

COPY

June 19, 1989

file
H.E. Ambassador Mr. Jose Luis JESUS
Ambassador & Deputy Permanent Representative to the UN
Permanent Mission of the Republic of Cape Verde to the UN
27 East 69th Street
New York, N.Y. 10021
USA

Dear Ambassador JESUS:

I am sending, on the advice of Professor Elisabeth Mann Borgese, a copy of her address to the College du France, delivered February 17, 1989 in Paris and entitled " The New International Technological Order Emerging From The United Nations Convention on the Law of the Sea" .

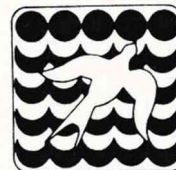
Yours truly,

Anita Coady for
Elisabeth Mann Borgese
Encl.



Dalhousie University

International Ocean
Institute



I.O.I. - Malta

February 9, 1989

H.E. Ambassador José Luis Jesus
Permanent Mission of Cape Verde to the U.N.
New York, N.Y.
USA

My dear José Luis:

This is to invite you most cordially to participate in Pacem in Maribus XVII, which will take place in Moscow on June 26-30, on a subject dear to you: Peace in the Oceans.

The timing for such a conference -- and for having it in Moscow -- could not be better and we think it will be an important event.

Satya Nandan will be there; and three of the Judges of the ICJ have already accepted -- Oda (time permitting), Bedjaoui, and Manfred Lachs.

There will be what I think should be a fascinating panel on the concept of the Common Heritage and its potential contribution to peace and disarmament: chaired by Arvid Pardo, and with a Catholic, a Russian Orthodox, a Hindu, and a Marxist on the panel!

We have high hopes that Gorbachev himself will address the meeting.

We would, of course, like you to address the inaugural session: That will be a more formal occasion. Besides that we would like you to give a more substantial paper on any aspect of the subject that might interest you. Only, you should let me know as soon as possible, so that we can schedule you properly.

I fervently hope you will be able to come; and I express this hope also on behalf of our Soviet colleagues, who will be in touch with you directly.

With all good wishes,

Yours sincerely,

Pearson Institute, 1321 Edward Street, Halifax, Nova Scotia, Canada, B3H 3H5
Telephone: (902) 424-2034, Telex: 019 21 863 DAL UNIV NB, Fax: 902 424 2319
Chairman

RES/CONF/PREP COM

UNITED NATIONS



NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE:

13 December 1989

Sir,

I would like to inform you that the eighth session of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea will take place in Kingston, Jamaica, from 5 March to 30 March 1990.

I wish to draw your attention to rule 3, paragraph 4, of the Rules of Procedure of the Preparatory Commission which states that non-governmental organizations may sit as observers in public meetings of the Preparatory Commission.

I would be grateful if you could inform me whether your organization intends to send a representative and, if so, the name and designation of the representative.

..... The provisional time-table and the provisional agenda of the eighth session of the Preparatory Commission are enclosed.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "L. Dolliver M. Nelson".

L. Dolliver M. Nelson
Executive Secretary

PREPARATORY COMMISSION FOR THE INTERNATIONAL SEA-BED AUTHORITY
AND FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Provisional agenda of the eighth session

1. Opening of the session.
 2. Minute of silence for prayer or meditation.
 3. Adoption of the agenda for the session.
 4. Organization of work.
 5. Preparation of recommendations for inclusion in the reports referred to in paragraphs 10 and 11 of resolution I of the Third United Nations Conference on the Law of the Sea.
 6. Implementation of resolution II of the Third United Nations Conference on the Law of the Sea.
 7. Other matters.
-

PREPARATORY COMMISSION FOR THE INTERNATIONAL
SEA-BED AUTHORITY AND FOR THE INTERNATIONAL
TRIBUNAL FOR THE LAW OF THE SEA

Eighth session

Kingston, Jamaica, 5 March-30 March 1990

Provisional time-table

FIRST WEEK

Monday, 5 March

10.30 a.m.

Group of 77/
Chairman of the Commission will hold
informal consultations with Chairmen of
Special Commissions and Chairmen of
Regional Groups

3.00 p.m.

General Committee (organization of work)
followed by Plenary

Tuesday, 6 March

10.30 a.m.

Plenary
Special Commission 1

3.00 p.m.

Special Commission 3
Special Commission 4

Wednesday, 7 March

10.30 a.m.

Plenary
Special Commission 2

3.00 p.m.

Special Commission 3
Special Commission 4

Thursday, 8 March

10.30 a.m.

Plenary
Special Commission 2

3.00 p.m.

Special Commission 3
Special Commission 4

Friday, 9 March

10.30 a.m.

Special Commission 2
Special Commission 4

3.00 p.m.

Regional Groups and/or Group of 77

SECOND WEEK

Monday, 12 March

10.30 a.m. Plenary
Special Commission 3

3.00 p.m. Special Commission 1
Special Commission 2

Tuesday, 13 March

10.30 a.m. Plenary
Special Commission 2

3.00 p.m. Special Commission 1
Special Commission 4

Wednesday, 14 March

10.30 a.m. Special Commission 2
Special Commission 4

3.00 p.m. Special Commission 1
Special Commission 3

Thursday, 15 March

10.30 a.m. Plenary
Special Commission 3

3.00 p.m. Special Commission 2
Special Commission 4

Friday, 16 March

10.30 a.m. Special Commission 1
Special Commission 3

3.00 p.m. Regional Groups and/or Group of 77

THIRD WEEK

Monday, 19 March

10.30 a.m. Plenary
Special Commission 2

3.00 p.m. Special Commission 3
Special Commission 4

Tuesday, 20 March

10.30 a.m. Plenary
Special Commission 1

3.00 p.m. Regional Groups and/or Group of 77

Wednesday, 21 March

10.30 a.m. Special Commission 2
Special Commission 4

3.00 p.m. Special Commission 1
Special Commission 3

Thursday, 22 March

10.30 a.m. Plenary
Special Commission 3

3.00 p.m. Special Commission 1
Special Commission 2

Friday, 23 March

10.30 a.m. Plenary
Special Commission 1

3.00 p.m. Special Commission 3
Special Commission 4

FOURTH WEEK

Monday, 26 March

10.30 a.m.	Plenary Special Commission 3
3.00 p.m.	Special Commission 1 Special Commission 4

Tuesday, 27 March

10.30 a.m.	Plenary Special Commission 2
3.00 p.m.	Special Commission 1 Special Commission 4

Wednesday, 28 March

10.30 a.m.	Special Commission 1 Special Commission 2
3.00 p.m.	Special Commission 3 Special Commission 4

Thursday, 29 March

10.30 a.m.	Plenary Special Commission 2
3.00 p.m.	Regional Groups and/or Group of 77

Friday, 30 March

10.30 a.m.	Plenary (Reports by Chairmen)
3.00 p.m.	Plenary (Reports by Chairmen)



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I.O.I. - Malta

April 1, 1990

*H.E. Ambassador Jose Luis Jesus
Permanent Mission of Cape Verde
to the United Nations
New York, N.Y.
USA*

My dear Jose Luis:

This is to invite you most cordially to Pacem in Maribus XVIII which is going to be a rather important event, generously supported by the Netherlands Government, the City and the Port of Rotterdam, as well as the private sector.

We would like you to address the opening session.

But will it be possible?

Unfortunately, and unavoidably, the conference coincides with the final week of the Prep.Com.

Do you think you might sneak out for a couple of days?

We would be pleased and honoured if you could. On the other hand, we will understand it, if you cannot.

Needless to say, if you could make it, you would be our special guest in Rotterdam, and we would be glad to arrange for your air trip via KLM.

Warmest regards,

Yours sincerely,

*Elisabeth Mann Borgese
Professor*



Dalhousie University

International Ocean
Institute



I.O.I. - Malta

April 1, 1990

H.E. Ambassador Jose Luis Jesus
Permanent Mission of Cape Verde
to the United Nations
New York, N.Y.
USA

My dear Jose Luis:

Unfortunately -- and for the first time in the UNCLOS history! -- I could not come to Jamaica. The reason is: I was in Beijing, where I introduced our project on joint ventures, etc.

For your information, I am enclosing a copy -- together with the text of my introductory remarks. I would like to draw your attention to pp.4-6 of this introduction.

Looking forward to seeing you in New York,

Yours very sincerely,

Elisabeth Mann Borgese
Professor

DALHOUSIE UNIVERSITY ARCHIVES DIGITAL SEPARATION SHEET

Separation Date: June 16, 2015

Fonds Title: Elisabeth Mann Borgese

Fonds #: MS-2-744

Box-Folder Number: Box 283, Folder 9

Series: United Nations

Sub-Series: UNCLoS III : correspondence

File: Correspondence with Ambassador Jose Luis Jesus

Description of items:

A copy of the following speech:

Jesus, Jose Luis. "Statement Made on the Completion of the Work of the Preparatory Commission and the Universality of the Convention Made by Ambassador Jose Luis Jesus, of Cape Verde on the Occasion of the 24th Annual Meeting of the Law of the Sea Institute" (1990).

Reason for separation:

Pages have been removed from digital copy due to copyright concerns.



Dalhousie University

International Ocean
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August 11, 1990^{I.O.I. - Malta}

H.E. Ambassador José Luis Jesus
Permanent Mission of Cape Verde
to the United Nations
New York, N.Y.
USA

Dear José Luis,

I have read with great interest your speech at the Kiel symposium. Permit me to make a few comments.

First of all, I would like to bring to your attention a letter I received from Professor Lewis Alexander who, I am told, is deeply involved in U.S. law-of-the-sea policy-making.

This letter seems to me to confirm what I thought all along: namely, that the U.S. opposition to the Convention is rooted in far deeper concerns than those you cite in your address. It is a profound aversion against multilateralism that cannot be cured by minor changes in the text of the Convention.

This might change radically and very suddenly, in response to Perestroika. But it has not yet happened. The US position on Iraq makes that quite clear.

On the other hand, also the problems with Part XI are far deeper than those you list. The basic problem is that, due to scientific, technological, and economic reasons, the Seabed Authority is never going to be what it was thought to be in the Seventies. The big question is: how can we make it useful and functional in the Nineties without changing the Convention.

To try to renegotiate the real issues of Part XI seems to me to be a very very dangerous undertaking -- one that undermines the effectively coming into force of the Convention as a whole. You start with the issues you mention -- and you end up with re-opening the whole concept.

I still think we have to continue on the road we



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successfully initiated with the negotiations on overlapping claims. Let us now conclude negotiations on "Pioneer Obligations". An agreement on this issue will, in reality, establish an interim regime for exploration, technology development and development of human resources. This could be universally beneficial. It could prefigure a cost-effective "Enterprise" which, as you yourself point out can only be some sort of joint venture.

A more meaningful approach to the US, in my opinion would be to try to convince one of the consortia which are "potential pioneer investors" to join -- albeit with the Netherlands or Italy acting as certifying State. The negotiations on Pioneer obligations offer a legitimate forum for the the building of an interim regime, and this would be an unobtrusive way for the Americans to participate. This should be encouraged especially if there are other new applications (e.g., InterOceanmetal Inc.)

The arrangements to be made, however, are not just of a legal nature. They must take into account the most advanced forms of high-technology development.

It will take some creativeness. It will take some courage.

I am looking forward to seeing you soon in New York and wish you all the very very best.

Yours as ever,

Elisabeth Mann Borgese

file



Dalhousie University

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I.O.I. - Malta

April 2, 1991

*H.E. Ambassador José Luis Jesus
Permanent Mission of Cape Verde
to the United Nations
New York, N.Y.
USA*

My dear José Luis:

*You may be interested in the enclosed copy of exchanges with the
Government of Finland, through my good friend, the Ambassador of
Colombia.*

*This is part of my intense effort to get the needed 15 ratifications
before UNCLOS IV is upon us.*

All the best,

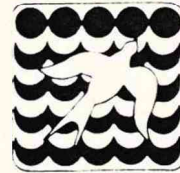
Yours as ever,

*Elisabeth Mann Borgese
Professor*



Dalhousie University

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Institute



I.O.I. - Malta

April 2, 1991

Mr. Jean-Claude Aimé
Executive Assistant to
the Secretary-General
United Nations
U.N. Plaza
New York, N.Y. 10017
USA

Dear Mr. Aimé:

The ink is not yet dry on my last communication to you, and here I am again. I hope you and the Secretary-General will not consider me a graphomaniac.

I am a deeply concerned citizen, that is all.

I do wish to share with you and the Secretary General the exchange I am having with the Government of Finland, through my good friend the Ambassador of Colombia. This is part of my very active endeavour to get 15 ratifications this year.

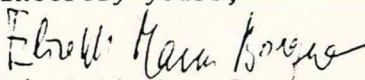
The United Nations Secretariat could do so much to lead this effort. Instead -- as is unambiguously clear now, the initiative taken by the Secretariat is paralysing the ratification process.

I would beseech the Secretary-General to re-examine this situation. It was the Secretary-General of the United Nations who, in 1982 declared that the adoption of this Convention was the greatest event since the creation of the United Nations itself. It is the Secretary-General of the United Nations who now is presiding over its liquidation.

I hope you will excuse the sternness of this language. But it is the situation that is stern.

With all good wishes,

Sincerely yours,


Elisabeth Mann Borgese
Professor

PERMANENT MISSION OF FINLAND
TO THE UNITED NATIONS
866 UNITED NATIONS PLAZA
NEW YORK, N. Y. 1007
TELEPHONE 212-355-7100

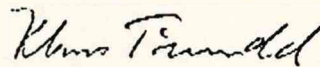
Helsinki, el 28 de marzo de 1991

Señor Embajador:

Refiriéndome a nuestra conversación la semana pasada tengo que informarlo que según las informaciones que me han dado en la dirección jurídica del Ministerio de Asuntos Exteriores la situación en cuanto a la ratificación del Convenio sobre el Derecho del Mar está aun más complicada de lo que aparece en las cartas del profesor Elisabeth Mann Borgona. Las actitudes de varios países han cambiado bastante en los últimos tiempos. No me atrevo a explicar el problema, pero sugiero acudir a la dirección jurídica (el director general Grönberg o el director Kourula). Erkki Kourula acaba de tomar parte en una reunión de las partes contractantes del Convenio.

Con mis mejores saludos,

atentamente


Klaus Törnudd

S.E. Sr. Nicolas Salom Franco
Embajador de Colombia
Helsinki



EMBAJADA DE COLOMBIA

Helsinki, April 2nd. 1991

Professor
Elisabeth Mann Borgese
International Ocean Institute
Halifax

Dear Elisabeth,

Back from my easter
holidays, I found the letter which
copy I enclose, from the Finnish
Ambassador to the United Nations, Mr.
Klauss Törnudd.

With love,

A handwritten signature in dark ink, appearing to be 'Nino'.

S.E. Sr. Nicolas Salom Franco
Embajador de Colombia
Helsinki

Copy

FACSIMILE TRANSMISSION

To: H.E. Ambassador Nicolas Salom Franco
Embassy of Colombia
Helsinki, Finland
FAX No: 358 0 693 3072

From: Elisabeth Mann Borgese
FAX No.: 1 902 868 2818

Date: April 2, 1991

Subject: Ratification

Dear Nico:

Thanks for your communication

I know of course what Ambassador Törnudd is referring to. On Monday, March 25, there was another meeting, under the auspices of the Secretary General, to conduct a "dialogue," to examine ways and means to make the Convention "universally acceptable."

It appears that we re rushing headlong towards a "Conference of Plenipotentiaries," which, I am afraid, will turn out to be just another name for UNCLOS IV.

My deep concern is that this will be the end of our Convention. Whatever was prophetic and creative in that document will disappear. The concept of the common heritage of mankind will be reduced to a flourish of rhetorics, without legal and economic meaning; without an institutional embodiment. "Appropriate international machinery" -- the Authority -- will be deferred to such time when commercial mining of nodules (the United States will be very insistent that it must be "nodules": not "minerals" or "resources"! "is about to begin," which means, *ad calendas graecas*.

What the U.S. was not strong enough in 1982 to obtain, it will obtain now. That she is now powerful enough to dominate the United Nations, she has amply demonstrated in the Gulf War. She is doing it

again. I consider it a tragedy.

True, we have an interim regime in the Pioneer arrangement, but that can work in either of two ways. If the Convention were in place, the Pioneer regime would be an orderly and realistic transition to a universal regime, with real benefits to the poorer and less developed countries; without the Convention, including Part XI, in place, it will be a new form of "mini-treaty" ensuring the monopoly of a few.

We are wasting a marvelous opportunity: the best we ever had, to advance a truly new international order, especially in the field of international cooperation in the development and management of high technology, with the participation, and for the benefit, of the less developed countries. Instead we are leaving high tech development, as usual, to be pursued by a few highly developed countries individually, paid for by their war machines: because deep-sea exploration technology is fundamentally important for the Navies of the great powers.

There would have been a practical and honest solution to the problems of Part XI which we all know exist. The Prep.Com should have proposed to freeze certain articles, i.e., all of those dealing with financial arrangements, with production limitation; and all of Annex III. These are obsolete and inapplicable. This recommendation should have been endorsed by a consensus resolution of the G.A. This should have been enough, and there was no need for a "conference of plenipotentiaries," alias UNCLOS IV. There was no need to circumvent and counteract, the Prepcom.

I know that some countries are exploring this alternative route, and my prayers are with them.

In the meantime I am putting all my energies in this effort to obtain the needed 15 ratifications to get the Convention into force before UNCLOS IV is upon us. If the Convention were in force, UNCLOS IV would be legitimate. With the Convention not ratified, this will be its undoing.

Please feel free to share these thoughts with Ambassador Törnudd.

Yours as ever,

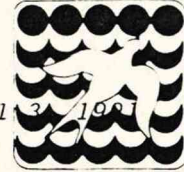
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April 3 1991

I.O.I. - Malta

H.E. Ambassador José Luis Jesus
Permanent Mission of Cape Verde
to the United Nations
New York City, N.Y.

Dear José Luis:

Here is the material for *Pacem in Maribus XIX* in Lisbon, September 16-19 -- together with our most cordial invitation to attend and participate. The official invitation, and registration form, etc., will come from Lisbon in good time. But, in the meantime, I would like you to put this on your calendar.

With all good wishes,

Yours as ever,

Elisabeth Mann Borgese