is quite another thing, and on p. 56, we are told that they “belong to” the people of the world. My own strong preference, which I think is widely shared, inside and outside our Commission, is that the oceans are the common heritage of mankind.

2. On p. 15, we call for “compensating measure” that should be contained in fishing licences. I don’t think that is a good terminology. It conveys the notion that such agreements or licenses are really licences to plunder -- for which coastal States should get some “compensation” That is of course in fact what they are doing, but I don’t think that we want to endorse it. We want to say that there should be profit sharing, technology transfer, training, and onshore processing of part of the product.

3. On p. 18 we rightly state that (a) we reject ambitious blue prints; (b) we are guided by a long(er) term vision; (c) we take existing institutional arrangements and political receptivities (not a very good term) as starting points. I really am afraid, this is not what we are doing in this report. The “vision” does not come through -- in spite of the improvements that have been made in the “overview” and in chapter 6. The “vision” is fragmented and buried in various places in the Report. We fail to build on, and develop existing institutions, “using

them as a starting point” and, instead, we build three costly new institutions, out of nowhere!.

4. Let me deal with this fundamentally important point right here. I have no intention of being dogmatic and unbending. But after talking to several of our colleagues, including our Chairman, I have the feeling that, at least, we can reduce these new institutions from three to just one, a sort of Ocean Amnesty International. I would like to note, however, that there is Greenpeace who is doing that already, quite effectively; insofar as it can be done at all. I still think such an “observatory” would not get off the ground and would be ineffective and only cost money.

It is my impression that, in the opinion of several of our colleagues, the office of the “Guardian” is too complex for the NGO sector, and might be dispensed with, or, rather, its function could be merged with that of the “observatory” -- if any of these three recommendations were to remain. I still advocate the elimination of all three.

The “Forum,” in my opinion, is really not called for. There are, and have been for a long time, quite a few NGO “forums,” putting together diplomats, scientists, industrialists, and environmentalists, to discuss ocean affairs in an integrated manner. Suffice it to mention ACOPS and Pacem in Maribus. There are many others, in all parts of the world, working with IOC, with UNESCO, with UNEP, etc. Here, again, I think it would be better to strengthen what is there rather than building additional and costly institutions. I think the Commission should build on what the Mediterranean Commission on Sustainable

Development and UNCTAD are doing, that is, strengthening the role of NGOs in intergovernmental fora -- especially in the General Assembly, or in the Committee of the Whole, that is going to prepare the work of the General Assembly. In this Committee, NGO representatives should have the same standing as the Delegates -- just as in the Med. CSD.

I think that to convey our "vision" of ocean governance, we should have a 2-page spread, with a chart presenting all the proposals, from the local to the national to the regional to the global level. Most of the proposals are there, buried somewhere: They just have to be concretized and visualized. I refer particularly to the excellent intervention of Ruud Lubbers.

5. Much as I love to see the oceans in the lime light, I oppose the idea of an "Ocean Conference" in the year 2000. That smacks of UNCLOS IV and serves the purposes of those who want to do away with the remnants of UNCLOS III.

What I could envisage in 2000 is a conference on ocean governance at the regional level: the "revitalization" of the Regional Seas programme." Such a conference would have to be preceded by a number of UNEP initiated workshops, along the lines developed by UNEP in the context of the Washington Global Programme of Action on the prevention of pollution from land-based activities -- that is, including quite a broad range of regional organisations, both intergovernmental and nongovernmental, besides States parties to the Regional Seas Conventions.. These workshops, culminating in a inter-regional, global conference in 2000, could also effectively deal with the integration of human

security and sustainable development at the regional level. I am sorry I did not have a chance to introduce this during our all too brief discussion in Rabat!

6. P.63, box. The definition of the Common Heritage is incomplete. Reservation for peaceful purposes is not mentioned. Conservation of the environment is not mentioned.. Articles 140, 141, and 145 should be added

7. P.75,, end of line 2: add, “Selected technologies should be environmentally and socially sustainable and apt to improve living standards and generate employment in poor coastal communities.” Last sentence,. I cannot endorse or defend in any way the Implementation Agreement of 1994 nor accept without criticism the triumph of the market. The Implementation Agreement has *not* “enabled universal acceptance of the Law of the Sea. It has *not* achieved its main purpose, i.e. to obtain US ratification.

8. P.80. I am against the establishment of an Ocean Trust Fund, again, for the reason that we should not build new institutions where instead we can build on existing ones. It looks naive, as though we were not well informed about what is already there. We should increase the funds to be spent on the Oceans within the GEF. We should propose ways and means to increase funding of the Trust Funds of the Regional Seas Programmes. The establishment of a new Global Fund would be a total waste.

9. P. 88, beginning of last paragraph. As I had pointed out previously the

term”in our societies” is not clear. Is it a Freudian slip giving away the Northern orientation of the Commission’s infrastructure?

10. On p. 113, there is a printer’s slip which might easily escape the spell checker: Line 6 of the second para. Should read “inland seas,” not “island seas.

11. “Revaluing the ocean” is still too much focussed on *conservation*, with too little attention to people: to improving living standards, generating employment and “eradicating poverty.” E.g., p. 127, it is not considered that ITQ systems might lead to the elimination of the small artisanal fishermen and thus generate unemployment. And it may turn out to be impossible to take care “to ensure that certain social objectives, such as community development, are fully taken into account in the actual design of ITQ schemes.” ITQ schemes and community development are at loggerheads.

12. P. 154, box. Both Salvino Busuttill and myself have already drawn attention to the fact that this box is inadequate. The great innovation of the Mediterranean CSD is threefold: (1) parification of delegates of NGOs with Delegates of States; (2) direct linkages with and participation of coastal communities; (3) transcendence of sectoral approach by including “high-ranking Ministers” not only from the Ministry of the Environment but any other involved one way or another in ocean affairs.

13. P. 160-61. As already mentioned, the Secretariat should ask Mr. Steiner

at DOALOS to add a paragraph on the Common Heritage of Mankind and the International Sea-bed Authority. A summary of the Convention, completely leaving out Part XI, which is the heart of the Convention, is unacceptable.

14. P. 173 "Advisory bodies" might also include Parliamentary Commissions on the Ocean. That would be a useful recommendation

15. P. 179 I have already made my objection to the proposal to modify the membership of SPLOS, which should remain restricted to the States Parties to the Law of the Sea Convention, and to have it deal with the interaction of all ocean-related Conventions, etc. I still believe, only the General Assembly can legitimately deal with this subject. I do believe, however, that the mandate of SPLOS should be broadened, and that it should sit, every six years, as a Review Conference of the whole Law of the Sea Convention, including Part XI and the Implementation Agreement. No such review conference is provided for at present, and it is needed, if the Convention is to be considered as a process rather than a product, if it is to be kept alive and current in a world of rapid change.

I am opposed to the United Nations Conference on the Ocean, for the reason explained under (5>) above.

I am mentioning only these few points because they can be taken care of rather easily. But while recognizing the great progress that has been made, I am afraid there is still a lot of work to be done. Rereading the Commission's terms of reference in the Annex, I still doubt whether the Commission has fulfilled its

mandate.

Warm regards,

E. Kelly



Dalhousie University

International Ocean
Institute



FACSIMILE TRANSMISSION

To: H.E. Ambassador Layashi Yaker
IWCO
Fax: 41 22 710 07 22

From: Elisabeth Mann Borgese
Fax: 1 902 868 2455

Date: February 22, 1998

Dear Layashi,

I cannot access your telephone number -- it is in my little computer which broke down!

So could you please call me Monday morning very early, before your meetings?

Love