



Dalhousie University

International Ocean
Institute



OCEAN GOVERNANCE AND THE SOCIAL SUMMIT

Position Paper

by
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OCEAN GOVERNANCE AND THE SOCIAL SUMMIT

Introduction

The United Nations Convention on the Law of the Sea, which entered into force on November 16, 1984, is generally considered as the most advanced, comprehensive, global, legal instrument in existence. It is not surprising therefore that this Convention should and could make some important contributions to the goals of the Social Summit.

Already the Preamble makes it clear that the Convention is to be an important contribution to the maintenance of peace, justice and *progress for all people of the world*.

Ocean resources and services are vast and diversified. They constitute a major sector of the world economy. The Convention urges the *equitable and efficient utilization* of these resources, while at the same time it emphasizes the need for the *conservation of their living resources and the study, protection and preservation of the marine environment*. Thus integrating development and environment concerns, the Convention is a pioneer in the advancement of *sustainable development* -- inevitable in the ocean sphere; for the ocean is both resource and environment, and we cannot develop and destroy it at the same time.

The Preamble states that *the achievement of these goals will contribute to the realization of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or landlocked*.

Clearly, these goals converge with those of the Social Summit.

The principle of the Common Heritage of Mankind, enshrined in the Preamble and developed in Part XI of the Convention, will prove to be of fundamental importance to the advancement of sustainable development and comprehensive security and, therefore, to the goals of the Social Summit in general and to the eradication of poverty in particular.

In the second-to-last paragraph, the Preamble explicitly affirms that the Convention will *promote the economic and social advancement of all peoples of the world...*

The Convention provides the *legal framework* within which to achieve these goals. Thirteen years after its adoption, over a quarter of a century after the beginnings of this extraordinary attempt to give a legal and institutional body to the revolutionary principle of the Common Heritage of Mankind, this document now must be considered together with the documents emanating from the 1992 Rio Conference on Environment and Development, especially Agenda 21, which makes many parts of the Convention *operational*; with the first groping attempts of the International Seabed Authority to come to grips with the new situation arising from the 1994 "Implementation Agreement," and the institutional developments, partly explicit and partly implicit in the Convention. All these components together constitute *Ocean Governance*. Each of them has a major contribution to make to the goals of the Social Summit.

I.

The Summit's Draft Programme of Action promotes an "integrated approach." Nowhere has this term, "integrated approach," be elaborated as pervasively as in the literature emerging in the wake of UNCLOS/UNCED process. "Integrated coastal management" has become a household term, and chapter 17 of Agenda 21 provides the guidelines for its effective implementation. These are partly operational, partly institutional. Insofar as they are institutional, they can be generalised, and the implementation of the Summit's "integrated approach" stands to gain from a study of the institutions developed, or being developed for integrated coastal management.

In essence, the institutional framework must be *interdisciplinary and interdepartmental*. Management and regulation must be from the bottom up, not from the top down. Community organisation must be the basis, and this must comprise the municipal government as well as the nongovernmental sector composed of science, business, producers, consumers and nongovernmental organisations. Agenda 21 also stresses the importance of including native peoples in this participation. The importance of this kind of institutional framework for *social integration* is self-evident.

Proper linkages have to be established between the local, the provincial, and the national levels of governance, each one reflecting the same spirit of community participation. At the national level, one could consider, for example, the Dutch model, which, for the purpose of managing North Sea activities, has established an interministerial body under the leadership of the Prime Minister, advised by a Parliamentary Committee as well as by a nongovernmental committee or commission representing science, business, producers, consumers and nongovernmental organisations.

This, as it were, on the "landward side." On the "seaward side," integrated coastal management theory and practice has developed, and is developing, similarly generalizable patterns, based on the recognition, already present in the Brundtland Report, that the boundaries between national, regional, and global jurisdictions have become as "transparent" as the boundaries between disciplines and departments. The need to adjust legal and institutional regional frameworks to enable regional organisations to "move from Stockholm to post-Rio" and to cope with the complex tasks of "development" as well as "environment," integrated into "sustainable development" is now generally recognized.

The Summit's goal of *sustainable social development* and the articulation of *national-regional-global cooperation* may be greatly enhanced by utilising and generalising the legal and institutional frameworks emerging from the UNCLOS/UNCED process.

On the functional or operational side, the development of human resources and joint technology development have become priorities for developing countries, including Africa, and the poorest countries, desirous to benefit from the new resources they have acquired in the vastly increased ocean spaces now under their jurisdiction. Training programmes for integrated management, developed in the marine sector, and the implementation of articles 276 and 277 of the Law of the Sea Convention, mandating the establishment of regional centres for the advancement of marine sciences and environmentally and socially sustainable technologies can make another valid contribution to the goals of the Summit.

II.

The part of the Law of the Sea Convention that could, potentially, make a significant contribution to the Summit's goals of *generating new financial means* for the eradication of poverty and of *achieving an equitable distribution of the benefits of growth*, is Part XI, devoted to the concept of the Common Heritage of Mankind and its institutional embodiment in the International Seabed Authority.

Part XI, in the over-all balanced structure of the Convention, was to take into particular consideration the interests of the poor, the landlocked, and the geographically disadvantaged States. In the clear-cut North-South division characterizing the negotiations of Part XI, developing countries were to gain access to high technology, participation in financial decision-making, sharing in managerial prerogatives, and a portion of financial benefits which would not come in the form of "grants" from "donors" to "recipients," but as their fair share of the Common Heritage of Mankind, to which they were entitled, regardless of the state of their economic and technological development.

It is pity that, due to a combination of changes in the economic, scientific, and political situation, Part XI could not really become operative for the foreseeable future and has undergone fundamental changes in the so-called "Implementation Agreement" adopted by the General Assembly on July 29, 1994.

The International Seabed Authority, however, as officially established in Jamaica on November 18, remains important for the achievement of the above mentioned Summit goals. For Part XI of the Convention sets a precedent in international law for the imposition of international taxation. And this has not been changed by the "Implementation Agreement." The "Implementation Agreement" abolished the precise figures that had been elaborated in Annex III to the Convention, and, given the uncertainties as to when, where and how deep sea-bed mining is going to start on a commercial scale, these figures are irrelevant. What remains is the principle that royalties are to be paid by mining companies or States exploiting deep seabed mineral resources which are the common heritage of mankind. What is important, furthermore, is that this applies not only to the resources of the international seabed area but also, although on a different scale, to mineral resources in areas under national jurisdiction: on the outer continental margin between the 200 mile limit of the Exclusive Economic Zone and the boundary between the coastal (or island) State and the International Area which may be 150 miles farther out and may contain oil, gas, cobalt crusts, polymetallic sulphides, manganese nodules or other minerals. This is provided for in Part VI of the Convention, dealing with the Continental Shelf, and has not been touched by the "Implementation Agreement."

It is not important when these provisions will be applied, and how much they will yield in international revenue. What is important is that the international community has set this precedent for the imposition of an international tax, and if international agreement could be reached on this form of taxation, agreement might be reached on other forms as well.

The proposal for a substantive and relatively uncontroversial international tax is already on the Summit table. It is contained in a Position Paper, presented by the Director-General of UNESCO, "Towards the preparation of the World Summit for Social Development." He wrote (29 July 1994):

The decreasing financing of development is a major problem. In this respect, the proposals formulated in the UNDP Development Report 1994 must be actively supported and implemented. The most important of these proposals is the global taxation on international foreign currency transactions. Applied identically by all countries, at the modest rate of 0.05 %, such a tax would generate annually 150 billion dollars for development. Professor James Tobin, the Nobel Economics Prize Laureate in 1981, who first proposed this scheme in 1978 -- it is regrettable that it has not been seriously considered by the international community for 16 years -- suggests, in a special contribution to the Human Development Report 1994, that the revenues of the tax be devoted to international development efforts and managed by international organizations.

One could imagine that the tax could be paid by Banks annually into the Secretary-General's Trust Fund and that it should be devoted to the eradication of poverty.

Money alone will not suffice to eradicate poverty. Policy changes, at national and international levels are needed, and the Summit is dealing with these. But, as the Summit is aware, without additional sources of funding, even the best policies will remain unimplemented. Some form of international taxation is inevitable if we are serious about eradicating poverty. The Law of the Sea Convention offers the legal precedent that can be built on.

Through the so-called "Enterprise," -- now generally conceived as a joint-venture system -- Part XI of the Convention offers a global mechanism for High Technology co-development between North and South. A beginning to develop this system was made by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (1983-94) with a detailed programme, adopted by the Commission, for the joint exploration of a first mine-site for the Enterprise. This project has been dropped by the "Implementation Agreement." It would advance the Summit's goals if the Summit were to make a recommendation that this potential joint-venture system for High Tech co-development between North and South should be developed and used. Generating a synergism between public and private sectors at the global level, it would be the first of its kind.

III.

The most significant contribution of the Law of the Sea Convention to the goals of the Social Summit is the concept of the Common Heritage of Mankind, as a philosophy, a potential foundation for a new approach to economics, and a new principle of international law. As a philosophy, it is indeed ancient and universal. It creates a synthesis between individual and community rights and obligations, conceiving the human being not as "owner" but as "steward" of earthly goods which he/she has the right and the duty to "manage" in accordance with commonly agreed standards and with due consideration to the interests of the community as a whole, and, in particular, the poorer members of the community. In economic terms, the principle of "stewardship" is one of "non-ownership." The Common Heritage of Mankind cannot be appropriated. For the "steward," as well as for the community, it has a "utilization value," the higher, the longer it is utilizable: not an "exchange value," cut off by built-in obsolescence and ignoring the costs of "externalities," such as air, water, or soil that went into its production, as well as the costs of recycling and waste disposal. The market

will be an important part of the emerging new economic system, but that system will be far more comprehensive, including the monetarized as well as the nonmonetarized part of the economy/ecology, and complementing individual initiative and freedom with commonly agreed principles of equity and regulation without which the market is destructive and self-destructive. Research is needed to define a set of indicators, including social indicators, to measure, systematically and continuously, the contribution of the marine sector, with all its ramifications, to the real wealth and welfare of nations. It would help to point out inadequate economic policies and organise actions toward specific as well as general Summit goals.

If the economics of the common heritage transcends the traditional notion of "ownership," as a principle of international law, the concept transcends the 17th-century notion of "sovereignty." For, in the final analysis, it recognizes not only States, but also natural and legal persons, as well as humankind as a whole, as the "stewards" of the earth's resources and environment, and subjects of international law.

As enshrined in the Law of the Convention, the common heritage of mankind principle has an *economic development* dimension -- it must be developed for the good of mankind as a whole -- and it has an *environmental conservation* dimension -- it must be conserved for future generations who are also part of humankind. It thus integrates development and environment concerns into the principle of *sustainable development*. It also has a third dimension: a *disarmament* dimension -- the common heritage of mankind is reserved for exclusively peaceful purposes; for if it were used for war purposes, it would not benefit mankind as a whole. It is these three dimensions of the concept that make it basic for *comprehensive or human security, which, equally has military, economic, and environmental dimensions.*

The legal and institutional implications of this new world view and its impact on the ongoing process of restructuring the United Nations system, will occupy our children and grandchildren. What these few pages should indicate is that it is a worldview, embodied in a Convention giving rise to new forms of governance, that serves the purposes of the Social Summit and advances its goals.



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It is pity that, due to a combination of changes in the economic, scientific, and political situation, Part XI could not really become operative for the foreseeable future and has undergone fundamental changes in the so-called "Implementation Agreement" adopted by the General Assembly on July 29, 1994.

The International Seabed Authority, however, as officially established in Jamaica on November 16, remains important for the achievement of the above mentioned Summit goals. For Part XI of the Convention sets a precedent in international law for the imposition of international taxation. And this has not been changed by the "Implementation Agreement." The "Implementation Agreement" abolished the precise figures that had been elaborated in Annex III to the Convention, and, given the uncertainties as to when, where and how deep sea-bed mining is going to start on a commercial scale, these figures are irrelevant. What remains is the principle that royalties are to be paid by mining companies or States exploiting deep seabed mineral resources which are the common heritage of mankind. What is important, furthermore, is that this applies not only to the resources of the international seabed area but also, although on a different scale, to mineral resources in areas under national jurisdiction: on the outer continental margin between the 200

mile limit of the Exclusive Economic Zone and the boundary between the coastal (or island) State and the International Area which may be 150 miles farther out and may contain oil, gas, cobalt crusts, polymetallic sulphides, manganese nodules or other minerals. This is provided for in Part VI of the Convention, dealing with the Continental Shelf, and has not been touched by the "Implementation Agreement."

It is not important when these provisions will be applied, and how much they will yield in international revenue. What is important is that the international community has set this precedent for the imposition of an international tax, and if international agreement could be reached on this form of taxation, agreement might be reached on other forms as well.

The proposal for a substantive and relatively uncontroversial international tax is already on the Summit table. It is contained in a Position Paper, presented by the Director-General of UNESCO, "Towards the preparation of the World Summit for Social Development." He wrote (29 July 1994):

The decreasing financing of development is a major problem. In this respect, the proposals formulated in the UNDP Development Report 1994 must be actively supported and implemented. The most important of these proposals is the global taxation on international foreign currency transactions. Applied identically by all countries, at the modest rate of 0.05 %, such a tax would generate annually 150 billion dollars for development. Professor James Tobin, the Nobel Economics Prize Laureate in 1981, who first proposed this scheme in 1978 -- it is regrettable that it has not been seriously considered by the international community for 16 years -- suggests, in a special contribution to the Human Development Report 1994, that the revenues of the tax be devoted to international development efforts and managed by international organizations.

One could imagine that the tax could be paid by Banks annually into the Secretary-General's Trust Fund and that it should be devoted to the eradication of poverty.

Money alone will not suffice to eradicate poverty. Policy changes, at national and international levels, are needed, and the Summit is dealing with these. But, as the Summit is aware, without additional sources of funding, even the best policies will

remain unimplemented. Some form of international taxation is inevitable if we are serious about eradicating poverty. The Law of the Sea Convention offers the legal precedent that can be built on.

Through the so-called "Enterprise," -- now generally conceived as a joint-venture system -- Part XI of the Convention offers a global mechanism for High Technology co-development between North and South. A beginning to develop this system was made by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (1983-94) with a detailed programme, adopted by the Commission, for the joint exploration of a first mine-site for the Enterprise. This project has been dropped by the "Implementation Agreement." It would advance the Summit's goals if the Summit were to make a recommendation that this potential joint-venture system for High Tech co-development between North and South should be developed and used. Generating a synergism between public and private sectors at the global level, it would be the first of its kind.

III.

The most significant contribution of the Law of the Sea Convention to the goals of the Social Summit is the concept of the Common Heritage of Mankind, as a philosophy, a potential foundation for a new approach to economics, and a new principle of international law. As a philosophy, it is indeed ancient and universal. It creates a synthesis between individual and community rights and obligations, conceiving the human being not as "owner" but as "steward" of earthly goods which he/she has the right and the duty to "manage" in accordance with commonly agreed standards and with due consideration of the interests of the community as a whole, and, in particular, the poorer members of the community. In economic terms, the principle of "stewardship" is one of "non-ownership." The Common Heritage of Mankind cannot be appropriated. For the "steward," as well as for the community, it has a "utilization value," the higher, the longer it is utilizable: not an "exchange value," cut off by built-in obsolescence and ignoring the costs of "externalities," such as air, water, or soil that went into its production, as well as the costs of recycling and waste disposal. The market will be an important part of the emerging new economic system, but that system will be far more comprehensive, including the monetarized

as well as the nonmonetarized part of the economy/ecology, and complementing individual initiative and freedom with commonly agreed principles of equity and regulation without which the market is destructive and self-destructive. Research is needed to define a set of indicators, including social indicators, to measure, systematically and continuously, the contribution of the marine sector, with all its ramifications, to the real wealth and welfare of nations. It would help to point out inadequate economic policies and organise actions toward specific as well as general Summit goals.

If the economics of the common heritage transcends the traditional notion of "ownership," as a principle of international law, the concept transcends the 17th-century notion of "sovereignty." For, in the final analysis, it recognizes not only States, but also natural and legal persons, as well as humankind as a whole, as the "stewards" of the earth's resources and environment, and subjects of international law.

As enshrined in the Law of the Sea Convention, the common heritage of mankind principle has an *economic development* dimension --it must be developed for the good of mankind as a whole --and it has an *environmental conservation* dimension --it must be conserved for future generations who are also part of humankind. It thus integrates development and environment concerns into the principle of *sustainable development*. It also has a third dimension: a *disarmament* dimension --the common heritage of mankind is reserved for exclusively peaceful purposes; for if it were used for war purposes, it would not benefit mankind as a whole. It is these three dimensions of the concept that make it basic for *comprehensive or human security, which, equally has military, economic, and environmental dimensions*.

The legal and institutional implications of this new world view and its impact on the ongoing process of restructuring the United Nations system, will occupy our children and grandchildren. What these few pages should indicate is that it is a world-view, embodied in a Convention giving rise to new forms of governance, that serves the purposes of the Social Summit and advances its goals.

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UNITED NATIONS

Press Release Economic and Social Council

Department of Public Information • News Coverage Service • New York

Background Release

SOC/4326

13 January 1995

PREPARATORY COMMITTEE FOR SOCIAL SUMMIT TO CONSIDER DRAFT DECLARATION
AND PROGRAMME OF ACTION AT FINAL SESSION IN NEW YORK, 16-27 JANUARY

The approval of an international declaration and programme of action to guide efforts to eliminate poverty, create jobs and promote social development and integration will be the goal of the final round of negotiations beginning next week in preparation for the World Summit for Social Development in Copenhagen in March.

The drafts will be submitted to the Summit for adoption, following their consideration at the final session of the Summit's Preparatory Committee at Headquarters from 16 to 27 January.

The draft declaration, prepared by the Committee Chairman, outlines nine commitments to be made by the international community to ensure social progress. Governments would commit to enhancing social development so that all people might have the rights, resources and responsibilities to lead satisfying lives and to contribute to their families and communities. Social development would be recognized as "central to the needs and aspirations of people throughout the world and to the responsibilities of governments and all sectors of civil society".

The five-part draft programme of action outlines measures to implement the declaration's principles, recommending actions to create an environment favourable to social development, eradicate poverty, reduce unemployment and foster social integration. The programme promotes an "integrated approach" combining many different actions and international strategies for social development. That draft is submitted by the Secretariat.

Detailed consideration of outstanding matters relating to those drafts will be the focus of the current session, the third in a process of negotiations. Comments and recommendations made during the Committee's first session held in January 1994, and its second session held from 22 August to 2 September 1994, have guided the development of the current drafts. In addition, more than 150 countries participated in informal negotiations held at Headquarters last October which led to broad consensus on the shape of the final negotiating texts.

While general agreement has been reached on much of the language in both texts, further discussion will focus on the final part of the programme of

action -- part V -- on implementation and follow-up. Among other things, that section addresses "the mobilization of financial resources, stating that implementation of the programme at the national level will require a reorientation of existing resources and substantial new resources. According to the draft, "nothing short of a renewed and massive political will to invest in people and their well-being will achieve the objective of social development". However, with the entirety of both texts open to discussion, amendments could be introduced on other matters.

The Summit's provisional agenda and organization of work will also be considered at the forthcoming session. The seven-day Summit (6-12 March) will consist of plenary sessions with the last several days dedicated to a high-level segment.

The Preparatory Committee will also consider the status of preparations for the Social Summit, including public information programmes aimed at bringing the Summit to the attention of a wide audience; the status of the Secretary-General's trust fund for the mobilization of voluntary contributions for the preparatory process, particularly with regard to the participation of the least developed countries; and the participation of non-governmental organizations in the Summit.

Regarding the organization of the current session, closely following its opening of the Preparatory Committee, the plenary will be converted into a working group which will consider the draft declaration and part V of the draft programme of work. A second working group will work simultaneously on part I through IV of the draft programme.

The General Assembly decided to convene the World Summit for Social Development by resolution 47/92, of 16 December 1992. It decided that in addition to addressing poverty, social integration and employment, the Summit should express a shared world-wide commitment to put the needs of people at the centre of development and of international cooperation. The Summit should also address the interaction between the social function of the State, market responses to social demands and the imperatives of sustainable development; and further the objectives of the Charter to promote "higher standards of living, full employment, and conditions of economic and social progress and development".

Draft Texts

A note by the Secretary-General (document A/CONF.166/PC/L.22) transmits the draft declaration and the draft programme of action.

The draft declaration states that both the underlying causes and the consequences of poverty, unemployment and social exclusion must be addressed to reduce uncertainty and insecurity in people's lives. Based on a commitment to a vision of social development based on human dignity, equality, respect and cooperation, governments would give highest priority to policies and action to promote social progress and the betterment of the human condition.

Actions to that end would include placing people at the centre of development and the economy at the service of human needs and recognition. Social development is a national responsibility -- enhanced through international cooperation, that economic policies are a necessary foundation to achieving sustained social development, and that the family is the basic unit of society. The promotion and protection of universally recognized human rights are also recognized.

To achieve the nine commitments of the draft declaration, the draft declaration outlines actions to be conducted nationally, regionally and internationally.

In order to create an enabling environment for social development, the draft proposes national efforts to provide a stable legal framework, which promotes opportunity for all; to reinforce the means of people to participate in social and economic policy; and to promote open and competitive markets. It calls for international cooperation to promote integrated social development strategies. At the international level, it calls for the formulation of macroeconomic policies to facilitate sustainable development and reduce protectionism, and for the support of efforts of developing countries to achieve rapid sustainable development.

To work towards the goal of the eradication of poverty worldwide, national action is called for to establish specific time-bound commitments to eradicate extreme poverty, and to ensure that people in poverty have access to land, credit, information and productive resources, as well as adequate protection during such times as unemployment, ill health and child rearing. Also, national budgets should be oriented towards meeting basic needs and reducing inequalities. The draft programme calls upon the international community to ensure that international institutions assist all countries in need in their efforts to eradicate poverty and ensure basic social protection.

Towards the goal of full employment, the draft calls for national policies to expand work opportunities in both rural and urban sectors by investing in human resources development. It also calls for training of workers to adapt to changing conditions; and for innovative options for employment. International efforts are called for to ensure that migrant workers benefit from the protection provided by national and international instruments.

To promote social integration, Governments are called on to promote basic values, such as non-violence and solidarity, by encouraging educational systems and communication media to raise awareness of social integration. Governments are also encouraged to ensure integration of disadvantaged and vulnerable groups and individuals, and to ensure respect for cultural diversity and human rights, as well as the identity of indigenous people. The draft calls for the ratification and implementation of international instruments on the elimination of discrimination and the protection of human rights.

Concerning equality between men and women and the enhancement of women's participation, it is necessary to establish policies and goals to strengthen gender balance in decision-making, and support women's economic opportunities and empowerment at the national level, as well as ratify and implement relevant international instruments.

Governments are urged to support economic reforms and commodity diversification efforts of African countries through technical cooperation, trade and financial assistance to promote development of Africa and the least developed countries. The draft declaration also calls for a solution to the external debt problem; for the implementation of measures for the development of Africa decided by the international community; and for an increase in official development assistance, including that for social programmes.

To incorporate social development goals into structural adjustment programmes, the draft calls for national efforts to protect basic social programmes and expenditure; to review the impact of structural adjustment programmes on social development; and to reinforce social development objectives of adjustment policies. On the international level, multilateral development banks and donors are requested to complete adjustment lending targeted at social development investment. Also, regional and international organization, in particular the Bretton Woods institutions, are requested to further integrate social development goals into their policies and operations.

Concerning the efficient utilization of resources for social development, the draft declaration calls for economic policies to mobilize domestic savings and attract external resources for social programmes. Taxation systems should be fair and economically efficient and military expenditures reduced to allow for funding allocation to social and economic development. On the international level, the mobilization of new and additional financial resources is called for, as is the fulfilment of the agreed target of 0.7 per cent of gross national product (GNP) for overall official development assistance (ODA). The draft also calls for the implementation of existing debt-relief agreements and further initiatives to reduce external bilateral debts. To strengthen international cooperation for social development, the draft calls for measures to monitor Summit agreements and suggests the scheduling of a second summit in 2005.

Draft Action

The draft programme of action outlines policies and measures to implement the principles and fulfil the commitments enunciated in the draft declaration.

On implementation and follow-up to the Summit, the draft programme states that the implementation of the programme in developing countries, in particular in Africa and the least developed countries, will require increased financial assistance from the international community. Substantial reduction is needed to enable developing countries to implement programmes. Also needed would be the reaffirmation of the developed countries to reach the ODA target of 0.7 per

share of such assistance should be for social development programmes, with at least 20 per cent for human development.

The text states that the implementation of the programme of action at the national level will require review of macroeconomic and sectoral policies and their impact on poverty, employment, social integration and social development. Among other measures, national strategies for social development should be formulated, to include actions that a country could take in cooperation with other governments and international organizations. The programme calls for the strengthening of community and non-governmental organizations, and the establishment of frameworks for the involvement of those organizations in the implementation of social development strategies. The enhancement of the contribution of civil society and the private sector to social development is also called for.

Addressing the role of the United Nations, the draft states that a framework for international cooperation must be developed for an integrated implementation, follow-up and assessment of the Summit's outcome together with the results of other recent and planned United Nations conferences relating to social development. The General Assembly is called upon to give special consideration to efforts that would coordinate the work of the many entities in the United Nations system. Also, technical cooperation and other forms of assistance should be provided to the developing countries. The Assembly should include an item on Summit follow-up in its agenda.

Actions to create an enabling environment for social development, require distribution of the benefits of growth among social groups and countries, and political and social processes that avoid exclusion. Actions to promote a favourable national and international economic environments, and political and legal environments are outlined.

Integrated strategies to eradicate poverty are called for. Access to productive resources and infrastructure should be improved. Actions to reduce unemployment address the centrality of employment-intensive growth in policy formulation, education, training and labour policies.

On social integration, the draft programme outlines actions that should be taken by governments with the full participation of society. Other efforts should promote tolerance and respect for diversity, equality of opportunity, equitable treatment of migrants and refugees.

Other Documents

Among other documents before the Preparatory Committee relate the accreditation of non-governmental organizations (A/CONF.166/PC/11/Add.2); and the status of preparation for the World Summit, including the status of the trust fund and information programmes (A/CONF.166/PC/25). A note by the Secretary-General transmits the report of the Symposium on Social Development held in Beijing in October 1994 (A/CONF.166/PC/26). Another transmits the report of the Seminar on the Ethical and Spiritual Dimension of Social Progress held in Slovenia in October 1994 (A/CONF.166/PC/27).

Officers, Membership

Juan O. Somavia (Chile) is the Chairman of the Preparatory Committee. The nine States elected Vice-Chairmen are Australia, Cameroon, India, Indonesia, Latvia, Mexico, Netherlands, Poland and Zimbabwe. Denmark, as the host country for the Summit, is an ex officio Vice-Chairman.

The Preparatory Committee is open to all United Nations Member States and members of specialized agencies.



Dalhousie University

International Ocean
Institute



February 14, 1995

FAXED

S.P. Jagota
House No. 748
Sector 14
Gurgaon - 122001
Haryana, India

Dear Sat:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

I would be most grateful for your reactions!

With all good wishes,

Yours cordially,

Elisabeth Mann Borgese

Enclosure



Dalhousie University

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February 14, 1995

FAXED

Anton Vratusa
Honorary President, ICPE
Dunajska 104, SLO-61109
P.O. Box 92
Ljubijana, Slovenia

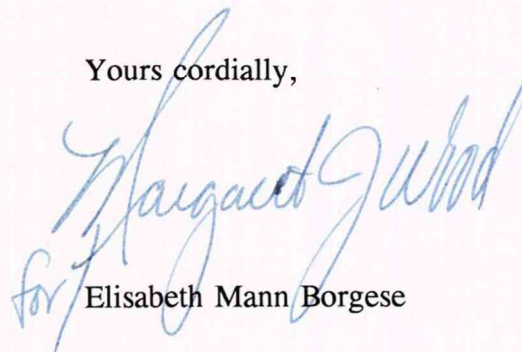
Dear Anton:

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I would be most grateful for your reactions!

With all good wishes,

Yours cordially,


for Elisabeth Mann Borgese

Enclosure



Dalhousie University

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February 14, 1995

FAXED

Jospeh Warioba
P.O. Box 83 Tel. 1 Myamuswa
Bunda
Dar es Salam, Republic of Tanzania

Dear Joseph:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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February 14, 1995

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Jun Ui
Director of School Library
University of Okinawa
747 Kokuba, Naha
Japan

Dear Jun:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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Elisabeth Mann Borgese

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Dalhousie University

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February 14, 1995

FAXED

Sidney Holt
Planning Council
International Ocean Institute
podere il falco
06062 citta della pieve (pg), Italy

Dear Sidney:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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Yours cordially,

for

Elisabeth Mann Borgese

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Dalhousie University

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February 14, 1995

FAXED

Abdul Koroma
International Court of Justice
Peace Palace
The Hague, The Netherlands

Dear Abdul:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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Elisabeth Mann Borgese

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Dalhousie University

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February 14, 1995

Norton S. Ginsburg
1320 East Madison Park
Chicago, Illinois
60615 USA

FAXED

Dear Norton:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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February 14, 1995

FAXED

Orio Giarini
PROGRESS
18, chemin Rieu
Geneva 1208 Switzerland

Dear Orio:

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February 14, 1995

FAXED

Maxwell Bruce, QC
Dar Tal-Kaptan
Triq Il-Fanal
Ghasri, Gozo
GRB 104, Malta

Dear Maxwell:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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With all good wishes,

Yours cordially,

Margaret Gubrod
for Elisabeth Mann Borgese

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February 14, 1995

H.E. Layachi Yaker
(President - IOI)
Undersecretary-General and
Executive Secretary of the
Economic Commission for Africa
P.O. Box 3001
Addis Ababa, Ethiopia

Dear Layachi:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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February 14, 1995

FAXED

Bhagwat Singh
AALCC
404 East 66th Street
New York, N.Y.
1002 USA

Dear Bhagwat:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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Dalhousie University

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FAXED

February 14, 1995

Danielle de St. Jorre
Minister for Foreign Affairs
Victoria, Mahe
Republic of Seychelles

Dear Danielle:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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FAXED

February 14, 1995

Father Peter Serracino Ingalott
Rector
University of Malta
Msida, Malta

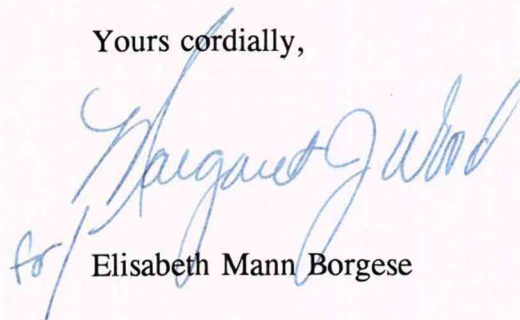
Dear Peter:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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Yours cordially,



Elisabeth Mann Borgese

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Dalhousie University

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February 14, 1995

FAXED

Mario Ruivo
UNESCO National Commission
AV. Infante Santo - 42/50
Lisbon 1300 Portugal

Dear Mario:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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Dalhousie University

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International Ocean
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February 14, 1995

Christopher Pinto
Iran-U.S. Claims Tribunal
Parkweg 13 - 2585 JH
The Hague, The Netherlands

Dear Christopher:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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International Ocean
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February 14, 1995

FAXED

Ivan Head
2343 Bellevue Avenue
West Vancouver, B.C.
V6V 1C9 Canada

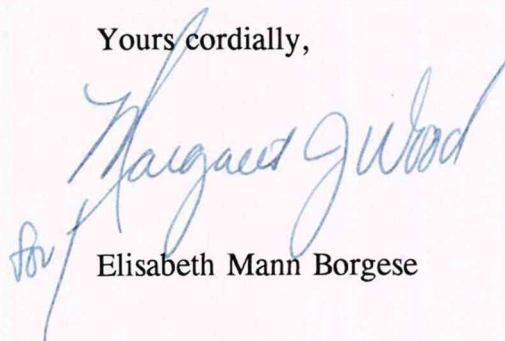
Dear Ivan:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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Yours cordially,



Elisabeth Mann Borgese

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Dalhousie University

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FAXED

February 14, 1995

Salvino Busuttil
Director General
Foundation for International Studies
St. Paul Street
Valletta, Malta

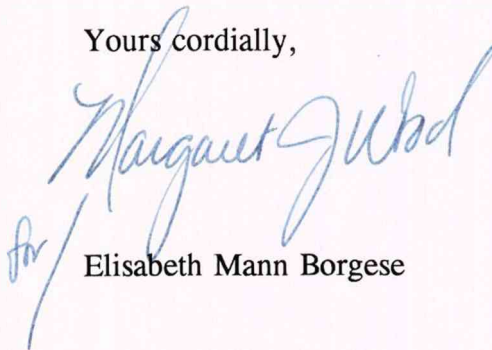
Dear Salvino:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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With all good wishes,

Yours cordially,


for / Elisabeth Mann Borgese

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Dalhousie University

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February 14, 1995

FAXED

Alicia Barcena
Executive Director
Earth Council
P.O. Box 2323-1002
San José, Costa Rica

Dear Alicia:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

I would be most grateful for your reactions!

With all good wishes,

Yours cordially,

Margaret Zubod
for/ Elisabeth Mann Borgese

Enclosure

COPY

February 14, 1995

Anatoly Kolodkin
Soviet Maritime Law Association
Soyuzmorniiproekt
6, B. Koptievsky Pr.
125319 Moscow
Russia

Dear Anatoly:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

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Yours cordially,

Elisabeth Mann Borgese

Enclosure

COPY

February 14, 1995

Alexander Yankov
Professor of Internal Law
Complex "Lenn" Block 73
1111 Sofa, Bulgaria

Dear Alexander:

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February 14, 1995

Manmohan Singh
Minister of Finance
4 Lodi Estate
New Delhi 10003 India

Dear Manmohan:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

I would be most grateful for your reactions!

With all good wishes,

Yours cordially,

Elisabeth Mann Borgese

Enclosure

COPY

February 14, 1995

Reynaldo Galindo Pohl
Apartado Postal No 145-C
Guatemala, Guatemala

Daer Reynaldo:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

I would be most grateful for your reactions!

With all good wishes,

Yours cordially,

Elisabeth Mann Borgese

Enclosure

COPY

February 14, 1995

Arvid Pardo
1702 Antigua Lane
Nassau Bay, Texas
U.S.A. 77038

Dear Arivid:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

I would be most grateful for your reactions!

With all good wishes,

Yours cordially,

Elisabeth Mann Borgese

Enclosure

COPY

February 14, 1995

Silviu Brucan
University of Bucharest
Str. Helesteului 26
Sector 1
Bucharest, Romania

Dear Silviu:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

I would be most grateful for your reactions!

With all good wishes,

Yours cordially,

Elisabeth Mann Borgese

Enclosure

COPY

February 14, 1995

Patricia W. Birnie
78 Windmill Street
Brill, By Aylesbury
Bucks HP18 9TG United Kingdom

Dear Patricia:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

I would be most grateful for your reactions!

With all good wishes,

Yours cordially,

Elisabeth Mann Borgese

Enclosure

COPY

February 14, 1995

Alexander King
The Club of Rome
Chartwell House, Flat 5
12 Ladbroke Terrace
London W11 3PG
England

Dear Alexander:

I thought you would be interested in this position paper, trying to summarize, however succinct, the potential contributions of the Law of the Sea and "ocean governance" to the advancement of the goals of the Social Summit. People do not usually think of the Law of the Sea in this broader context, but I do think it is important.

I would be most grateful for your reactions!

With all good wishes,

Yours cordially,

Elisabeth Mann Borgese

Enclosure



Dalhousie University

International Ocean
Institute



FAXED

14 February, 1995

H.E. Ambassador Juan Somavia
Permanent Mission of Chile to
the United Nations
New York, N.Y. USA

My dear Juan,

You must be having a very hectic time, while I am here in Slovenia, in a spa, to take care of my arthritis (quite successfully, thank goodness).

I have discussed with Layashi and drafted a position paper which is important, if for no other reason, just because nobody else in the world is taking care of this issue which I do think is quite relevant. If the Law of the Sea experience could not contribute anything to the realisation of the goals of the Social Summit -- what would it be good for!

I don't know what you can do with it at this late date, but I hope in any case it is good for the record.

Layashi will be in Copenhagen to lobby for the paper. I will be there. I will be there during the first days only. On the 9th I have to fly home. A student of mine, whose Ph.D. thesis I supervised, has to defend his thesis on the 10th, and, as you can imagine, that must be a priority for a professor!

I am looking forward to seeing you in Copenhagen.

All the very best,

Yours as ever,

Elisabeth Mann Borgese



Dalhousie University

International Ocean
Institute



COPY

FACSIMILE TRANSMISSION

To: Nicole
FAX No: 1 902 494 2034

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

Date: 14 February, 1995

Subject: Paper for the Social Summit

Dear Nicole,

Today I have a biggie -- just when Margaret is away!

The attached paper -- 5 pages -- six with a suitable cover -- should be faxed (if you don't have the fax numbers, send it by mail, but I do think we have them all).

1. To all members of the IOI Board and Planning Council, with a letter that is also attached. It should be *personalised*, with the merger programme. Do you know how to do that? Actually it is quite a bit of fun.
2. To H.E. ~~Ambassador Juan Somavia~~, Permanent Mission of Chile to the United Nations, with another letter, also attached. I have his phone number -- 212 687 7547 -- but not his fax number, but you can get it easily.
(212) 972-9875 (fax)
3. to ~~Dr. Robert Muller~~, Chancellor, The University for Peace, Costa Rica, fax 506 249 1929.

Please make a good-looking cover page. The title should be

OCEAN GOVERNANCE AND THE SOCIAL SUMMIT

Subtitle: *Position paper*

And below: by
Elisabeth Mann Borgese
International Ocean Institute

I guess that's it!

Oh, and of course to ~~Dr. Balgali~~ He is back in Malta now, I think, of about to be. Also to ~~Jean-Francois~~

Love,

E. Mann

1226 LeMarchant Street, Halifax, Nova Scotia, Canada B3H 3P7
Tel: (902)494-1737, Fax: (902)494-2034, Tlx: 019 21863 DALUNIV, E-Mail: IOIHFX@ADM.DAL.CA

212-963-5847



Dalhousie University

International Ocean
Institute



FACSIMILE TRANSMISSION

To: H.E. Layashi Yaker
FAX No: 1 212 319 9130

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

Date: 12 February, 1995

Subject: Social Summit

Dearest Layashi,

Here is a first draft for a document for the Social Summit. I think it is short enough. If you like it, we should circulate it among the Board members.

There is not much time, so we have to act fast!

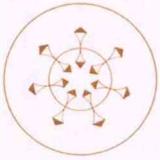
As you see, my "vacations" are not altogether lazy!

We'll talk tomorrow.

Love,

Elisabeth

RECEIVED FEB 21 1995



PROGRES

Programme de Recherche sur l'Economie des Services
Research Programme on the Service Economy

18, chemin Rieu
1208 Genève
Téléphone (022) 346 39 32
Fax (022) 347 20 78
Télégramme Ecosur Genève

Ms Elisabeth MANN BORGESE,
International Ocean Institute
DALHOUSIE UNIVERSITY
1228 LeMarchant Street
Halifax, Nova Scotia
Canada B3H 3P7

Genève, le February 15, 1995

Dear Elisabeth,

Thank you very much indeed for your fax of February 14 and your position paper on "Ocean Governance and the **Social Summit**".

I think that you are absolutely correct in underlining the potential contributions of the law of the sea to the advancement of the goals of the Social Summit.

In particular, all the issues you mention in your paper are strictly interlinked. More specifically when your discussion on "the common heritage of mankind" shows the way how this is a starting point for a renewed economic theory and policy.

I would be very much in support that the Club of Rome helps you more in your work and in particular in making people aware of the setting up of the International Seabed Authority. Your initiatives in this area are in my view so much consistent with the deeper goals of the Club of Rome.

You find herewith two papers with reference to my project concerning "The Future of Work": One was presented in Helsinki and is going to be distributed by the United Nations University to the Social Summit and the other was presented at the Fundación Santillana in Madrid last November.

In the course of the past ten months, I have thought about this issue and prepared some basic papers. In addition, I have also collected a basic documentation with a number of references to the hundreds of proposals made concerning the future of work and unemployment.

It would be very easy to write down an encyclopedia, but maybe today it would be much more useful to find a way to launch some "messages":

- The first one concerns the old ideas I have submitted in my book on "Dialogue on Wealth and Welfare" and which you have so nicely taken over to develop the economic content of your "common heritage idea".

./..

Letter to Ms Elisabeth MANN BORGESSE
Geneva, February 15, 1995

page 2

- The second one is the undergoing revolution at the world level which is showing more and more the inefficiency of the "état providence (the welfare state)" which was thought to stimulate solidarity by transforming each citizen of the world into a consumer. At the level of the economic theory, this has been the change from a supply-side economics (the one from Adam Smith to Karl Marx) to a demand-side economics, which has successfully been used until 1973.

It is now both a matter of moral, social and economic necessity, to underline first the right of everybody to his role as a producer (for himself and for society). The State must care not to guarantee consumption, which in any case has been a big failure for a large part of the world population; the social solidarity (and the key role of politics and governments) should strongly support the right to work and to have a productive activity.

- As a consequence, this should fit in the type of social policy I have defined in my papers for Helsinki and Madrid. We are slowly approaching these ideas and solutions, which are inevitably linked to a fundamental revolution in economic thinking in as much as economic thinking provides legitimacy to key policies.

I must say that I first wanted to do a new report for the Club of Rome on this issue: I am not in the physical and financial condition to do it. I will simply restrain myself in the coming months to prepare few, small, well-centered declarations on the above issues. I have behind that thirty years' experience at both the academic and practical levels, so that - I think - I have a feeling where I have to strike. But I hope that the Club of Rome itself will find a way to use the wealth of ideas, experiences, documents and informations existing worldwide to transform it in a real report.

As this is part of what you are trying to do with your notion of "common heritage", wouldn't you find a superb writer for this report, open to the new ideas, to learn and to contribute and - as they say - "dans la force de l'âge"?

Let me also take this opportunity to embrace you warmly and express you all my deepest appreciation for your activity.

With all my best and good wishes,



Orio Giarini

Copy for information to Mr. Ricardo Diez Hochleitner, President of The Club of Rome, Madrid.

PARKWEG 13 - 2585 JH THE HAGUE
THE NETHERLANDS
TELEPHONE: (070) 352 00 64
FAX : (070) 350 24 56
TELEX: 34506

پارک وگ ۱۳، شماره پستی ۲۵۸۵ جی اچ لاهه، هلند
تلفن ۳۵۲۰۰۶۴ (۰۷۰)
فکس ۳۵۰ ۲۴ ۵۶ (۰۷۰)
تلکس ۳۴۵۰۶

دبیر کل

THE SECRETARY-GENERAL

16 February 1995

Dear Elisabeth,

What a good idea to send a Position Paper on Ocean Governance to the Social Summit! As you point out, the 1982 Convention has significant social dimensions, most importantly in having presented concepts like the Common Heritage and the Enterprise with a high degree of legal refinement, and demonstrated their feasibility. But the potential social impact of several other aspects of the Convention is important, too: its human resource development provisions; principles of conservation and co-operation that are implicit in the Convention as a whole, the provisions on land-locked States, archeological objects, and many others.

UNCLOS went unmentioned in the NIEO Declaration and the Charter of Economic Rights and Duties of States by default, even though those documents were so closely related to it both in time and substance. Thanks to your diligence there is a chance that UNCLOS will be mentioned in the final document of the Social Summit.

Affectionately



M.C.W. Pinto

Professor Elisabeth Mann Borgese
Department of Political Science
Dalhousie University
1226 LeMarchant Street
Halifax, N.S. B3H 3P7
Canada
Fax 1902.494.2034



AFRICA HALL
ADDIS ABABA

Date: 16 February 1995

COPY

Dear Elisabeth,

Many thanks for your facsimile message of 14 February 1995 forwarding a position paper on the Law of the Sea and "Ocean Governance". The paper is indeed very pertinent and in line with the objectives of the **Social Summit**.

Rest assured that I will fully take the paper into consideration as a relevant contribution on the above important aspects to the advancement of the goals of the Social Summit.

Best personal regards. Let's keep in close touch.

Layashi Yaker
United Nations Under-Secretary-General,
Executive Secretary of the
Economic Commission for Africa

Ms. Elisabeth Mann Borgese
Dalhousie University
International Ocean Institute
1226 Le Marchant Street
Halifax, Nova Scotia
Canada B3H 3B7





ADDIS ABABA - ETHIOPIA

FACSIMILE TRANSMITTAL SHEET

Please forward upon arrival.

RB111

Date: 24 February 1995

Number of pages in document (not including this sheet): 3

To: Telefax No. (1-902) 868-2455/494-2034/866-2455

Name: Ms. Elisabeth Mann Borgese

Office: Dalhousie University, International Ocean Institute

Location: 1226 Le Marchant Street, Halifax, Nova Scotia, Canada B3H 3B7

From: Name: Layashi Yaker, United Nations Under-Secretary-General, Executive
Secretary of the Economic Commission for Africa

Location: Addis Ababa, Ethiopia

Telephone: 51 12 31

Facsimile: Commercial: Ethiopia 251-1-51 44 16
or 1 - 212 - 96 34 957 (United Nations Alternate Voice & Data Network,
NY Headquarters)

COPY

RECEIVED FEB 20 1995

To FAX: 001 902 494 2034

Professor Elisabeth Mann Borgese
IOI, Dalhousie University
1226 LeMarchant Street
HALIFAX, Nova Scotia, CANADA B3H 3P7

February 19, 1995

Dear Elisabeth,

Many thanks for your FAX letter of February 14, enclosing your Position Paper on "Ocean Governance and the Social Summit", for my comments/reactions!

I do not have full text of Draft Declaration and Draft Programme of Action to be considered for adoption by the World Summit for Social Development at Copenhagen, Denmark: 6-12 March 1995, although I have background materials from UN Newsletters and from coverage in local Newspapers, including Boutros Ghali's article in Times of India of February 18, 1995. No one has referred to UNCLOS, although UNCED and other Conferences and Agenda for Development are cited.

I understand that Statements by Heads of State or Government should not exceed 7 minutes, so your own oral presentation may perhaps be shortened a bit.

My brief comments for your consideration are as follows:

(1) On page 2, in Section I, first paragraph, *line* 4, immediately after the words "of Agenda 21", add -

"and its follow-up programmes, such as the outcome of the Global Conference on SIDS, 1994, and on Coastal Zone Management" ...

(2) Ibid., paragraph 2, line 5, before "native peoples", add "women and".

(3) On page 3, in Section II, paragraph 3, after the words "on July 29, 1994", add -

" , although the concept of "Common Heritage of Mankind" and the institution of "Enterprise" have been retained. Hopefully, the industrialized States *and* pioneer investors will promote the effective application of the Convention with global participation, and promote also the goals of the World Summit".

(4) On page 4, before paragraph 4 starting with "Through the so-called 'Enterprise'", add the following new paragraph -

"Other options, such as the creation of a Special International Fund for Social Development (IFSD), or a "20:20 commitment" from ODA and national budgets, or alternatives relating thereto, could also be considered for effective implementation of Summit goals, particularly eradication of poverty, productive employment, social integration, and sustainable social development.

Best regards,

S. P. Jagota

S. P. Jagota

FAX: 91-124-324508

RECEIVED FEB 1 1995
Podere Il Falco, Città della Pieve(PG), Italy 06062
Tel: +39 578 298186/299187; Fax: 299186

Message from: Sidney Holt, IFAW
To: Elisabeth Mann Borgese, IOI, Dalhousie
Copies: none
Pages: 1

Sid COPY

Date/time: 20/02/95 17:01

Subject: Social Summit - Yours of Feb.14 received today

Hello! I had just been hearing from Max about the PIM in Madras, what was happening - or not happening - regarding the Planning Council and so on.

I'm afraid I have not been following the **Social Summit** plans - in fact I'd heard about it and that was all. So I don't think my comments on your position paper are going to be useful. Perhaps I should look up some of the papers - I expect I have something in the packages I get from the UN-NGO Liaison Office in Geneva, and familiarise myself with this activity.

Anyway, I'll read your paper for its own sake in the next few days and let you know if it induces strong feelings one way or the other.
Hope you are well. I am, though like you - too busy, and entirely my own fault that is! When and where is the next PIM? Is a theme decided? I'm involved with the planning of the Lisbon Expo '98 - especially the Pavilion on Ocean for the Future. Max said Mario Soares had agreed to Chair the Commission for the Oceans you have been promoting - if that is so congratulations on hooking him.

I'm engaged (apart from continuing whale- and seal-saving, and especially the preservation of the international institutions for those purposes, now under threat) in the fall-out from a rejection by IUCN of IFAW's application for membership. The issue boils down to: what criteria shall be applied to decisions as to whether or not, and how, wildlife of any kind is to be exploited (lethally) for economic gain. IUCN's position is that "sustainability" (without a mandatory precautionary approach/principle) and "equity" can be the *only* criteria; we say such decision is a matter for democratic societies (and, where appropriate, world and regional organisations) to take on a variety of grounds - including IUCN's two - which can include humane killing practices and such other ethical considerations as relevant 'authorities' or other collectives may subscribe to.

Borgese 95/02/20

1 of 1



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: H.E. Ambassador Juan Somavia
FAX No: 45 31 384 201

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

Date: 28 February, 1995

Subject: Social Summit

My dear Juan,

Unfortunately I had to cancel my trip to Copenhagen because of other obligations -- mostly here at the University. And, unfortunately, Layashi Yaker is not going either. But I do hope you received my "position paper."

I received quite a few very nice reactions to it, and I wonder what would be the most efficient way of distributing it at the Summit. I am attaching a letter from Chris Pinto.

We could produce good printed copies here and send them by DHL. Could they be distributed? I really think it would be useful --given the fact that nobody, and I mean NOBODY, is looking at the Law of the Sea in this broader context.

I would be most grateful if you could send me a line as to what would be best.

Work for the World Commission is proceeding --slowly but safely. We are a couple of months behind schedule, but will have caught up by September. I will keep you fully informed.

All my most fervent wishes for the success of this important Conference. May it be commensurate to the great effort you have put into it!

Yours as ever,

FAX

COPY

FROM: MAXWELL BRUCE Q.C.

DAR TAL-KAPTAN, TRIQ IL-FANAL
GHASRI, GOZO GRB 104
MALTA

RECEIVED MAR 02 1995

☎: (356) 555647
Fax: (356) 230551

To: Elisabeth Mann Borgese, International
Ocean Institute, Dalhousie University, Halifax
Nova Scotia, Canada.

Fax No: 1 902 494 2034

Date 2 March 1995

Dear Elisabeth,

This is a brief response to yours of 14th February.

Page 1, end of third paragraph, mankind is surely doing just that - developing and destroying at the same time.

Page 1, fifth line of last paragraph, it is not clear to me why documents emanating from Rio make many parts of the Convention operational.

I like very much your part III and especially the provocation in the second to last paragraph on page 7. More power to you.

I leave tomorrow for London/New York/Toronto, about ten days in each place. Shall try to reach you on the telephone. Will be at the UN legal Congress of International Lawyers March 13-17.

Best love

Maxwell

RECEIVED MAR 06 1995

Fax Transmission

To: Professor Elizabeth Mann-Borgese
Company: Int. Ocean Inst. Dalhousie University
Fax #: 902-494-2034

From I.C.J.
Date 6 March 1995

You should receive (1) page including this one.

If you do not receive all pages, please call 00-31-70-302-2323, or fax 00-31-70-302-2409

Message:**COPY**

Dear Elizabeth,

Thank you so much for your presence of mind and your attempt to bring to the attention of the Social Summit in Copenhagen the potential contributions marine resources and the Law of the Sea Convention, in particular, could make to the attainment of the objectives of the Summit.

In my view, your paper correctly identifies and highlights the relevant aspects of the Convention for the Summit. First, by making the Summit further aware that the ocean contains both living and non-living resources, which if exploited sustainably and distributed equitably could improve the life of all the peoples of the world, but particularly the economically and socially disadvantaged.

Secondly, the Summit provides yet another forum to explain the concept, meaning and objectives of the principle of the common heritage of mankind, not from an ideological perspective, but as a form of distributive justice which could help in eliminating poverty worldwide and an idea to which the vast majority of the people of the world are committed, irrespective of their religion, nationality or geographical location. It would be an important step forward if this concept could find its way into the programme of action of the Summit.

Regarding the International Seabed Authority, the Summit should be informed about its potential benefit, even in its diluted version, for resource generation, through international taxation and royalties and as a means of reducing poverty.

In short, the United Nations Convention on the Law of the Sea stipulates that part of the resources of the seabed beyond national jurisdiction is the common property and patrimony of all human beings and must, therefore, be developed to benefit all mankind.

I, therefore, commend your initiative and encourage you in your efforts to bring to the attention of the summit the important role marine resources and their development could play in achieving the objectives of the Summit, in the reduction of unemployment and poverty alleviation.

Yours as always

A. G. Kromy
Abdul

International Court of Justice



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: Dr. Orio Giarini
FAX No: 41 22 347 2078

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

Date: 8 March, 1995

Subject: Your letter of February 15

Dear Orio,

I was very happy with your reaction to my Social Summit paper. As a matter of fact, it got an amazing number of positive reactions!

I am particularly happy with your idea that the Club of Rome should get closer to this work which indeed is very closely related to its own work.

When I started my ocean work over a quarter of a century ago, I looked at it as a case study for "global governance." And now that circle is closing. After the Rio Conference and its aftermath, after the Agenda for Peace, the Agenda for Development, and the Social Summit, we simply cannot look at the Law of the Sea, which was a pioneer effort, in isolation, but we must deal with it in the broader context of global governance, and the restructuring of the United Nations --obviously including the economic aspect.

This also will be a very important part of the work of the new Independent World Commission for the Oceans, and I do hope we can involve you in that as well. We are planning a first, brief, interim report to the 50th General Assembly.

Now to come to the papers you sent (I had read the Helsinki paper already). They are of course excellent. The one point that stung me a bit in the Fundacion Santillana paper is the statement, "Communism was a tentative variation of controlling politically capital through the state and could never be anything but just another less efficient

form of capitalism" That I don't think is quite fair. It seems to me, your assessment of Marxism in *Dialogue on Wealth and Welfare* was more fair. What would capitalism - what would the world be today without Marxism, including communism? I think all the social progress we have seen since the first grimy days of the industrial revolution, we basically owe to Marxism: which does not alter the fact that today it does not have to offer any more than "capitalism" -- both dead, as you have shown so effectively!

You ask whether I could not find a superb writer for a new Report to the Club of Rome, on the new economic ideas. I am afraid, that can only be you yourself!!! On the economics of the common heritage, however, we will have to include an excellent chapter in the Report of the Independent Commission for the Oceans, which will be published in 1998. We'll need you for that!

Much love,

Ernie

cc to Ricardo Diez Hochleitner



सत्यमेव जयते

RECEIVED MAR 21 1995

वित्त मंत्री

भारत

नई दिल्ली-110001
FINANCE MINISTER
INDIA
NEW DELHI-110001

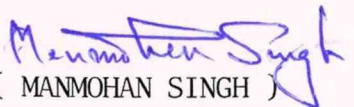
March 16, 1995.

Dear Elisabeth,

Thank you for your letter dated February 14, 1995 enclosing a copy of your position paper entitled - "Ocean Governance and the Social Summit." I look forward to reading your paper with great interest.

With regards,

Yours sincerely,


(MANMOHAN SINGH)

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

RECEIVED MAR 14 1995

FAX TRANSMITTAL

To: Dalhousie University
Attn: Dr Elisabeth Mann Borgese
Fax: 1-902-868-2455

COPY

From: Fujiko Hara
Fax: 81-3-5472-6091

Date: March 14, 1995
No. of pages: 1

Dear Elisabeth,

Thank you for your fax. I read your position paper for the **Social Summit**. I am excited about the concept of 'the Common Heritage of Mankind' because I think that is precisely what my own grandfather Yukio Ozaki had in mind when he said that governments are only managers or stewards of land and resources.

I will have to do a lot of catching up on the Law of the Sea but will say yes to your invitation for me to join the board of IOL. Part of my reward will be to see you more often. I suppose you expect board members to pay for their own expense of travel and accommodation? When you have some spare time please let me know who else is on the board and more exactly what is the mandate of the board.

You ask about Prince Tomohito. He is doing very well. He has a full agenda of public and private activities. He has completed a full marathon of 42.195km of cross-country skiing in Hokkaido and we are all very proud of him. He is an good example of what the human spirit can do.

It is at last becoming springlike in Tokyo after an unusual amount of snow in the last few weeks.

Lovingly,
Fujiko
Fujiko

RECEIVED MAY 18 1995



PERMANENT OBSERVER MISSION OF
THE ASIAN-AFRICAN LEGAL
CONSULTATIVE COMMITTEE
TO THE UNITED NATIONS

404, East 68th Street, Apt. 12-C
New York, N. Y. 10021
(212) 734-7608

COPY

Dear Elizabeth,

Just a note to let you know that the report of the Copenhagen Conference will not be out for at least one more week - "if not two". The E is in printing and the language versions are still in translation! I asked if I could have a copy of the Declaration, which Bhagwat said that you were anxious to have - but the answer was that the Declaration HAD NOT been issued separately.

I understand that you wanted this material for your course, which starts on Monday. I have called everyone involved (the person in ECOSOC who is responsible for submitting the document, the Chief of the Editing Section and someone in Documents Control, who is responsible for "tracking the documents" - and, as simultaneous issuance is required and as it is still in translation - you see the dilemma).

We will send it to you the day it is issued - and apologies for the delay.

Hope this finds you well and happy - we look forward to seeing you when you come down at the end of the month.

with warm regards,

Betty



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: Betty
FAX No: 212 734 7608

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

Date: 19 May, 1995

Subject: Publications

Dearest Betty,

Thanks ever so much for your very kind fax. I surely appreciate your efforts!

The Social Summit documents were needed primarily for a chart we are making -- similar to the IUCN Chart on the Environment, but including the Agenda for Peace as well as the Agenda for Development, and the Social Summit. We will just interrupt this work now and wait until the documents are available. But I surely will be grateful if you get them to me just as quickly as possible. The chart will be generally quite useful, but in particular, we are doing it for the World Commission.

But there were a few other documents which, as I see, we requested in January but we did not get them. These are needed for the training programme, and I would be most grateful if you could get them. You could mail them. Much too much for faxing.

It is still very cold here!

I am leaving for Malta next Tuesday.

Much love,

Elisabeth