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UNCLOS, UNCED,  
AND THE RESTRUCTURING OF THE U.N. SYSTEM

1. Ocean affairs and the law of the sea must be studied today in the broader context of post-UNCED development, in the broadest context of the restructuring of the United Nations.

2. All of us who want UNCED to make a real impact want to make sure that the "Sustainable Development Commission" whose establishment was decided at Rio, should have real clout, and an effective operational infrastructure to be able to cope with Agenda 21. Thus the Club of Rome proposed the creation of an "UN Environmental Security Council, parallel to the existing Security Council in military matters..." It is questionable, however, whether two parallel Councils could be efficient.

3. The Soviet Union and others had proposed, on various occasions, that the mandate of the Trusteeship Council be changed from taking care of the former colonies to taking care of the Environment. This, however, would require Charter Amendment. It also would fail to effectively integrate Development and Environment, leaving Development in another part of the system. Thirdly, it would leave the problem of the obsolescence of the Security Council unresolved.

4. Who knows what form the restructuring and upgrading of Ecosoc will take. A draft, prepared for the G77 recommends a "segmentation" of ECOSOC, and one of the "segments" would be responsible for "sustainable development." I fear that might not be enough. It would mean to marginalize the "sustainable development" issue.

5. Boutros-Ghali, in his **Agenda for Peace**, updates and upscales the concept of "Security," making it as comprehensive as it ought to be. Thus he enlarges the scope of activities of the Security Council which now include "peace-making" and "peace-building" and he explains:

Increasingly, peace-keeping requires that civilian political officers, human rights monitors, electoral officials, refugee and humanitarian aid specialists and police play as central a role as the military....Professional communities, the media

and the public at large must all be involved...

6. Germany and Japan have already declared their intention to press for Permanent Membership in the Security Council. Nigeria, India, Brazil are next in line. This might make Charter amendment eventually inevitable, although the present Permanent Members certainly will try to postpone it as long as possible, and the danger of opening a Pandora's Box is a real one. If and when, however, Charter Review becomes inevitable, it is not only the whole question of Membership, it is the very concept of "Security" on which the Council is based, that ought to be re-examined.

7. Boutros's analysis would induce me to think in terms of enlarging the functions of the Security Council. As it is, it is based on an obsolete concept of Security. What we might need today is a

**Council on Comprehensive Security and  
Sustainable Development (CCSSD).**

It is one inseparable concept today: Development and the protection and preservation of the Environment are impossible without military security. Military security is impossible without Development. Development is impossible without conserving the Environment. Such an adaptation of the Security Council to the conditions of the 21st century would place the "sustainable development" issue at the centre of the UN system from where it could affect the system as a whole and properly integrate Environment, Development, and Peace.

8. The second part of my idea is this: The General Assembly should elect a number of Agenda 21 Commissions -- perhaps one for each Chapter; certainly one for Chapter 17, which would be the "Ocean Forum" we have long advocated, while several other chapters might be combined, so that, perhaps we'll end up with five or six, but there must be a certain number if Agenda 21 is to be implemented effectively. In joint session, once a year, these Commissions would form the ECOSOC, which thus would be meaningfully "segmented" and would perform the traditional tasks of ECOSOC, such as receiving and discussing the reports of the Agencies responsible to it.

9. Each one of the Agenda 21 Commissions would have to network with the Government Departments responsible for their respective subject area as well as with scientific institutions and NGOs, at the national, regional, and global level in ways analogous to those already evolving in the context of ocean development, as elucidated,

e.g., in *Pacem in Maribus* XIX. Such networking is needed in all areas of "sustainable development" as recently stressed also by speakers at the General Assembly.

10. The whole network would be co-ordinated by a Steering Committee appointed by ECOSOC.

11. If and when a new Comprehensive Security Council, along the above mentioned line, were to be instituted, This body (CCSSD) would coordinate and integrate the policies of the Agenda 21 Commissions which then would report to the General Assembly. For military activities, (which, in any case, should be kept to a minimum) the CCSSD would rely on the Staff Committee.

12. The Law of the Sea and Ocean Development sector remains the most advanced lead sector of the United Nations system. The ideas outlined in this memo would make it model for, and part of the restructuring of the system as a whole.

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