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Geneva, 22 December 1997

Dear Ms. Mann Borgese,

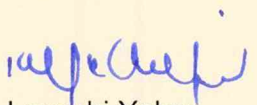
Please find enclosed the Draft Report of the Cape Town Session, 11-14 November 1997, and the Second Draft of the Final Report of the Commission. Following the decisions taken at Cape Town, the present version of the Commission's Report consists of :

- An overview replacing the present introduction including a statement of the mission or message of the Commission.
- A redraft of existing sections of the report in order to adapt them to the message and core recommendations and to better incorporate the thematic recommendations.
- A number of Annexes, including a new Annex on regional or national inputs.

As regards Annex E (The Commission and its Work), please check and correct your biodata and, if applicable, (Abdulai, Bernal, Faleiro, Laverov, de Marco, de Moura, Ripa di Meana, and Ruivo) add some more information.

As discussed in Cape Town, you are expected to fax your suggestions to the Secretariat, preferably in the form of amendments, before 19 January 1997, enabling us to process them prior to the extra Session in Morocco, 4-6 February 1998 (these dates may have to be shifted to 6-8 February 1998).

Yours sincerely,


Layashi Yaker,
Secretary General.

Fifth Session
Cape Town
11 – 14 November 1997

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Draft Report

1. Formal opening

The official opening of the Fifth Plenary Session took place in the Old National Assembly Chamber, Parliament Building in Cape Town, South Africa after the singing of the national anthem, *nkosi sikelele l'Afrika*, by the children's choir of St. Mary's Primary School. Approximately 200 persons were present including the Speaker and Deputy Speaker of the National Assembly, Acting Mayor of Cape Town, members of the diplomatic corps, senior civil servants, academicians and representatives of non-governmental organizations.

In his greetings to the members of the Commission, and before introducing President Mandela, Vice Chairman Kader Asmal drew attention to the historic significance of the Assembly Chamber as the place where the infamous apartheid laws had once been enacted. He stated "The Independent World Commission wants us to view the oceans as a body that links the countries and peoples of the world, not as something that keeps us apart. A resource of wonders and riches that must be conserved and managed in a sustainable manner for the good of all humanity, now and in the future. Symbolically, South Africa has already made the journey across the ocean divide and brought its nation together. As this Millennium ends and a new one commences, it is now time for the world to follow, and what better way than via the oceans that link our lands?"

President Mandela gave the opening address to the Commission in which he paid homage to Chairman Mário Soares as its architect. South Africa shared the commitment to address the threats to the ocean and its resources, including its continuing militarization and nuclearization by a few naval powers. He highlighted the importance of the concept of sustainable development in resolving the problem of competing ocean uses and underscored the need to base ocean policy on a dedication to the primacy of people and their long-term well-being. The oceans of the Southern Hemisphere, he said, provide exciting opportunities for linking Africa, the Indian Subcontinent, Latin America and Australasia in ever closer ties that enhance the developing countries' contribution, in partnership with the rest of the world, towards a more peaceful and prosperous future for humanity. Mentioning the Law of the Sea Convention he said "The Law of the Sea Convention recognizes that the wealth of the oceans is part of the common heritage of humanity. Yet without a regulatory authority or enforceable law, alarming threats to the oceans face us because of such practices as the dumping of toxic wastes, over-fishing or transnational crime like drug trafficking. The efforts to establish a workable legal order for the oceans must not fail".

In his speech Chairman Mário Soares singled out President Mandela as one of the great political leaders of our times. He noted that the Fifth Session was crucial in the life of the Commission because it was the first time that it would be discussing a complete, integrated draft of the Final Report and coming to a consensus on recommendations aiming at a more rational and equitable management of the ocean and its resources. Its message was to be an urgent appeal to all the levels of society that play a role in this process. He stated "I will try to convey this message in a single sentence by saying that it consists of an urgent appeal to all levels of our society and to all that play a role in this process. They have to become aware of how important and urgent it is to change their attitude towards the oceans and develop a new vision for the future. A new set of ethics towards the sea and its resources needs to permeate our collective conscience. Only then will we be able to see, in the 21st century, the strengthening of peaceful relations in the ocean environment, rational and sustainable use of the oceans, development of the necessary conditions for a more equitable sharing of ocean resources between North and South and the creation of an institutional framework, better adapted to the present conditions".

Vice-Chairman Eduardo Faleiro underscored the Commission's basic objective of articulating a new vision to guide the interaction between man and the ocean. This was a vision anchored in a more balanced and equitable management of ocean affairs and reflected in the United Nations Convention on the Law of the Sea as the most significant achievement of our generation in the field of the oceans. He drew attention to the importance of implementing the concept of sustainable development and of impressing upon different sections of society the role that the ocean must play towards building a peaceful, more prosperous and equitable global order and expressed the wish that the technical studies relating to the Ocean Rim Association will become a subject for joint consideration of the countries of the region. In referring to the Indian Ocean he stated that "it remains one of the least studied among the great Oceans. The Indian Ocean has several unique features. One such feature is the cycle of the monsoons on which the livelihood on many countries depend. The other is the high fertility of the northern Indian Ocean specially the Arabian Sea which supports the exploitation of different kinds of seafood resources. The third important feature is the Bengal Fan found in the Bay of Bengal which is potentially rich in many minerals including sulfide ore."

Richard Falk, special invited speaker of the Opening Session, spoke of the challenge of globalization to the work of the Commission. The new geopolitics favoring a minimum of government involvement in the life of society and a maximum of private sector initiative and autonomy threatens our commitment to the oceans as belonging to the peoples of the world, for their benefit now and forever. In responding to the challenge, the Commission should give weight to the need for: institutions and mechanisms of governance for achieving sustainability of the ocean, community responsibility for the oceans taking into account the equity dimension, and reminding coastal states of their responsibility for managing ocean and coastal areas under their jurisdiction. He stated, in particular, that "The use

and enjoyment of the oceans must embody a commitment to equity and compassion, redressing the imbalances between rich and poor, between those regions and countries that are technically sophisticated and those that are disadvantaged to varying degrees. To approach such goals in a sincere way it is necessary to question the greed for profits that pushes most business operations, and gives both government and public opinion a short-time horizon that is too locked into consumerist satisfactions”:

Speaking on behalf of Vice-Chairman José Israel Vargas, Luiz Filipe de Macedo Soares reminded members of the Commission of the extreme limitation of our knowledge – despite all the progress that has been made – regarding the processes of the ocean and the nature and extent of what exists in the marine environment. He also drew attention to the association of South Africa and Brazil, saying “More immediately in the domain of ocean affairs, South Africa and Brazil are associated in the broad concept of a Zone of Peace and Co-operation in the South Atlantic, an idea that was introduced by Brazil and has been adopted by the United Nations General Assembly since 1985. The forth meeting of the States of the Zone took place in South Africa in April 1996. Thanks to the Tlatelolco and Pelindaba Treaties, the South Atlantic is a nuclear-free zone”.

Taken together, the opening speeches were extremely helpful in helping to highlight the main themes that would animate the session. After the last speaker, Vice President Kader Asmal concluded the opening ceremony.

2. Adoption of the Agenda

The Chairman welcomed the Members present (see Annex I).

He called for a moment of silence in honor of the memory of the recently departed Members René-Jean Dupuy and Sir John Kendrew.

The Agenda (IWCO/26) was adopted without amendment (see Annex II).

3. Report of the Fourth Session

At the Chairman’s request, the Commission considered the draft report of the Fourth Session of the Commission held in Rhode Island (IWCO/25) which it approved without modification

4. Progress Report on Inter-Sessional Activities

4.1. Implementation of the Program of Work

The Secretary-General reviewed recent activities of the Secretariat. These had consisted firstly in the preparation of the Cape Town Session, jointly with the Office of the Chairman and Vice-Chairman Kader Asmal. Secondly, in the preparation of the First Draft of the Final Report and the making of preliminary arrangements for the publication of the Report itself and a subsequent, separately published book, based upon it.

During the ensuing discussion the Executive Secretary explained that a revised draft of the Report would be prepared on the basis of deliberations at this session and all written comments received by the Secretariat from Commission members before during and after the session. The deadline for receipt by the Secretariat of those written comments was 24 November 1997. The resulting revised draft would be sent to members of the Commission by the end of this year. Comments on this revised draft should be received by 18 January 1998 by the Secretariat in Geneva in order to process them in time for the concluding discussion of the Report at the meeting in Rabat scheduled for 4 – 6 February 1998.

4.2 Financial Situation and Funding Activities

In reviewing the Draft Budget and Funding Plan 1995-1998 (IWCO/30), the Treasurer stated that the present situation is much more comfortable than it was at the time of the last session as a result of further cost savings and additional funding. Instead of USD 1 million the deficit was now on the order of USD 300,000. He highlighted the additional contributions received from the European Community, the Governments of Brazil and India and from donors in Saudi Arabia, UNESCO/IOC and OPEC Fund for International Development. He expressed his gratitude to Vice-Chairman José Israel Vargas, through Ambassador Luiz Felipe de Macedo Soares, and Vice-Chairman Eduardo Faleiro for the contributions that had been received from Brazil and India, respectively and to Vice-Chairman Asmal for the amount that he had managed to raise in cash from various local sources for the Cape Town session.

The Commission took note that the amount advanced to the local organizers of the Rhode Island session had not yet been recovered. A visit to the Gulf was being considered in order to seek further contributions. As regards the meeting in Rabat, it was hoped that funds could be mobilized to cover a plenary session if necessary.

4.3 7th Meeting of the Executive Committee in Cape Town

The Secretary-General informed the Commission that the 7th meeting of the Executive Committee had taken place in Cape Town on the preceding day and had reviewed all of the documentation before submitting it to this Session.

5. Draft of the Final Report of the Commission

The Commission had before it the Draft of the Final Report of the Commission (IWCO/31/Rev.1 and Addendum 1). In the general debate, Members of the Commission expressed their views on the report, noting a number of shortcomings including inconsistent drafting style, lack of clarity as to the message and recommendations and uneven quality of individual chapters.

At the suggestion of the Chairman, the Commission decided to organize two drafting groups at the session – one to produce a draft message or ‘vision’ that the Report should communicate to the politicians and general public to which it is addressed and the other to produce a set of recommendations taking into account the addresses made in the Opening Session which reflect, in an inspired way, the philosophy of the Commission. The drafting group on *message* had Driss Ben Sari, Ian Burton and Salvino Busuttil as coordinators with Richard Falk acting as Rapporteur. The drafting group on *recommendations* had Stjepan Keckes, Ruud Lubbers and Luiz-Felipe Macedo Soares as Coordinators with Peter Sand acting as Rapporteur. The draft reports of each of the two drafting groups were considered by the Commission as a whole. In light of the comments that were made, the two reports were revised and presented for further consideration by the full Commission. Subject to further improvements of a relatively minor order, the Commission generally endorsed the revised drafts of both message and recommendations, with the latter broken down into a limited number of relatively far-reaching *core* recommendations and a more extensive list of *thematic* recommendations.

After some discussion, the Commission agreed that the next draft of the Final Report would consist of:

- *A new introduction* including (a) an analysis of the forces that have put growing pressure on the ocean over time, (b) justification for the creation of the Commission and a statement of its mission or message (c) translation of the message into strategic approaches for dealing with ocean affairs.
- *A redraft of existing sections of the report* in order to adapt them to the message and strategic policy approaches.
- *Annex A:* Facts About the Ocean
- *Annex B:* Regional or National Inputs to the Work of the Commission
- *Annex C:* Selected Sources and Further Reading Material
- *Annex D:* Glossary
- *Annex E:* The Commission and its Work
- *Annex F:* Index

6. Information and the Internet

Note was taken of the ongoing efforts by the Secretariat (IWCO/28) to increase awareness of the Commission’s work through the Website of the Commission including the latest step to put online for the public the key issues considered by the six study groups and to elicit reactions to them.

7. Support for Regional Consultation

In connection with the Note on support for Regional consultation (IWCO/29), the Treasurer stated that from the USD 30,000 in funds made available in principle by the UNDP, USD 10,000 each had already been earmarked for the meetings being organized, respectively, in Dakar by Alasanne Dialy Ndiaye for Western and Central African countries, in Morocco by Driss Ben Sari for North African/Middle Eastern Countries, and in Malta by Salvino Busuttil for the Mediterranean Region. Alasanne Dialy Ndiaye informed the Commission that the date for the meeting for Western and Central African countries had been set for 4 March 1998 at Dakar and that it would deal with fishing and food security, coastal zone management, and the management of human and industrial sources of marine pollution. Driss Ben Sari informed the Members of the Commission that the meeting on coastal zone issues for North African/Middle Eastern Countries had been successfully convened from 31 October to 7 November 1997 and that at this meeting advantage was taken to present the work of the Commission. He offered to transfer to another purpose the aforementioned USD 10,000, originally designated for this meeting.

It was agreed that it would be desirable, if circumstances so permit, to undertake the organization of further regional meetings by Members of the Commission, in their own countries, after the approval of the Final Report of the Commission at Rabat in order to get feedback on the major elements of the Report.

8. Planning of the Sixth (Final) Session (Lisbon)

The Chairman and the Coordinator reviewed progress on the arrangements for the Sixth (Final) Session of the Commission (IWCO/32) to be held in Lisbon 31 August – 2 September 1998, with the support of the Portuguese authorities and Expo 98. The Commission took note of plans for the presentation by the Chairman of a major message on the Report to a gathering of 2,000 youth at the Exposition on the evening of 31 August 1998 and for the formal presentation on 1 September of the Final Report, as well as the formal adoption of the Lisbon Declaration, in the presence of various distinguished personalities who would be invited to make statements in support of the Declaration. The Commission also learned from the Chairman that arrangements were under way for coverage about the Commission by all of the major media, in collaboration with Expo 98. An effort was also being made to obtain a statement of support from the meeting of Ministers of Youth of Members States of the U.N. and related international gathering of 25,000 youth in Portugal taking place 10 – 15 August. Concerning logistics for the Members of the Commission, the Chairman informed that a hydrofoil would be available to transport them between the hotel in Estoril and the site of the Exposition. The suggestion of striking a commemorative medal on the occasion of the Lisbon Declaration for the benefit of Members of the Commission would be considered.

9. Submission of Recommendations to the United Nations General Assembly (1998)

The Chairman reported upon his visit jointly with the Coordinator and Executive Secretary to the United Nations on 4 November, including his meeting with the UN Secretary-General and his address given to 30 Permanent Representatives to the UN. A group of 'friends' of the IWCO had been formed in New York consisting at the present time of Permanent Representatives of Angola, Brazil, Chile, Fiji, India, Italy, Jamaica, Japan, Malta, Mexico, Morocco, the Netherlands, Portugal, Saudi Arabia and South Africa. It is hoped that it would be joined by Permanent Representatives of other countries having personalities as Members of the Commission. Their information note to the U.N. Secretary-General of 10 October 1997 on the Commission was circulated as an official document of the General Assembly (A/52/458) on 14 October under agenda item 39 (Oceans and the Law of the Sea). The Chairman also stated that plans were under way for the results of the Commission's work to be submitted to the General Assembly in December 1998 with a view to getting a paragraph inserted into an appropriate GA resolution. He invited Commission Members from other countries to encourage their respective Permanent UN Representatives in New York to join the Club of Friends.

10. Other matters

It was agreed to have the Secretariat put together a pamphlet containing the opening day speeches from the Cape Town Session, that could be used to increase awareness of the Commission's work.

11. Formal Closing

In his closing remarks Vice-Chairman Kader Asmal expressed his gratitude to the Governments of India and Brazil, and the European Commission for the financial support for the Session and to all those, including ordinary citizens, who had contributed to its success. He also expressed the hope that the collective awareness and political will that had grown out of the emergence of multilateralism in the area of fresh water would spread to the oceans and that the Commission would be an instrument towards that end.

In closing the meeting, the Chairman asked Vice-Chairman Asmal to convey to President Mandela the Commission's gratitude for his enthusiastic support in the convening of this session and for the Commission's work generally. He thanked Vice-Chairman Asmal for the excellent arrangements and expressed his appreciation for the hospitality and warmth with which the people of Cape Town had received the Commission.

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Annex I**Fifth Session
Cape Town
11 - 14 November 1997****IWCO/Inf. 25****List of Participants****Chairman**

Mário Soares Portugal

Vice-Chairmen

Abdulmohsen M. Al-Sudeary Saudi Arabia

Kader Asmal South Africa

Eduardo Faleiro India

Ruud Lubbers The Netherlands

Members

Seyyid Abdulai Nigeria

Najeeb Al-Nauimi Qatar

Driss Bensari Morocco

Patricio Bernal Chili

Peter Bridgewater Australia

Ian Burton Canada

Salvino Busuttil (Treasurer) Malta

Richard Falk USA

Sidney Holt (General Editor) UK

Stjepan Keckes Croatia

Ulf Lie	Norway
Luiz Filipe de Macedo Soares	Brazil
Donald Mills	Jamaica
Venâncio de Moura	Angola
Noriyuki Nasu	Japan
Alassane Dialy Ndiaye	Senegal
Mário Ruivo (Co-ordinator)	Portugal
Esekia Solofa	Western Samoa
Jilan Su	China
Alexander Yankov	Bulgaria

Special Guests

Peter Cook	United Kingdom
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Secretariat

Layashi Yaker (Secretary General)
Jean-Pierre Lévy (Executive Secretary)
Peter Sand (Consultant)
Jan van Ettinger (Senior Officer)
Thomas G. Ganiatsos (Senior Officer)
Lydia Beauquis (Secretary)

Office of the Chairman

Mário Baptista Coelho (Personal Assistant to the Chairman)

Ana Maria Casquilho Plimer (Personal Assistant to the Coordinator)

Ana Teresa Egea (Secretary)

Observers

John Cooper (Local Organizer Cape Town)

Hilal Elver

Luis F. Costa Fernandes (Brazilian Committee)

Danielle Luttenberg (former student Rhode Island University)

S.K. Singh (High Commission of India)

Antonio José Teixeira (Brazilian Committee)

Journalists

Usha Albuquerque

Chandrakant Keni

Neelam Mathews

* * *

Fifth Session
Cape Town
11 - 14 November 1997

Annex II

IWCO/26

Agenda

1. Formal Opening (public)
2. Adoption of the Agenda (IWCO/26)
3. Report of the Fourth Session (IWCO/25)
4. Progress Report on Intersessional Activities
- Budget and funding plan '95 - '98 (IWCO/30)
5. Draft of the Final Report (IWCO/31)
6. Internet (IWCO/28)
7. Regional Inputs to the Work of the Commission (IWCO/29)
8. Planning of the Sixth Session (Lisbon)
9. Other Matters
10. Formal Closing