

INDEPENDENT WORLD COMMISSION ON THE OCEANS

Second Plenary Session, Rio de Janeiro, 2-5 July 1996

Information Note

The Second Plenary Session of the Independent World Commission on the Oceans has successfully worked on the tasks the Commission set itself at its Tokyo launch.

The aims defined then include the raising of a global awareness of the oceans, preparing the ground for (yet aiming far beyond) specific recommendations to be made, based on an inventory of ocean-related issues. The Commission's Final Report sets itself the goal to be, at its completion, a visionary agenda for the oceans in their totality. The selection of issues to be included was therefore a decisive step the Tokyo meeting took, and in Rio the Plenary of the Commission has succeeded in focusing specifically on the crucial questions involved.

The Plenary worked in four Working Groups on the following major issues:

- I The legal and institutional framework for the use and protection of the ocean
- II Sovereignty, security and peaceful uses of the oceans
- III Ocean economics in the context of sustainability
- IV Promises and challenges of science and technology

I) The group on **legal and institutional issues** set itself the task to identify the major legal and institutional problems following the short-term and long-term proposals made in and following up on Agenda 21 of UNCED which provides the basis for integrating sustainable development and environmental protection (Principle 4 of the Rio Declaration). Its Chapter 17 also assesses the significance of the United Nations Convention on the Law of the Sea which entered into force in

1994. The group identified two inter-related problem areas which should be examined with priority, namely i) proposals concerning the law-making and standard-setting relevant to the uses of the oceans and the protection of the marine environment, and ii) the ways and means of enhancing the implementation of international instruments.

For the first problem area the group considered the translation of non-legally binding instruments on ocean affairs into legal rules. It emphasized the need for participation of non-governmental organisations and other social and interest groups in this process which could stimulate public awareness and involvement. The evolution from general rules and regulations towards the enactment of specific rules is an important prerequisite for strengthening the legal framework for protection and development of the marine environment. The adoption of national legislation in conformity with international rules and standards is another condition for the efficiency of international instruments.

For the second problem area regarding implementation the group stated that, in view of the multiplicity of legal instruments dealing with protection and preservation of the marine environment, the priority should be not the need to increase the number of such instruments but the need for harmonization of these instruments and the adequate ways and means to enhance their implementation. States will already have great difficulties in integrating the existing international laws concerned into their national legislation. Furthermore, implementation will require at the national level a more integrated set-up of government than the present sectorial one. The Brazilian set-up may well act as a model for such a more integrated approach. Finally, implementation would also require regular monitoring, assessment and periodic reports through appropriate institutions and mechanisms on national, regional and global levels if rules are not to become meaningless.

II) The Working Group on **peaceful uses of the oceans** agreed that the end of the Cold War had created a new geopolitical setting with respect to the oceans. This change has brought about a transition from a bipolar to a multipolar security framework. The concept of security needs to be extended to include the "security of peoples" and the "security of the world community" as well as the traditional emphasis on the "security of states". The new agenda of security is often of greater concern to peoples than threats to peace arising from rivalries among states. It includes concerns about the marine transport of drugs, of arms, of the transnationalisation of terrorism, the re-emergence of piracy at sea, the migration of displaced peoples and refugees, and of conflicts about marine resources ("fisheries wars"). The security of the world community is under threat through issues like the transport by sea of dangerous substances like plutonium while on the other hand international solidarity might encourage creative solutions to disputes among governments, leading to shared use arrangements, including information about the oceans. One illustration of a trend in this direction was the declassification by the US Government of its undersea data base on the oceans that had previously been held as a prerogative of "national security". The use of naval facilities for the monitoring of ocean parameters, or fisheries in the Exclusive Economic Zones is of a similar character. Regarding the right belonging to all states, the voluntary restraint of sovereignty has itself to be seen as an exercise of sovereignty, which can facilitate co-operative solutions to overlapping marine resource claims. In conclusion, peaceful uses of the oceans should be enhanced in the light of the goals of denuclearisation, demilitarisation, creation of zones of peace, conflict prevention and resolution, taking account of the UN Secretary General's Agenda for Peace and the 1992 Security Council Summit of the Heads of States on Collective Security. In short: "If you want peace, prepare for peace."

III) The Working Group on **ocean economics** emphasises the obvious linkage with land economics, however: the oceans force us to think differently. They have forced us to make a breakthrough in international relations, law, and governance. It is very likely that they could yield a new approach to economics as well. The concept of sustainable development must be based on a synthesis of economic and ecological concerns and not lose sight of contributing to the eradication of poverty. It must also examine different approaches to "ownership". If products have an "utilisation value" not an "exchange value" the concept of "ownership" becomes irrelevant. It should be noted that non-Western cultures in many cases have different concepts of "ownership" or "property". The Law of the Sea Convention has led to a new concept of "ownership", i.e. the Common Heritage of Mankind. How does this contribute to the eradication of poverty, to synthesising economic and ecological concerns, to managing uncertainty? How can it be developed further? The concept of "ownership" is equally relevant or irrelevant when it comes to sharing the technologies needed for the development of the oceans as the Common Heritage. Technology today cannot be bought. It must be learned. "Technology transfer" today is based on the development of human resources. The most effective means of "technology transfer" is joint research and development, i.e. capacity-building within a framework for regional and global, South-South and North-South cooperation.

IV) The Working Group on **Science and Technology** sees science not as a separate issue for ocean concerns, but integrated with aspects of law, economy, social sciences and political considerations. Questions like the implementation of the United Nations Convention on the Law of the Sea and Agenda 21, coastal management, management of living and non-living resources all have implications that touch on science and technology. Science and technology play an

important part in the maintenance of the ocean as a major component in the life support system of our planet. The global ocean may contribute significantly to slowing down the rate of global climate change, and any threat to this role of the ocean may have serious repercussions for humanity. Science and technology must therefore concentrate the efforts on studies of the role of the ocean in regulating global change, as well as studies on the effects on the ocean from global change. And these efforts should include generating awareness of the general public of the potential and problems of the ocean. Access to information and technology, closely linked to the need for capacity-building in developing countries, is stated as an obligation in Agenda 21, which is therefore seen as equally important as the Convention on the Law of the Sea. But it does not provide for mechanisms to implement those obligations. Proposals for such mechanisms should be made.

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Apart from the four issues of the sessional Working Groups the Commission also deliberated on **further issues** to be included in the input for the Final Report. One such concern of several Commission members was the subject of **indigenous people** and their relationship to the oceans. Indigenous people, especially those with traditions closely linked with ocean use and dependence, should be studied in their attitudes to the seas and oceans, including such matters as the management of sustainability, resource use and security.

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Another concern linking members of different Working Groups is the importance that should be attached to **non-governmental organisations** as participants in decision-making processes. Awareness of ocean-related matters might be built more effectively through collaboration with NGOs.

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The Commission also emphasised the importance of **regional meetings** for the input to its work. The regional sensibilities and perspectives or the real concerns of local people must be taken into account in the work of the Commission.

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The central concern of **awareness-raising** that had made itself felt in much of the thematic work of the Plenary Session was finally addressed explicitly. Increasing global consciousness of the oceans is one of the priorities for planetary survival. It involves changes in public perspective and in attitude, in leadership decisions and in government action. The challenge consists in changing a global attitude to the oceans that tends to take them for granted. Compared with other components of the global environment, even compared with lakes and rivers, the oceans seem to have a great capacity to forgive the harm that is inflicted on them. Therefore, public consciousness feels justified to turn its back on them. Ultimately, increasing awareness of the oceans has to begin with a very basic educative attempt at making human beings 'see' the oceans, and it should end with creating a new ethos in humankind's relations with the oceans. One approach to achieving such a global ethos may consist in the systematic promotion of partnership at all levels and in all known endeavours relating to the oceans. Its attainment depends upon the acceptance, by all agents involved, of the need for self-restraint and common but *differentiated* responsibilities.

Finally, attention was given to the question of **partnership, solidarity and ocean governance**. The Chairman of the Commission called for "a new ethos in mankind's relations with the oceans". This should be the ultimate goal of the Commission. The emergence and acceptance of such a new philosophical approach to the relationship between man and the oceans entails the

need to face the issues of resource development, use of science and technology and decision-making in the context of the legal, political and institutional frameworks. Such ethos will have to be reflected in the institutional frameworks for ocean governance at the national and international levels, on the basis of harmonized and efficient sets of legal norms.