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Separation Date: July 22, 2016

Fonds Title: Elisabeth Mann Borgese

Fonds #: MS-2-744

Box-Folder Number: Box 319, Folder 15

Series: Administrative records of the International Ocean Institute

Sub-Series: Correspondence

File: Correspondence between Elisabeth Mann Borgese and Mikhail Gorbachev

Description of item:

File contains copies of the following newspaper articles:

"With Michael Gorbachev." *The International Herald Tribune*, 1990, p.4.

Chalidze, Valery and Lisa Chalidze "The West Should be Big Enough to Follow Gorbachev's Example." *The International Herald Tribune*, 1990.

Reason for separation:

2 pages have been removed from digital copy due to copyright concerns.



International Ocean Institute

P.O. Box 524
VALLETTA, MALTA

Telephone: 226596
Cables: INTEROCEAN
Telex: 1946 OCEANS MW

October 26, 1988

Mr. Mikhail Gorbachev
President, USSR
Moscow, USSR

Mr. President:

On June 2630, 1989, the International Ocean Institute, Malta, in cooperation with the Soviet Maritime Law Association, the Soviet Peace Fund and the United Nations Environment Programme, is organising an international conference, Pacem in Maribus XVII, on the theme:

PEACE IN THE OCEANS: THE NEW ERA
Initiatives for Security, Legal Order and
Environmental Protection

The conference will take place in Moscow. The agenda, as agreed upon by the preparatory committee meeting in Moscow on September 26-30 this year, is enclosed.

Mr. President, on behalf of the co-sponsoring organisations, we would like to invite you personally to address this conference.

We are making this request, not to glorify our own organisations, but for the following reasons.

1. We are convinced that here is an occasion to make a global impact on the advancement of peace, and your personal intervention would give to this effort the global visibility it should have to be effective.
2. We are fully aware of the importance you yourself, Mr. President, have repeatedly given to disarmament in the oceans.
3. The oceans, as our Institute has stressed repeatedly, are a great laboratory for the creation

of new forms of international cooperation and organisation, whether in the sphere of economics, ecology, institution-building or disarmament and the advancement of peace.

4. The de-nuclearization of the oceans, region by region, has become an ineluctable necessity: from the point of environmental as well as national security. This applies particularly to enclosed or semi-enclosed seas, like the Mediterranean or the Sea of Japan.

5. Obviously, the question of disarmament in the oceans is linked to the question of general disarmament. But thanks to your initiative, Mr. President, a significant start has been made. To follow up on the INF initiative with an initiative to reduce or eliminate nuclear-weapons-carrying submarines would be another important step towards disarmament. It would enhance our Common Security in a comprehensive sense, including military, economic, and environmental security.

Mr. President: here we have an opportunity to advance towards this goal in a concrete fashion. Your cooperation with our endeavour is of crucial importance.

Yours sincerely,

Layachi Yaker, Algeria
president, Board of Trustees

Alexander King, U.K.
Member, Board of Trustees

Elisabeth Mann Borgese, Canada
Chairman, Planning Council

Anatoli Kolodkin, USSR
President, Soviet Maritime Law Association

President, Soviet Peace Fund



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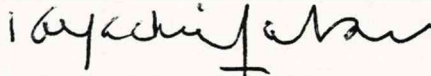
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Law Association

Alexander King, U.K.
Member, Board of Trustees



President, Soviet Peace
Fund

Elisabeth Mann Borgese, Canada
Chairman, Planning Council



International Ocean Institute

9 June 1991

Dr. Vereshchetin:
Academy of Science of the USSR
Moscow, USSR

Dear Dr.

Encouraged by your very kind and generous letter about my paper on Perestroika and the Law of the Sea, I turn to you today with an issue that causes me deep concern. I would be most grateful if this could be brought to the attention of President Gorbachev.

Thanking you in advance for your cooperation,

With all good wishes,

Sincerely yours,



Elisabeth Mann Borgese

International Ocean Institute

9 June 1991

H.E. Mr. Mikhail Gorbachev
President
USSR
Moscow, USSR

Mr. President:

Please forgive me if I turn to you once more, this time with an appeal for help which can come only from you personally.

At a time when you, and the world at large, are facing so many crushing and urgent problems, this one might be a surprise to you. You may shrug it off as something of only secondary or even less importance -- a luxury -- in our ailing world which requires all our efforts just to survive.

I am appealing to you, Mr. President, to ratify the United Nations Convention on the Law of the Sea at the earliest possible date -- not later than the end of this year.

The tragic world situation today, the unspeakable human suffering in so many parts of the world, the danger of yet another dreadful war in the Middle East, all this calls for crisis management. At the same time, however, it is becoming more clear every day that we need a real new world order. The world at large needs Perestroika, as you yourself have stressed on so many occasions.

Mr. President: the opening wedge to World Perestroika is the United Nations Convention on the Law of the Sea. Here we have a piece of a really new order -- which is, of course, precisely the reason why it meets with the kind of opposition it is still meeting.

Mr. President: Rumours are rampant according to which the

Convention must be changed; that Part XI, establishing the International Seabed Authority must be excised, before the Convention can be ratified, because financial obligations on the industrialized ratifying States would be unreasonable and unbearable. I would beseech you not to heed these rumours which are spread by those who indeed see in the Convention a dangerous precedent for a New International Economic Order.

Another argument that is going strong these days is the environmental argument. Why not follow the example set by the Antarctic Treaty Powers, freeze ocean mining for fifty years and shelve Part XI?

The Deep Sea is not Antarctica, and the countries involved are not a restricted "club" but the international community as a whole.

To excise Part XI would mean to castrate the Convention's innovative potential. The International Seabed Authority is not just a mining business. It is the institutional embodiment of the principle of the Common Heritage of Mankind; and without this institutional embodiment, the principle of the Common Heritage of Mankind, which must become the basis of the new order we are striving for, recedes into the realm of abstractions, bereft of economic and legal content. The International Seabed Authority is not a commercial company: It is a political, intergovernmental body responsible for the management of a huge part of ocean space -- the international seabed. It is responsible for scientific research, including the exploration of this Area; for the protection of the marine environment, for the development of technology and of human resources; it introduces new principles into international law and organization: such as establishment of international taxation and new forms of international private/public cooperation.

Without the International Seabed Authority the Convention, which had been conceived as a "package" balancing the interests of developed and developing countries, becomes totally unbalanced in favour of the conservative developed countries.

True, seabed mining, and, in particular, nodule mining may not take place for years or decades to come. So, why do we need a Seabed Authority.

I tried to give an answer to this question 24 years ago (1967) when I started my work on the Law of the Sea. At that time I wrote (*The Ocean Regime*, Santa Barbara: Centre for the Study of Democratic Institutions, 1968)

The question of the immediate economic profitability of the oceans seems secondary. In setting out to establish an Ocean Regime, mankind is not just building a business or organizing an industry. The task is far more comprehensive. It is political in the widest sense, a new politics that must harness technology and science, that must constitutionalize science and the economy. The main purpose of the regime will be to create a new form of cooperation in the international community that may set a pattern for the future activities of mankind. The objectives of the Regime must be based on the fact that ocean space is an indivisible ecological whole. They must be structured in such a way as to comprise the entire array of activities concerned with the oceans, at the national and international, the governmental and the nongovernmental levels. Basically, the objectives are three: development (scientific, economic, and legal); conservation (including antipollution); and security.

This is as true today as it was in 1967 when it was written!

It is not to say, however, that Part XI is perfect as it is. There are Articles (not many) which are obsolete and cannot be applied today. These are the articles dealing with financial matters, production and production limitation. (Art. 151, all of Annex III and the financial provisions of Annex IV). They should be frozen by a consensus Resolution of the Preparatory Commission (not

outside of it, behind its back), and this should be confirmed by a consensus resolution to be adopted by the General Assembly. What should remain in force is the Pioneer Regime established by the Understanding on the Fulfilment of Obligations by the Registered Pioneer Investors and their Certifying States, LOS/PCN/ 1990, CRP. 44, 29 August, 1990, which provides an excellent base for the further development of international cooperation in exploration, sea floor mapping, development of human resources, and technology development. This should remain in force, beyond the coming into force of the Convention, until the time when the first Pioneer Investor makes his application for approval of a Plan of Work, which may be twenty years or thirty years from now. That would be the time to renegotiate financial arrangements in the light of the reality of that future time.

Mr. President: A strategy of this kind would guarantee the integrity of the Convention and the progressive implementation and development of the Law of the Sea. It would be a step in the direction of international cooperation in high technology development which you yourself so eloquently proposed in your book *Perestroika*. The approach presently pursued, that is to make the Convention "universally acceptable" by amending it before it comes into force, or by calling a conference of plenipotentiaries to adopt a Protocol which would supersede Part XI of the Convention, would mean to disrupt the process and would throw us back twenty years.

There is one more point I should like to add: The Convention contains the only existing, comprehensive, binding and enforceable international environmental law; it is the only existing legal instrument effectively to integrate development and environment; it is the only existing legal instrument to provide for mandatory, binding settlement of disputes arising from environmental issues.

It would be ludicrous to go to Brazil next year, to adopt more Conventions before the Convention on the Law of the Sea is ratified and in force.

*A change of policy of your Government with regard to this
Convention could be decisive for world history.*

With all good wishes,

Sincerely yours,

Elisabeth Mann Borgese

Elisabeth Mann Borgese



Dalhousie University

International Ocean
Institute



I.O.I. - Malta

16 June 1991

H.E. Mr. Mikhail Gorbachev
President
USSR
Moscow, USSR

Mr. President:

Please forgive me if I turn to you once more, this time with an appeal for help which can come only from you personally.

At a time when you, and the world at large, are facing so many crushing and urgent problems, this one might be a surprise to you. You may shrug it off as something of only secondary or even less importance -- a luxury -- in our ailing world which requires all our efforts just to survive.

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To excise Part XI would mean to castrate the Convention's innovative potential. The International Seabed Authority is not just a mining business. It is the institutional embodiment of the principle of the Common Heritage of Mankind; and without this institutional embodiment, the principle of the Common Heritage of Mankind, which must become the basis of the new order we are striving for,

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