



Dalhousie University

International Ocean
Institute



FAXED + 10pp. W.M.I
Commission
(not budget)

FACSIMILE TRANSMISSION

To: H.E. Judge Mohamed Bedjaoui
International Court of Justice
FAX No: 70-364-9928
From: Elisabeth Mann Borgese
FAX No.: 1 902 868 2455

Date: June 11, 1994

Subject: World Commission on the Oceans

Dear friend Bedjaoui

We need your help again.

Could you join us in the rather exciting project described in the attached memo?

What we would like you to do ideally would be:

- 1: to write a paper on subject 7 --maybe 20-30 pages or as long or as short as you would want to make it;
- 2: come to the workshop in Malta during the first week of October;
- 3: come to Madras on December 4-8.
4. Join the Commission when it is established.

Needless to say, I know how tremendously busy you are, and it is probably unrealistic to think you could do all four things. But perhaps you could to 1+2+4, or 1+3+4, or 1+4, or even just 1 --and that would be wonderful too.

I cannot think of anybody who could handle this subject as well as you, with originality and philosophical depth. On the Law of the Sea Convention and Human Rights I don't think anybody has written anything. It is virgin soil! And yet I think it

has quite a potential.

Time is pressing, and I would be most grateful if you could let me know as quickly as possible.

With all good wishes,

Yours very cordially,

F. L. ...



Dalhousie University

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PLEASE FORWARD
FACSIMILE TRANSMISSION



To: H.S. Judge Mohammed Bedjaoui
International Court of Justice

FAX No: 31 70 392 4441

From: Elisabeth Mann Borgese

FAX No.: 1 902 868 2455

Date: *October 13*
~~January 5~~, 1994

Subject: **World Commission**

My dear Mohammed,

We had our seminar in Malta, and it went very well. I shall send you some papers from Tokyo next week. I think it will go faster than mailing them from Beijing. Working paper 1, which is the background paper, will be sent from Halifax, as I don't have it with me.

We also had a meeting with President Mario Soares of Portugal, and he has accepted to be the President of the Commission. We still hope to be able to announce the establishment of the Commission on November 16, even though there are quite a few things that still will have to be done before that. But the first meeting of the Commission now will not take place in Madras as originally planned, but in Lisbon. That is Mario Soares' wish -- and we cannot quarrel with it! Portugal is going to host this meeting -- which takes a nice slice out of our initial budget!

Of course we still want you to come to Madras, to Pacem in Maribus XXII, if you possibly can, and introduce your paper there.

Which leads me to the question: How soon do you think you could have the paper ready? I remember you said you would like to have as much time as possible -- and we certainly do not want to rush you. On the other hand, we are trying to get all the papers

together in a volume to be distributed in Madras, and we would love to include yours. The deadline for that would be November 15. Would that be possible? You could make it as long or as short as you might want to make it -- and you need not at all follow the outline I proposed. Just write about what you think most useful in the context.

I would be most grateful if you could let me know as soon as possible.

Layashi Yaker sends his love. I saw him in Malta just a few days ago.

With all good wishes,

Yours very cordially,

E. B. White



Dalhousie University

International Ocean
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FAXED

FACSIMILE TRANSMISSION

To: Judge Mohammed Bedjaoui
FAX No: 31 70 362 1011

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

Date: November 7, 1994

Subject: Your fax, just received

My dear Mohammed

Thank you so much for your fax, just received.

The date for the meeting in Lisbon has not yet been set. It will be in March. I am attaching the latest version of the project summary, which contains the -- tentative -- schedule for the work of the Commission during the first year.

Needless to add, of course you will be invited to Lisbon!!!

I feel very guilty because we have not sent you any documents. The fact is, not being a specialist in the field, I really did not know where to start and where to end! I asked the advice of Judge Ronald St John Macdonald of the Human Rights Tribunal in Strasbourg to help me, which he promised -- but he did not come up with anything either. All he did was to call you while you were away. I will go after him.

Perhaps if you could indicate the area(s) in which you would like to have papers, it would make it easier for me to locate them. As I indicated in my last fax, the outline I had sent you was merely indicative of the issues we wanted to look into, but that you could change these terms of reference in any way you like, and concentrate on the issue(s) you yourself might find most useful and interesting.

If you could come to Madras, we would like you to make your ~~re~~presentation on December 6, A.M., together with Warioba and myself. If you don't have a finished written paper, that would not matter: You could make an oral intervention of 15-20 minutes and

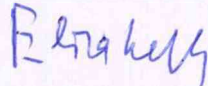
give us the paper later, for the proceedings, and for the Commission. That would also give us time to take care of the translation later. But if you could make your oral presentation in English, that would help greatly, because in Madras they would not have an interpreter.

I am very very sorry to have been remiss. Work has been rather overwhelming. But it is proceeding quite well. We are getting it together, and I think it is going to be extremely timely. The Commission will do things no one else is doing, and we want to project into the next century -- beyond the end of this particular phase of world history: this phase of total imbalance and disintegration and growing misery.

Do let me know: both with regard to your participation in Madras, so that we can send you your air ticket -- and with regard to the research we could do here during this next couple of weeks.

All the very best,

Yours as ever,



Elisabeth Mann Borgese



Dalhousie University

International Ocean
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FAXED

FACSIMILE TRANSMISSION

To: H.E. Judge Mohammed Bedjaoui
FAX No: 31 70 362 10 11

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

Date: November 24, 1994

Subject: Your fax of November 22

My dear Mohammed,

I am just back from Jamaica and New York, and find here your fax letter. Many thanks.

I know how tremendously busy you are -- and I do feel a little guilty because I have not assisted you enough.

I thought it might not be possible for you to come to Madras, and therefore I am not too disappointed. The most important thing is to have you with us on the World Commission, and I shall keep you fully posted on this development. I hope we shall be able to make a public announcement before the end of the year.

Now the Convention is in force. The legal situation is not very clear -- and will remain this way for awhile. It also is somewhat ironical that the U.S., for whose sake the whole "Implementation Agreement" had been concocted, now will not join! It could and should have been predicted! But things keep moving. The ceremonies in Jamaica were nice, but also a little melancholy. The expectations they have in Jamaica, about the Seabed Authority, may be disappointed. It will not at all be easy to get this Authority going and to make it useful.

We need the Commission more than ever!

I'll be in touch with you before Christmas.

Yours as ever,

Elisabeth

→ Prof. Elisabeth Mann Jorgensen
101/DALHOUSIE

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

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TÉLÉFAX: (070) ~~3022323~~ 362.10.11.

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COPY
Le Président

The President

The Hague, 18 January 1995

RECEIVED JAN 19 1995

Dear Professor Kwiatkowska,

I thank you very much for your communication of 17 January 1995.

I am very pleased to learn that President Mario Soares has been nominated as President of the Independent World Commission for the Seas and Oceans.

With my warm regards and best wishes, I remain

Sincerely yours,

Best wishes for a
happy New Year.

Mohammed Bedjaoui

Professor Dr. Barbara Kwiatkowska
Associate Director NILOS
Netherlands Institute for
the Law of the Sea
Janskerkhof 3
3512 BK Utrecht



Dalhousie University

International Ocean
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FAXED

FACSIMILE TRANSMISSION

To: H.E. Judge Mohammed Bedjaoui
President, International Court of Justice
Peace Palace
The Hague, Netherlands

FAX No: 31 70 ~~392-4441~~
362 1011

From: Elisabeth Mann Borgese

FAX No.: 1 902 868 2455

Date: 9 July, 1995

Subject: World Commission on the Oceans

My dear Mohammed:

It has taken longer than anticipated, but, at last, we are there.

We had a good meeting with President Soares of Portugal, on June 29- July 1, and our World Commission is on course. He has finally and officially accepted to be the Chairman of the Commission. We have five Vice Chairmen:

Africa: Layashi Yaker, Algeria
Asia: Yoshio Suzuki, Japan
Europe: Guido de Marco, Malta
Latin America: Jose Vargas, Brazil
North America: myself, Canada.

The Chairman and the Vice Chairmen form the Executive Committee.

Membership, as of today, is as follows:

Region	Member	Expertise
Africa	Bedjaoui, Algeria Khalid, Sudan* Osmal, South Africa* St Jorre, Seychelles Koroma West Africa*	International Law Law, Environment Natural Resources Tourism, Environment Law ?
Asia S. Pacific	Koh, Singapore Su Jilan, China Swaminathan, India Najeeb El Nuaimi, Qatar Solofa, Western Samoa* Australia*	Law of the Sea, Environment, Climate Plant Genetics Law, Oil Education ?
Europe	Dupuy, France Rupert, Italy* Hedrich, Germany Fleischhauer, Germany Lubbers, Netherlands Ulf Lie, Norway* Ruivo, Portugal Busuttil, Malta Mayor, Spain Kendrew, U.K.* Kolodkin, Russian Fed. Yankov, Bulgaria	Law, Human Rights Science & Technology Development Economics International Law Economics Oceanography Fisheries Biology Economics Education, governance Chemistry Maritime Law (Shipping) Law of the Sea,
North America	Speth, USA Turner, USA* Macdonald, Canada	Resource Economics Media International Law
Latin America	Barcena, Mexico Somavia, Chile Arias, Costa Rica* Muller Don Mills, Jamaica* Patrica Bernal,*	Environment Law, economics Peace, Demilitarisation Peace, Education Environment, Law
Eminent Persons		

* Not yet confirmed

The first Plenary of the Commission will meet at the United Nations University in Tokyo, on September 6, 7. and 8. The Plenary will be preceded by a one-day meeting of the Executive Committee.

Among other things, we will have to approve a message to the 50th General Assembly, as well as a tentative table of contents for our final report and guide lines for an interim report to the Commission for Sustainable Development next year. We will also discuss a list of background papers to be commissioned as well as plans for global and regional hearings. You will receive draft documents in the near future. It will be a very busy session.

There will be a Press Conference in Tokyo, for the official launching of the Commission.

You will receive an official invitation from President Soares in the near future. We would be grateful if you could make your own travel arrangements. Your air fare (business class) will be refunded in Tokyo.

Fund raising is well in hand. We have already raised well over a million dollars

It is a great relief that everything is on course now. This Commission is a great challenge and offers a formidable opportunity for a unique kind of contribution to the making of a genuinely new order for the next century.

Looking forward to seeing you in Tokyo, with all good wishes,

Yours as ever,

E. Soares



Dalhousie University

International Ocean
Institute



FAXED

INDEPENDENT WORLD COMMISSION ON THE OCEANS

H.E. Judge Mohammed Bedjaoui
President, International Court of Justice
Peace Palace
The Hague, Netherlands
FAX 31 70 ~~392-4441-366~~ 1011

Dear Mohammed:

You should have received these days an official invitation from President Mario Soares of Portugal, the Chairman of our newly established Independent World Commission on the Oceans, inviting you to join the Commission and to participate in our first Plenary Session, on September 6, 7, and 8, at the United Nations University in Tokyo.

I am attaching today (a) a provisional agenda; and (b) some information on logistics which has been issued by the local organiser, INTERCOM. I hope that everything is clear.

You will note that you kindly should make your own travel arrangements, and that the air fare (business class) will be refunded in cash in Tokyo. You will also note that your expenses at the Westin Hotel in Tokyo are fully covered. However, if you prefer another hotel, you would be responsible for the difference in price between the Westin (23,000 Yen) and the Hotel of your choice. You should kindly advise Ms Masako Otsuka, INTERCOM, fax 81 3 3586 4706, of your decision as well as of your flight number and arrival time.

A set of documentation for the meeting will be sent within the next two weeks.

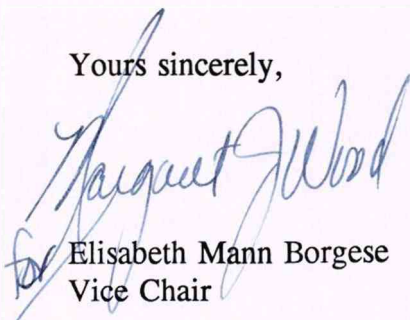
I very much hope it will be possible for you to join us in Tokyo. This first session of the Commission is of fundamental importance for the orientation and organisation of our work, and I am convinced that this Commission has a unique opportunity to offer a "vision" and make a long-term contribution to the making of a somewhat better world. But what we do today is decisive for the chances of realising the long-term vision. Ocean policy is being made this year

and next year, and we are in an exceptionally good position to influence it. We need your help and cooperation.

The time between now and Tokyo is very short indeed, and I would be most grateful if you could let me know just as soon as possible whether you will be able to attend as I fervently hope.

With all good wishes,

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Elisabeth Mann Borgese". The signature is fluid and cursive, with a large initial "E" and "M".

Elisabeth Mann Borgese
Vice Chair

RECEIVED AUG 14 1995

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

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TÉLÉGR.: INTERCOURT LAHAYE
TÉLÉFAX: (070) 3649928



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TELEPHONE: (070) 3022323 TELEEX: 32323
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TELEFAX: (070) 3649928

*Le Président**The President*

The Hague, 7 August 1995

Dear Elisabeth,

Thank you for kindly sending me the provisional agenda and some information on logistics relating to the first Plenary Session of the "Independent World Commission on the Oceans" to be held in Tokyo from 6 to 9 September 1995.

I am indeed in receipt of the official invitation from President Mario Soares, but as I have explained in my reply to him (a copy of which is enclosed), various constraints relating to the procedure in the Lockerbie case preclude me from accepting such an invitation to participate in this Plenary Session. I have however agreed with great pleasure to become a member of your distinguished World Commission.

I would once again like to express my appreciation to you for your outstanding and persevering efforts in relation to the foundation of the Commission and the organization of its Plenary Session in Tokyo.

Looking forward to hearing more of the outcome of this meeting and thanking you again for your invitation, I remain,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Bedjaoui'. The signature is stylized and includes a horizontal line extending to the left.

Mohammed Bedjaoui

Ms. Elisabeth Mann Borgese
Vice Chair
Independent World Commission
on the Ocean
Dalhousie University
1226 LeMarchant Street
Halifax, Nova Scotia
Canada B3H 3P7

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

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TELEFAX: (070) 3649928

Le Président

The President

The Hague, 7 August 1995

Mr. President,

I am honoured by your invitation to become a member of the "Independent World Commission on the Oceans" with, as its President, a great Statesman and a person of your distinction and wisdom. I accept this invitation with pride and pleasure, and would be glad to participate in the work of this Commission whose enclosed terms of reference appear particularly challenging.

However, the demands of my schedule make it impossible for me to attend the first Plenary Session of this Commission to be held in Tokyo from 6 to 9 September 1995, and I regret this very much.

Attempts to reorganize the judicial calendar of the Court, in order to comply with your invitation to attend this first session have proved unsuccessful. A number of meetings with the Agents of Libya, the United Kingdom and the United States of America in relation to the Lockerbie case are scheduled to take place on these dates, and I have unfortunately been unable to postpone them at such a short notice.

I would, however, like to express my best wishes to you and to the other participants in this first session which is, I believe, of the utmost importance for the future work of the Commission.

I look forward to hearing of the proceedings of the Tokyo Plenary Session of the Commission, and to participating in its forthcoming sessions. I greatly appreciate your kind invitation.

Accept, Sir, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to be 'M. Bedjaoui', written over a horizontal line.

Mohammed Bedjaoui

His Excellency Mario Soares
President of the Republic
Lisbon - Portugal

WORLD
COMMISSION



Dalhousie University

International Ocean
Institute

FAXED



FACSIMILE TRANSMISSION

To: Judge Mohammed Bedjaoui
FAX No: 31 70 36 210 11

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

Date: 17 September, 1995

Subject:

My dear Mohammed,

on my return from Tokyo I find here your magnificent gift: The New World Order and the Security Council, with your very kind dedication. Thank you ever so much.

What a monumental piece of work, and so extremely timely. I think we should make it mandatory reading for all the members of our World Commission!

A propos: I was in Tokyo just now,, where we had hearings for the World Commission. It was quite interesting. The Japanese people have become very very conscious of and concerned about ocean affairs.

As you probably already know,, Mario Soares has postponed the first plenary of the Commission to December 13-15. It would be splendid if you could make this new date! The session will be held at the UNU, as it had been planned before.

With all good wishes,

Yours very cordially,

Elisabeth

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EMB

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001

11/02/95 11:19 31 703621011

M. BEDJAOUI

+++ EMB

RECEIVED NOV 2 1995

COPY

Fax Transmission

TO : Mrs. Elisabeth Mann Borgese
International Ocean Institute
Dalhousie University
Halifax, N.S. - Canada
Fax 1.902.4242319

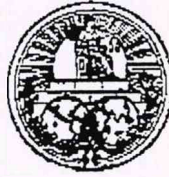
FROM : Mohammed Bedjaoui
President
International Court of Justice
Peace Palace, The Hague (Netherlands) Fax : 31-70-262.10.11

DATE : 2 November 1995 **TOTAL PAGE :** 2 (page de garde comprise)

Message:

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
TÉLÉPHONE: (070) 3022323 TÉLÉFAX: 32323
TÉLÉTYPE: INTERCOURT LAHAYE
TÉLÉFAX: (070) 3040000 362.10.11.

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Le Président

The President

Copy to Elisa with my best regards

La Haye le 3 novembre 1995

Mon cher Layachi,

Comme j'ai essayé de te l'indiquer dans ton répondeur, j'ai obtenu l'accord de principe du Prince Sudeary d'Arabie Saoudite. J'ai eu hier à cet effet un long entretien téléphonique avec lui, après l'envoi de mon DHL pour l'atteindre le mois dernier.

Il souhaite avoir, de toute urgence, une lettre de Elizabeth, ainsi que les documents pertinents. Il est votre invité, au Mario Soares, à toi et à Elizabeth, et a accepté l'offre d'être Vice-Président, comme tu me l'a suggéré.

Je ne voudrais pas perdre la face avec lui. Il veut prendre très au sérieux sa participation, tout comme il l'a prise quand il fut Président du F. I. D. A. à Rome. Mais ne l'effrayez pas cependant par trop de documents techniques.

Je compte sur toi et sur Elizabeth, pour qu'il reçoive par DHL l'invitation et quelques documents clairs, simples et utiles. Il compte venir à Tokyo s'il reçoit tout à l'avance.

Voici des coordonnées.

H.E. Abdelmuhsin M. Al-Sudeary

P.O. Box 60357

11545 RYAD# Saudi Arabia. tel. 966/1/45.66.328

tel. 966/1/45.66.328



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: H.E. Judge Mohammed Bedjaoui
 Fax: 31 70 364 9928

From: Elisabeth Mann Borgese
 Fax: 1 902 868 2455

Date: September 26, 1997

Subject: Various

My dear Mohammed,

I am not happy with the way our Commission is working. For your information I am attaching a letter I just sent to Layashi, who is obviously quite innocent in the matter, and there is nothing he can do.

On another, and more friendly matter:

You never replied to our invitation to send something -- anything! -- for our special issue of *Ocean Yearbook*. Of course there has been the summer, and you have been away, and I know how busy you are. But if we could have a piece of yours, that would be just wonderful.

I had hoped to see you at Cape Town, but unfortunately I cannot go, because of pressing conflicting engagements, and I must confess that, although I do not want to resign outright, I certainly feel alienated by the way things are going.

I hope and pray Cape Town will be a turning point!

All the very best and much love,

Elisabeth

P.S. Why did they not include your important contributions or any of the numerous papers I wrote for the Commission, in that above mentioned volume?

COPY

RECEIVED FEB 26 1998

Fax Transmission

To : Mrs Elisabeth Mann Borgese
Founder and Honorary Chair
International Ocean Institute
Dalhousie University, Halifax, Nova Scotia
Fax n° 00.1.902.494.2034

From : Mohammed Bedjaoui
La Haye (Pays-Bas)
Fax n° 31-70-362.10.11

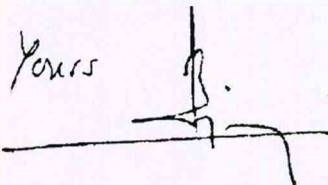
Date : 26 février 1998

TOTAL PAGES : 3 (page de garde comprise)

MESSAGE :

- Thanks for your message.
- A copy for you
of a message I sent this
morning to President Soares

With my best regards,

Yours


Judge Mohammed Bedjaoui
International Court of Justice
2517 KJ The Hague (NL)

Phone : (3170) 345.7371
(3170) 302.2445
Fax : (3170) 362.1011

Thank you Elisabeth
COPY

The Hague, 26 February 1998

My dear President,

I have just received a fax copy of the letter of resignation which Mrs Elisabeth Mann Borgese has addressed to you. With all due respect and esteem, I must express to you my painful surprise. I think I know you too well and admire you too much not to express to you frankly my feeling.

I had no idea that you had requested and obtained the resignation of the Secretary-General of our Commission, H.E. Ambassador Layashi Yaker. This unexpected decision, by the great democrat that you are, is particularly troublesome to me.

I would completely lack in esteem and consideration for your person and for your work, if I were to hide from you that I entirely share the reservations, both with regards to form and substance, made by Mrs Mann Borgese in her message, and if I come back to them it is to stress them further.

But I would like to add that my astonishment and my discomfort grow when I imagine that Mr. Yaker has been removed just on the eve of the crowning of the work of the Commission. This measure, whose motives escape me, appears all the more surprising since Mr. Yaker had devoted a lot of energy and a great deal of devotion for quite a few years to his task, and it is therefore even more of an injustice to see his legitimate moral benefit of all his past efforts frustrated in this manner. He has been subjected to a treatment which is in every respect unworthy of his past as a Government Minister, Ambassador, and high international functionary, highly esteemed by the entire world.

./.

His Excellency
President Mario Soares
LISBON

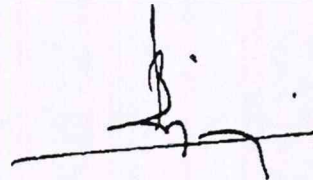
Mohammed Bedjaoui

- 2 -

I would have to dissociate myself from the Commission if this incredible measure which has befallen him, were to be upheld. If that were to be the case I should ask you to transmit to the Executive Committee my definite resignation from the Commission.

In what concerns Mrs Borgese, whose world reputation you are aware of, she is not a person to take such a decision lightly. Now this decision risks to gravely affect the prestige of the Commission for the success of which you personally have not spared your time and your efforts. I would therefore regret it deeply if you did not now exercise your authority and your talent to resolve the internal problems of the Commission and to permit to Mrs Mann Borgese to rejoin the Commission, for its best advantage.

Please accept, my dear President, the assurance of my high and most cordial esteem.



Mohammed Bedjaoui



Dalhousie University

International Ocean
Institute

FAXED



FACSIMILE TRANSMISSION

To: H.E. Judge Mohammed Bedjaoui
Fax: 31 70 362 1011

From: Elisabeth Mann Borgese
Fax: 1 902 868 2455

Date: February 26, 1998

Subject: Layashi Yaker

My dear Mohammed

Here is a rough English translation of your beautiful letter. My translation is not a masterpiece of English prose -- I did it pretty fast -- but I think it is clear enough.

I thank you for your vigorous support in this incredible matter.

Warm regards,

Elisabeth



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: H.E. Judge Mohammed Bedgjaoui
Fax: 31 70 362 1011

From: Elisabeth Mann Borgese
Fax: 1 902 868 2455

Date: February 26, 1998

Subject: Commission

My dear Mohammed,

Further to my transmittal of this morning:

I notice a mistake, on the last line of the second-to-last paragraph of the first page of my translation: It should be "highly esteemed" -- not "highly estimated."
Perhaps you could fix that before sending it around.

Warm regards,

Elisabeth

Rough translation

The Hague 26 February 1998

My dear President,

I have just received a fax copy of the letter of resignation which Mme Elisabeth Mann Borgese has addressed to you. With all due respect and esteem, I must express to you my painful surprise. I think I know you too well and admire you too much not to express to you frankly my feeling.

I had no idea that you had requested and obtained the resignation of the Secretary-General of our Commission, H.E. Ambassador Layashi Yaker. This unexpected decision, by the great democrat that you are, is particularly troublesome to me.

I would completely lack in esteem and consideration for your person and for your work, if I were to hide from you that I entirely share the reservations, both with regard to form and substance, made by Madame Mann Borgese in her message, and I would like to stress this right at the beginning.

But I would like to add that my astonishment and my discomfort grow when I imagine that M. Yaker has been removed just on the eve of the crowning of the work of the Commission. This measure, whose motives escape me, appears all the more surprising since Monsieur Yaker had devoted a lot of energy and a great deal of devotion for quite a few years to his task, and it is therefore even more of an injustice to see his legitimate moral benefit of all his past efforts frustrated in this manner. He has been subjected to a treatment which is in every respect unworthy of his past as a Government Minister, Ambassador, and high international functionary, highly estimated ^{admired} by the entire world.

I would have to dissociate myself from the Commission if this incredible measure which has befallen it, were to be upheld. If that were to be the case I should ask you to transmit to the Executive Committee my definite resignation from the Commission.

In what concerns Madame Mann Borgese, whose world reputation you are aware of, she is not a person to take such a decision lightly. Now this decision risks to gravely affect the prestige of the Commission for the success of which you personally have not spared your time and your efforts. I would therefore regret it deeply if you did not now exercise your authority and your talent to resolve the internal problems of the Commission and to permit to Mme Mann Borgese to rejoin the Commission, for its best advantage.

Please accept, my dear President, the assurance of my high and most cordial esteem.

/s/ Mohammed Bedjaoui

H.E. President Mario Soares
Lisbon

Juge Mohammed Bedjaoui
Cour internationale de Justice
2517 XJ La Haye (Pays-Bas)

TEL : (3170) 345.7371

(3170) 302.2445

Fax : (3170) 362.1011

La Haye, le 26 février 1998

Mon cher Président,

Je viens de recevoir par fax copie du message de démission que Madame Elisabeth Mann Borgese vient de vous adresser. Je voudrais vous faire part, en tout respect et en toute estime, de ma douloureuse surprise. Je crois vous connaître et vous admirer assez pour ne pas vous exposer franchement mon sentiment.

J'ignorais que vous aviez demandé et obtenu la démission du Secrétaire général de notre Commission, S. E. l'Ambassadeur Layashi Yaker. Je suis particulièrement troublé par cette décision inattendue de la part du grand démocrate que vous êtes.

Je manquerais à toute estime et considération pour votre personne et pour votre action, si je vous cachais que je partage entièrement les réserves tant de forme que de fond exposées par Madame Mann Borgese dans son message et je n'y reviens que pour les souligner davantage.

Mais j'ajoute que mon étonnement et mon trouble s'accroissent lorsque je songe que Monsieur Yaker est révoqué juste à la veille du couronnement des travaux de la Commission. Cette mesure, dont les motifs m'échappent, paraît ainsi d'autant plus surprenant que Monsieur Yaker s'était consacré avec une grande énergie et un beau dévouement depuis plusieurs années à sa tâche, et d'autant plus injuste qu'il se voit frustré du légitime bénéfice moral de tous ses efforts passés. Il fait l'objet là d'un traitement à tous égards indigne de son passé de Ministre, d'Ambassadeur, de haut fonctionnaire international, particulièrement estimé dans le monde entier.

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Son Excellence
Monsieur le Président Mario Soares
LISBONNE

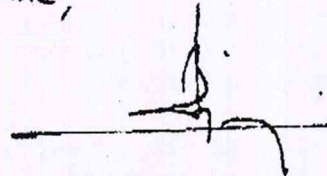
Mohammed Bedjaoui

- 2 -

Je ne pourrais malheureusement que me désolidariser de la Commission si l'incroyable mesure qui le frappe était maintenue. Dans cette hypothèse je vous prierais de transmettre au Comité exécutif mon retrait définitif de la Commission.

Quant à Madame Mann Borgese, dont vous connaissez l'immense réputation mondiale, elle n'est pas une personne à prendre sa décision par légèreté. Or cette décision risque d'affecter grandement le prestige de la Commission au succès de laquelle vous n'avez personnellement ménagé ni votre temps ni vos efforts. J'éprouverais donc de bien vifs regrets si vous n'exerciez pas votre autorité et votre talent pour résoudre les problèmes internes de la Commission et permettre à Madame Mann Borgese de revenir à la Commission, pour le plus grand bien de celle-ci.

Je vous prie de recevoir, mon cher Président, les assurances de ma haute et très cordiale estime,



Mohammed Bedjaoui



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: H.E. Judge Mohammed Bedjaoui
Fax: 31 70 362 1011

From: Elisabeth Mann Borgese
Fax: 1 902 868 2455

Date: February 27, 1998

Subject: Reply from President Soares

My dear Mohammed,

I am afraid this answer only confirms our reasons. If there were irregularities, -- which I am sure there were not -- they should have been brought into the open and discussed by the Executive Committee, and we should have heard all sides.

Please note that, when Ambassador Yaker signed his contract with the Commission, he was President of the IOI and continued to be so. Nobody asked him to resign. It was an honorary, unpaid position, certainly not in conflict with the goals of the Commission.

I cannot see how the establishment of a regional centre in the Mediterranean could be seen to be in conflict with the purposes of the Commission, one of which, in fact, is "to endeavour to define ways of strengthening the institutional framework for ocean governance at various levels."

As to my "unpleasant and unfair accusations about the Commission, namely its alleged discrimination against the South," please have a look at the list of 35 paid consultants! At one point I wrote to the President, asking him to spend some of the \$50,000 which I donated to the Commission ("ill will!") to hire some expert consultants from developing countries. The reply I got was that this was a "delicate matter," and that there was no money.

Well, that is that!

Warm regards,

Elisabeth



Dalhousie University

3 pages

International Ocean
Institute



FACSIMILE TRANSMISSION

To: H.E. Judge Mohammed Bedjaoui
Fax: 31 70 362 1011

From: Elisabeth Mann Borgese
Fax: 1 902 868 2455

Date: March 3, 1998

Subject: Reply from President Soares

Dear Mohammed,

Here is the latest. I tried to call you, but you were not there. I gave my number to your Secretary.

All the very best,

Elisabeth