

Study Group
Public Awareness and Participation
Lisbon, 28 - 31 May 1997

IWCO/EC/WP 15

Draft Minutes

1. Opening

The Chairman of the Study Group on Public Awareness and Participation Sidney Holt opened the meeting in the presence of the Coordinator of the Commission. The Chairman of the Commission, who joined the meeting later in the opening morning, gave a welcoming address to the participants, wishing them success in producing ideas for communicating the importance of the oceans to humanity. The List of Participants is attached in Annex I.

2. Adoption of the agenda

The Agenda was adopted without modification (Annex II).

3. Review of available documents and materials

The Chairman of the Study Group gave a description of the main substantive documents and materials that had been prepared for the meeting. He noted, in particular, the General Working Paper (SG/PA/WP3) prepared by the Chairman and Rapporteur Sidney Holt and by Peter Sand as well as four accompanying papers (SG/PA/WP1, SG/PA/WP2, SG/PA/WP4 and SG/PA/WP5). A number of informational notes and papers were also distributed by the Chairman and some participants.

4. Awareness

4.1 Identification of audiences

As illustrated by "A draft checklist of 'publics' (SG/PA/WP3-Add.4), there are many publics to whom the message about the ocean should be addressed. A correction should be made to item 6 "Professions, skills" of the checklist to include engineers and to replace "managers" by "managers of enterprises". Consumer organizations and political party groups should also be added to the list. The list, which is static, can be made dynamic by considering phenomena which evolve over time, such as social movements.

Another approach is to divide the target publics into the following categories (making a further distinction between national and international): users and

consumers, underseas companies, victims, decision-makers, information technology experts and the public at large. It should, however, be noted that “victims” only come into existence when those that are injured are not compensated for what is taken away.

It may be more appropriate to refer to “dialogue partners” rather than “target groups” in order to keep in mind the idea that the interaction is two-way – i.e. the partners in question are themselves a source of information and feedback. Moreover, although it is useful to draw up a long list of this sort, we must not lose sight of the fact that ultimately the message is addressed to human, land-based creatures as a whole who have ignored the oceans.

The term “racial designation” is unnecessary and can be dropped as a heading for “indigenous and non-indigenous peoples”— a distinction whose use has in any case been legitimized by inclusion in Agenda 21. Major groups specified in Agenda 21 are: scientists, technologists, managers (including community-based managers) and users, leaders, indigenous peoples, fisherfolk and women and youth.

4.2 Consideration of the messages to be conveyed

Both the fragility of the ocean and its potential for continuing to fulfil humankind’s hope for the future need to be brought out. The irony, in this connection, is that humans simultaneously use the ocean as a source of food and other amenities and as a dumping ground for waste. The message should go beyond the purely utilitarian or anthropocentric conception of the ocean to that of *respect*: one does not litter or sully that which one respects. Thus, there is a need for a new attitude, a new ethic toward the ocean.

Water is a good entry point for dealing with the ocean. Why do we call this planet “earth” when 70 percent of it is ocean? The ocean is the mother image in all myths. Humans are water-bound during their formative period. How to draw on this collection of images and myths and bring the ocean into modern consciousness is our over-riding task.

Three inter-related messages are: (i) humankind’s dependence on the oceans (a message that may need to be tailor-made for different regions according to local situations and concerns); (ii) the dangers – the aforementioned dependence is at risk; and (iii) look at what is successful, in the sense of stories of what has worked in various parts of the world as regards the ocean.

It is important to go beyond building awareness of the importance of the ocean in satisfying localized needs in order to convey the *global* dimension of the ocean in people’s lives. Radioactivity, El Nino, over-fishing etc. are no longer local

phenomena. The connectedness, singularity and biodiversity of the ocean are key concepts to be stressed.

Although awareness is seen as a condition for participation, the reverse is also true: learning and awareness about the ocean are built up through participation.

4.3 Identification of media in relation to audiences and messages

The main strategic goal is to make the ocean an issue. Once this is done, the media will do the rest. Symbolism is important. The ocean is fresh and blue not green. Images such as the whale, an oil tanker, satellite pictures of the ocean are all evocative symbols. But at the same time there has to be a unifying force. The Commission must reach out and put together a large number of scattered and to some extent confused concepts and images into a unified oceans strategy. Creativity is needed in order to package the message – whether in pictures, graphs, models or a person. One image that should be evoked is that of a life supporting marine environment.

What constitutes news is not built from words and ideas. Five hundred news conferences about marine issues will accomplish little of permanence. In contrast, a single incident like Torrey Cannon or even a whole sequence of such incidents may trigger awareness leading to conviction and action that a decade of technical analysis of pollution could never have accomplished. To some extent, the Commission needs to think about ways of creating events. Messages are important but the media are driven by *stories* not by messages.

But even in island settings where communities are surrounded by water, awareness and perception of coastal issues does not come easily. The development of a micro-level consciousness is a priority.

The ocean is an integrated space, despite the impression given in Chapter 17 of Agenda 21 of “oceans of all kinds, seas including enclosed and semi-enclosed seas etc.” It should be treated as a whole. In practical terms, population has been accumulating on the coasts. To handle the ocean as a whole we need to manage the continents, society and social affairs. The need for a unified approach does not mean following a single ocean strategy. In fact, it is preferable to devise different strategies depending on particular institutions and targets.

It is time to begin seriously thinking about what should be the Lisbon Declaration. In light of the preceding remarks, it is all the more evident that the declaration cannot be technocratic or written in UN-ese. Unorthodox though it may seem, the declaration could even turn out to be a multimedia message of some kind.

A distance has been found to exist between information as such and awareness. This has been illustrated by studies in Germany that seem to show an almost inverse relationship between availability of information and genuine awareness about the environment. Awareness-building demands a prior understanding of people's concerns and motivations.

5. Participation

General comments

Participation in environmental matters, as in the political process generally, is founded on four sets of rights. They are the right to: (i) free expression, (ii) information, (iii) appeal and (iv) participation in decisions. The latter is of particular importance at the community level where most of the problems and conflicts associated with the utilization of marine resources arise. Typically, these problems are connected with the utilization and conservation of common property resources and EEZs controlled by nations.

In some countries there is an ongoing conflict between large trawlers and small fishers. This has been resolved in countries such as India by excluding large trawlers from access to certain coastal zones. The common property resource problem among intra-zone fishers is managed by restricting individual fishers to particular areas – a policy that is not workable in other types of marine environments where a more “nomadic” style of fishing is the tradition. Participation on environmental matters in India has been achieved through access to the media, courts and democratic institutions of which local ones have been the most important. The right to appeal in India can bring the legal concept of “eminent domain” into play in those particular instances where the pursuit of myopic local interests may be at the expense of a greater national public interest in sustainability.

The effectiveness of institutions on awareness and participation in marine affairs cannot easily be predicted from a priori considerations. The existence of the four sets of rights identified above need not guarantee desirable action in pursuit of such rights. In Japan, for instance, the overwhelming concern for harmony and consensus in socio-political relations discourages citizens from exercising their rights in environmental matters that affect their lives.

It may be useful for the authors to list not only the relevant *rights* to participation but the corresponding *duties* as well. Citizens have a responsibility to exercise their rights. Attention needs to be paid to the means by which such rights are implemented. In a similar vein, the generalization that community authorities, because of their contiguity to coastal zones, manage marine resources more sustainably than central authorities is not always borne out by experience. A comparison of ocean governance in Denmark, Holland and Germany, for

instance, has shown that Denmark – a country where a strong central authority exists – has been far more successful in protecting its coastlines than either Holland or Germany which have depended more heavily on community control.

New Zealand has recently introduced the user-pays principle in fisheries. Industry must pay to use fisheries and the moneys collected are used for mitigating or paying the environmental cost of fishing activities. This contrasts to the previous regime in which the government bore all of the cost but industry had less autonomy. However, user fees are a delicate issue in a number of other countries.

Scientists have the responsibility not only to provide information they may have relating to the exploitation of marine resources and the state of the marine environment, but also to reveal the uncertainties. In Jamaica whose waters and tourist industry are threatened by the passage of ships bearing nuclear waste, scientists refrain from taking a unified stand because of the absence of absolute proof of the danger from such passage.

5.1 Identification of categories of participants/stakeholders

The generic list of potential audiences (SG/WP3-Add.4) that forms the target for awareness and consciousness-raising efforts in favor of the oceans does not differ significantly from the corresponding list that would be relevant to efforts to stimulate participation. In real-world situations the stakeholders or participants would of necessity have to be identified according to the particular context. It suffices to note that a distinction should be made between stakeholder participation and participation of the public at large. Policies should be directed at increasing both types of participation in marine matters.

5.2 Identification of decision-making fora and

5.3 The right and means to know

The digital revolution, which is increasing the premium on information access and information communication as a key to economic progress, is stimulating a gradual move towards greater access to information relevant to ocean affairs around the world. However progress is very slow and there is a need to accelerate this tendency. The U.S. Freedom of Information Act which has made valuable information available that is relevant to several marine issues, may be an example that could be followed elsewhere. The United Kingdom which has had a notoriously secretive public administration is moving in this direction, partly in response to the more general tendency to put a growing mass of information on line. The World Bank enacted a Disclosure of Information Directive in 1993. But there are also contradictory tendencies, as in Denmark where it has been

noted that the newly-formed quangos (quasi non-governmental organizations) are more secretive than the organizations from which they evolved. Public availability of reports is specified under CITES, but there is a safeguard clause which specifies "in accordance with national legislation." The European Union Directive on how member states are supposed to provide information to their citizens has a considerable list of exceptions, although it should be noted that the built-in parliamentary control in that organization helps to guarantee at least a minimum degree of access to information. Even where public authorities, such as those in New Zealand, stand ready to provide environmental and other information to their citizens, the sheer cost of doing so for all who ask limits total accessibility.

5.4 The right and means to be heard and to affect decisions

5.5 The right and means to effect remedies

and

5.6 Feedback from decision-makers to the stake-holders

At the national level it is becoming common to hold public hearings, usually presided by a judge, to hear and effect remedies on environmental including ocean-related matters. Experience with such procedures has not been entirely satisfactory from the point of view of claimants, as illustrated by the recent case involving Friends of the Earth in the United Kingdom. At the International Tribunal for the Law of the Sea, enterprises (but not individuals or other types of entities) may have standing under certain circumstances. The ability of non-governmental entities to seek remedies to environmentally harmful action has, however, been constrained at the international level by the need for the "affected party" to show that its own interests have been affected and not just the environment itself. The only exception appears to be in the European Union, in which citizens can initiate action through the Commission against governmental infringement of Community laws and directives involving the marine and coastal environment, regardless of direct harm to themselves.

What happens when the "victims" of an assault on the marine environment or "losers" in the allocation of marine resources are too weak to seek redress for injustices committed against them? Some countries such as Australia, India (described previously), New Zealand and United Kingdom, have established ombudsman-like mechanisms to which citizens can turn in order to obtain relief from environmental wrongs that cannot be corrected through the existing regulatory/judicial system. In Australia a fund is in operation to pay for travel and expenses of witnesses in such proceedings whereas such compensation has been abolished in New Zealand and has not been made available for public hearings in the United Kingdom. In India, any public-interest organization can take up an environmental case on behalf of the weak. Moreover, a fund has been set up for this purpose under public interest litigation.

The tendency of international organizations to open up their fora to participation, especially since UNCED, is to be welcomed and should be further extended. This participation is, of course limited, in so far as NGOs are observers and cannot participate in making decisions. It should be noted that the trend of greater NGO participation applies only to UN-system organizations and usually not to other intergovernmental organizations. The proliferation of a large number of NGOs with diverse, not always ocean- or environment-friendly objectives, poses a practical problem of how to ensure their effective participation in meetings of UN-system organizations. The solution to this problem lies with NGOs themselves which should intensify the ongoing process of forming networks and alliances (that can speak for several NGOs simultaneously) in order to have an effective voice in international fora. NGOs from poorer countries have a more difficult time than those from richer countries in paying the cost of attending. In some instances the institutions concerned, (e.g., the GEF) or richer NGOs, have set up funds to enable poorer NGOs to participate. Scandinavian donors and US foundations such as Pew Charitable Trust have also provided support in some cases. Some donors will support NGO activities but not international activities. The trend towards greater involvement of NGOs in meetings of UN system organizations is to be encouraged, particularly as regards ocean issues.

Constant vigilance by NGOs and the general public is needed in order to help ensure or preserve the independence and objectivity of operation of UN organizations. The growing power of transnational corporations and the influence that they are able to exert through their home country governments on the voting of small or economically weak member countries is especially of concern in fora dealing with ocean issues.

NGOs apart, there is a need to promote a restructuring of official representation in international organizations in order to broaden public participation. This would imply arrangements such as the tripartite structure of the ILO which incorporates labor unions, governments and employer associations as separate entities in its deliberations.

4.4, 5.7 Proposals for short-term action

4.5, 5.8 Proposals for long-term action

6. Review of draft report

The Study Group suggested that the revised working paper should contain essentially two substantive recommendations. The first of these, arising principally from the discussion of awareness, was that an *Ocean Observatory* should be established. This would ensure instant and open access to all relevant information existing at a particular time. The Observatory should be

able to provide summaries of such information, analyses and evaluations, and alert warnings on demand and as systematic routine. The Observatory should be established as an independent non-governmental body. The core of such an Ocean Observatory would necessarily be its information base. The Study Group discussed at length some of the desirable characteristics of such a facility, including its Web site. These include the full use of the multi-media facilities (text, still and moving graphics, sound); very extensive use of hot links, and interactivity between the managers of the site and its users. The additional possibility was discussed of arranging for an "Intranet" which would link all ocean-oriented institutions, persons and programmes; this possibility needs further exploration.

The second recommendation emerged mainly from consideration of the 'Participation' item of the Study Group's agenda. This was that an office of an *Ocean Ombudsman* should be created. Recognising that the ocean, as a global common resource, may be viewed as a 'public trust' for the benefit of present and future human generations, it follows that there is need for an independent focal institution to channel and defend the interests of all beneficiaries of the trust (including those yet unborn) and on their behalf, to hold the trustees - governments and intergovernmental organisations - accountable.

It is envisaged that both the Ombudsman's office and the Observatory (with its information-base) would be elements of an institutional system to be created in accordance with the ethic and overall objectives of the IWCO, a system in which all major groups of civil society (stakeholders) would be represented, and which could therefore ensure that the processes of public consultation would be broadly inclusive.

With respect to the proposed actions in the short-term, the Study Group recommended that the Commission take advantage of the opportunity provided by the 1998 UN Year of the Ocean to arrange for a consultation, in Lisbon, among those entities, persons and enterprises who might be persuaded to become so engaged, for the purpose of preparing a concrete, costed Plan of Action for public consciousness-raising, initially with a target year of AD2000. Such an action plan should be in accordance with the general approach to ocean affairs being taken by the IWCO, and should include preparation of a plan for the longer term, say the first decade of the third millennium.

7. Closing

In closing, the Chairman of the Study Group thanked the participants for their contribution to the success of the meeting.

Annex I

**Study Group
Public Awareness and Participation
Lisbon, 28 - 31 May 1997**

SG/PA/3**List of Participants**

| | |
|---|-------------|
| Anil Agarwal | India |
| Margete Auken | Denmark |
| Michael Donoghue | New Zealand |
| Naoko Funahashi | Japan |
| Maria Eduarda Gonçalves | Portugal |
| Sidney Holt* (Chairman of the Study Group) | UK |
| Mathias Kaiser | Norway |
| John May | UK |
| Donald Mills* | Jamaica |
| Mário Ruivo* (Co-ordinator of IWCO) | Portugal |
| Peter Sand (Rapporteur of the Study Group) | Germany |
| Lesley Suttly | Martinique |
| Mário Soares* (Chairman of IWCO) (present at the opening session of the Study Group) | Portugal |

Secretariat of IWCO

| | |
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| Thomas Ganiatsos | Senior Officer |
|------------------|----------------|

Office of the Chairman

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| Mário Baptista Coelho | Personal Assistant to the Chairman IWCO |
| Ana Maria Casquilho Plimer | Personal Assistant to the Co-ordinator IWCO |

* Member of IWCO

Annex II

Study Group
Public Awareness and Participation
Lisbon, 28 - 31 May 1997

SG/PA/1rev.

Agenda

1. Opening

2. Adoption of the Agenda

3. Review of available documents and materials

4. Awareness

4.1 Identification of audiences

4.2 Consideration of the messages to be conveyed

4.3 Identification of media in relation to audiences and messages

4.4 Proposals for short-term action

4.5 Proposals for long-term action

5. Participation

5.1 Identification of categories of participants/stake-holders

5.2 Identification of decision-making fora

5.3 The right and means to know

5.4 The right and means to be heard and to affect decisions

5.5 The right and means to effect remedies

5.6 Feedback from decision-makers to the stake-holders

5.7 Proposals for immediate action

5.8 Proposals for long-term action

6. Review of draft report(s)

7. Closing

Fourth Session
Rhode Island
6-9 June 1997

IWCO/EC/WP15.add.1

Chairman's Summary of Report of Study Group on Public Awareness and Participation

The adopted Agenda and List of Participants are appended. After mutual introductions the available documents were reviewed. Attention was focused on the document SG/PA/WP3 and its four Addenda, prepared by the chairman and the Rapporteur Sidney Holt and Peter Sand. It was agreed that the object of the meeting was essentially to provide its authors with comment and information from which they would be able subsequently to prepare a revised version as material for a chapter of the IWCO's Final Report. Additional information papers were tabled by the Chairman of the Study Group and some participants. In addition a demonstration was given by John May, in the presence of the Chairman of the IWCO, of a World Wide Web site on the ocean that he had prepared under contract.

On the first day the group discussed the substantive aspects of the agenda item "Awareness" and on most of the second day discussion was concentrated on "Participation". The latter part of the second day and the morning of the third day were devoted to consideration of proposals for long-term action, ending with a necessarily brief discussion of the short term action proposals oriented to the Year of the Oceans and the period and occasion of EXPO98.

An important recognition emerged that awareness was commonly the outcome of participation rather than its precursor. It was also recognized that existence of information, and accessibility in principal to such information, do not in themselves guarantee awareness, and that awareness does not guarantee consciousness and consequent motivation to action.

Revised lists of audiences/stakeholders/targets/participants were agreed and participants each gave their ideas of the nature of the main message to be conveyed in any broad awareness programme. They stressed both the 'special' qualities of the ocean and, at the same time, how it may be regarded as a model for other environments. There was agreement that although messages to be conveyed in a campaign to raise public consciousness of the ocean would necessarily warn strongly about the threats to the ocean arising from human misuse of its resources, these should be balanced with reason and optimism. It was also agreed that while the main message should refer to global and urgent issues, in practice regional and local issues should be used where possible to arouse consciousness of the global ones.

The Study Group suggested that the revised working paper should contain essentially two substantive recommendations. The first of these, arising principally from the discussion of "Awareness", was that an *Ocean Observatory* should be established. This would ensure instant and open access to all relevant information existing at a particular time. The Observatory should be able to provide summaries of such information, analyses and evaluations, and alert warnings on demand and as systematic routine. The Observatory should be established as an independent non-governmental body. The core of such an Ocean Observatory would necessarily be its information base. It was agreed that the Internet, and particularly the World Wide Web, offered the only technical means of creating such a generally accessible information base. The study group discussed at length some of the desirable characteristics of such a Web site. These include the full use of the multi-media facilities (text, still and moving graphics, sound); very extensive use of hot links, and interactivity between the managers of the site and its users. The additional possibility was discussed of the arranging for an *Intranet* which would link all ocean-oriented institutions, persons and programmes; this possibility needs further exploration.

The second recommendation emerged mainly from consideration of the "Participation" item of the Study Group's agenda. This was that an office of an *Ocean Ombudsman* should be created. Recognizing that the ocean, as a global common recourse, may be viewed as a 'public trust' for the benefit of present and future human generations, it follows that there is need for a focal independent institution to channel and defend the interests of all beneficiaries of the trust (including those yet unborn) and on their behalf, to hold the trustees - government and intergovernmental organizations - accountable.

Both the Ombudsman's office and the Observatory (with its information-base) would, be it is envisaged, be elements of institutional systems to be created in accordance with the ethic and overall objectives of the IWCO, a system in which all major groups of the civil society (stakeholders) would be represented, and which could therefore ensure that the processes of public consultation would be broadly inclusive.

With respect to the proposed actions in the short-term the Study Group recommend that the Commission take advantage of the opportunity provided by the fact that 1998 is the UN Year of the Ocean to arrange for a consultation, in Lisbon, among those who are engaged in public awareness activities concerning the ocean and those entities, persons and enterprises who might be persuaded to become so engaged, for the purpose of preparing a concrete, costed Plan of Action for public consciousness-raising, initially with a target year of AD2000. Such an action plan should be in accordance with the general approach to ocean affairs being taken by the IWCO, and should include preparation of a plan for the longer term, say the first decade of the third millennium.