



Dalhousie University

International Ocean
Institute



HEARINGS TO BE CONDUCTED BY THE CHINA AND MALTA IOI OPERATIONAL CENTRES IN MARCH/APRIL 1995.

1. Introduction

This is an application for a contribution of \$60,000 to assist the China and Malta IOI Operational Centres to conduct hearings on ocean affairs for the Independent World Commission on the Seas and Oceans.

The Chinese Hearings will be conducted in cooperation with SOA and the National Data Centre in Tienjin. The Malta hearings will be conducted in cooperation with the Centre for International Studies, the UNEP Coordinating Centre in Athens, the Third World Academy of Science, and other Mediterranean institutions and organisations.

2. BACKGROUND

The IOI has taken the initiative for the establishment of an Independent World Commission for the Seas and Oceans ("The Commission") under the leadership of President Mario Soares of Portugal. The Commission will have 30 members, including 6 Vice Presidents. Mr. Yoshio Suzuki, Chairman of the Nomura Research Institute, has been invited to be the Japanese Vice President.

The Commission's terms of reference are:

- . to refocus world attention on the importance of sustainable ocean development and the law of the sea;
- . to monitor the ratification, implementation, and progressive development of the Convention, at national, regional, and global levels;
- . to examine whether States, especially developing countries, are able to fulfil their duties, enjoy their rights, and generate their benefits under the Convention, to analyse the difficulties they might encounter, and to propose ways and means to overcome them;
- . to monitor the implementation of chapter 17 of Agenda 21, at national, regional, and global levels and to observe the function of the Convention in this process (legal framework; peaceful settlement of disputes; enforcement);

- . to follow the development of regional programmes of cooperation and development in the marine sector and examine how they adjust to the new requirements of integrated ocean management and sustainable development;

- . to examine the role of the Law of the Sea and ocean development in the process of restructuring the United Nations system as a whole for the 21st century and elaborate proposals to strengthen this role.

The IOI, with its operational centres will function as Secretariat for the Commission

The Commission will submit an interim report to the UN General Assembly in 1995 and a final report to the Commission on Sustainable Development in 1996.

The work will be carried out through a number of studies which are being commissioned as well as through regional hearings, to be organised and conducted through the 8 IOI operational centres in Canada, China, Costa Rica, Fiji, India, Japan, Malta, and Senegal.

3. Scope and Purpose

The purpose of the hearings should be multiple:

- . Through the advertisements and public discussions, they should have an educational and consciousness-raising effect.
- . They should make an important contribution to the work of the Commission.
- . They should yield important material for the training programmes.
- . They might open new channels for local funding (especially from the private sector).
- . They should contribute to developing and strengthening the institutional infrastructure of the Centres.

Thus the effects of the hearings should be in consciousness raising, in human resource development, capacity building, and institution building.

Testimonies at the hearings should present views on any matter under consideration as well as on anything else the witness may consider necessary to bring to the attention of the international

community through the Commission's reports. A preliminary illustrative list of subjects is attached.

4. Time table

December, 1994: Preparation, by the Secretariat, of the guidelines for the conduct of the hearings.

January:, 1995: Meeting of Vice Presidents + President, in Lisbon, to approve guidelines (among other things);

January/March: Each Centre will prepare a list of people to be invited to the hearings. The hearings will also be advertised in the local newspapers, inviting people to come forward and send comments on the questions that will be included in the advertisements. People to be interviewed should be users: Fishermen's coops., managers of ports and harbours; sea captains; offshore oil drilling companies; tourism organisations; marine scientists, environmental NGOs; local and national authorities, etc.

March/April: Each Centre will have its hearings

May/July: Each Centre computerizes and analyses results and prepares its Report.

August: Secretariat synthesizes all reports for September Plenary Session.

4. Budget

The Commission's over-all budget provides for US\$ 30,000 per Centre per Hearing. The costs of the 4 GEF-sponsored Centres (Costa Rica, Fiji, India, Senegal) will be covered by a contribution of \$120,000 from UNDP. Canada and Japan will cover their own costs. Funds are needed for China and Malta.

Costs include advertising and the preparation and printing of a brochure; the preparation of a list; communication with prospective witnesses; travel and sojourn of witnesses; computerizing and analysing the results of the hearings and writing the final report.



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MAY/JUNE 1995.

1. BACKGROUND

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ANNEX 1

ILLUSTRATIVE LIST OF SUBJECTS

ILLUSTRATIVE LIST OF MATTERS ON WHICH VIEWS COULD BE
COMMUNICATED TO THE COMMISSION

Sustainable ocean development and the law of the sea

The Convention has Parts and Articles relating to the protection and preservation of the marine environment (Part XII), conservation of living resources in the exclusive economic zone (Article 61), conservation and management of the living resources of the high seas (Part VII Section 2) and the co-operation of States bordering enclosed or semi-enclosed seas to co-ordinate the management, conservation, exploration and exploitation of the living resources of the sea (Article 123(a)).

The above provisions require the coastal States to promulgate laws and regulations in pursuance of the aims specified in the Convention and to co-operate both among themselves and with competent international organisations towards the achievement of these ends.

Do you consider the actions taken by States so far to be adequate? If not, what are in our opinion, the reasons for not taking adequate action? And what needs to be done to promote the taking of such action.

Do you consider that the cooperation by States in your region, including the setting up of regional and subregional institutions is adequate? If not what more in your opinion needs to be done.

Have the specialised agencies of the United Nations (FAO, IMO, UNESCO/IOC, IHO, UNIDO, WMO) been cooperating with the States, especially developing States, of your region to further the prospects of sustainable development? If not, what in your view needs to be done.

Ratification, implementation, and progressive development of the Convention at material, regional and global levels

The Convention has become law with effect from 16 November, 1994 but many states have not yet ratified it and many who have ratified it, have not yet implemented it.

Which States in your region have ratified the Convention? To what extent have they implemented its provisions? What are the difficulties, if any, that they face in implementing all the Parts of the Convention?

Which States in your region have not ratified the Convention so far? What are the reasons for non ratification?

The Convention mandates cooperation between States at national, regional and global levels in various areas including, inter alia,

- . sea lanes, and traffic separation schemes in straits (Article 41 (5))
- . navigational and safety aids and the prevention, reduction and control of pollution in straits (Article 43)
- . conservation of living resources, including highly migratory species, marine mammals and anadromous stocks (Articles 61, 64, 65 and 66)
- . conservation of living resources of the high seas (Articles 117 - 119)
- . bordering enclosed and semi-enclosed seas (Article 123)
- . access for land-locked states to the sea (Articles 129, 132)
- . orderly, safe and rational management of the resources of the international Area (Articles 150, 151 and 160)
- . protection and preservation of the marine environment (Articles 197, 199 - 202)
- . marine scientific research for peaceful purposes (Articles 242 - 244)
- . development and transfer of marine technology (Articles 266, 268 - 273)
- . establishment of regional marine scientific and technological research centres, particularly in developing States (Article 268)

To what extent have States in your region been cooperating in the above fields? What can be done to further such co-operation including the establishment of marine scientific and technological research centres?

States, especially developing countries, and their ability to fulfil their duties and enjoy their rights and generate their benefits under the Convention; Agenda 21; regional programmes

The Convention has vastly expanded the jurisdiction of coastal States. This gives to the States the opportunity to enjoy their rights and generate benefits. But at the same time the Convention also casts duties on the States - provision of safety and navigational aids, the establishment of search and rescue systems, establishment of total allowable catch, transfer of environmentally safe technology to developing countries, providing assistance in the fields of marine science and research etc. At the same time the enjoyment of rights and the generation of benefits requires inter alia, inputs in the form of adequate surveillance systems, scientific research, exploration, marine technology, finance, trained manpower and integrated management systems - matters in which the developing countries in particular are lacking.

To what extent, in your opinion, have steps been taken to remedy these deficiencies? What further needs to be done in this regard - by international organisations, the industrialised states, developing countries and the international funding agencies at the national, regional and international levels?

Role of the Law of the Sea and Ocean Development in the process of restructuring the United Nations

There is talk of restructuring the United Nations so as to enable it to meet the challenges of the 21st Century. The Oceans cover 71% of the globe but there is no adequate coverage of matters relating to the Oceans by the UN System. How, in your opinion, should the UN be restructured to adequately deal with oceanic matters?