



Dalhousie University

International Ocean  
Institute



September 9, 1998

Mr. Don Campbell  
Ministry of External Affairs &  
International Trade

Dear Mr. Campbell,

I just had a long talk with our mutual friend, Don Mills, in Jamaica, and he suggested that I should contact you. He has just returned from Lisbon, where the report of the Independent World Commission on the Ocean was launched.

I resigned from this Commission last February although I had been the initiator of its establishment. But I profoundly disagreed with the way our Portuguese colleagues were running it. Before I left, I introduced a proposal, which has survived my departure. I do believe it is both important and realistic, and the International Ocean Institute has started a very comprehensive initiative to get it adopted -- and here it is, and I fervently hope Canada will support it.

The Year of the Ocean is entering its final phase, and I do believe, it should not be allowed to pass without leaving a concrete result for the future: something to enhance the implementation and progressive development, not only of the Law of the Sea Convention but of all the Conventions, Agreements and Programmes adopted in the wake of the Rio Conference on Environment and Development, all of which have an important ocean dimension. At present, all these instruments are not properly coordinated.

There is now wide spread agreement that a forum is needed where the closely interrelated problems of ocean space (to use the language of the Law of the Sea Convention) can be considered as a whole. This forum can only be created at the level of the General Assembly of the United Nations of which all States parties to all the different Conventions are members.

However, the General Assembly itself, overloaded with work as it is already, cannot possibly devote the time that would be needed to fully discuss the problems involved and agree on a coherent policy which then should be implemented by the various specialized agencies in a consistent manner.

It is our suggestion, therefore that the General Assembly should institute a Committee of the Whole, which should be convened every second year for the necessary length of time -- probably at least one month if not two.

I am attaching a few pages, taken from my forthcoming Report to the Club of Rome, which explains this proposal in some more detail This Report will be published in November by the United Nations University Press, with an introduction by Dr. Ruud Lubbers, my colleague in the Club of Rome..

I am also attaching a "pre-pr-pre-draft resolution" -- just to adumbrate what such a resolution might look like. The second version was done by Marie Jacobson of Sweden, in a personal capacity..

We think the proposal should be put forward in November/December, when the annual Law of the Sea Resolution is up for discussion -- just before the end of the Year of the Ocean. But if this were to be done, one would have to start now to find allies and co-sponsors for the proposal. I am sure one could mobilize wide spread support for it -- including the support of the Secretary-General.

I do think the proposal is in line with the Canadian objective of international cooperation and organisation -- even though we have not yet ratified the LoS Convention, which is a bit of a sore point!) and that Canada will support the proposal.

With all good wishes,

Sincerely yours,

Dr. Elisabeth Mann Borgese  
Chair, International Ocean Institute



Department of Foreign Affairs  
and International Trade

Ministère des Affaires étrangères  
et du Commerce international

Deputy Minister

Sous-ministre

fax: 613 944 0856

Doc 414

RECEIVED OCT 13 1998

SEP 30 1998

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

Dear Dr. Borgese:

Thank you for your letter of September 9, 1998, proposing the creation of a UN forum where the many interrelated problems of ocean space could be considered as a whole.

I know that a number of ocean experts, including officials in this Department, have expressed concern that there is no institution with a mandate to look at ocean affairs from a global perspective, drawing linkages between various ocean-related activities. As you noted, this issue has been addressed by the Secretary General of the United Nations and it will be mentioned in the report of the Independent World Commission on the Ocean.

The next major intergovernmental forum where global governance of the oceans will likely be debated is in the UN Commission on Sustainable Development (CSD). The seventh session of the CSD, to be held in New York in April of next year, will have "Oceans and Seas" as one of its four main themes. The session will be preceded by meetings of the ad hoc intersessional working groups, as well as by nationally and regionally sponsored meetings. The question of global governance of the oceans will likely be actively discussed both at the preparatory meetings and in New York. It would be premature to decide on a governance mechanism before these meetings take place.

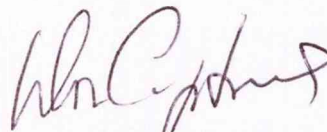
The International Environmental Affairs Bureau of our Department is responsible for coordinating Canada's position for the CSD. This position will be developed in close consultation with other Departments, in particular the Department of Fisheries and

.../2

Oceans, and with provinces, non-governmental experts and other stakeholders. The Canadian position will address the global governance issue and other ocean issues. Your input will, of course, be greatly valued. The Director General, Richard Ballhorn, can be reached at (613) 992-6026.

Thank you, again, for writing to me on this important subject and for providing an excerpt from your forthcoming Report to the Club of Rome.

Yours sincerely,



Donald W. Campbell



Dalhousie University

International Ocean  
Institute



FAXED

FACSIMILE TRANSMISSION

To: Mr. Don Campbell  
Fax No.  
  
From: Elisabeth Mann Borgese  
Fax No. 1 902 868 2455  
  
Date: October 10, 1998  
  
Subject: UNGA initiative

Dear Mr. Campbell,

With reference to my letter dated September 9, I would like to bring to your attention that, on September 29, the Maltese Minister for Foreign Affairs made the following statement, during the GA General Debate:

“The Year of the Oceans is in its final quarter. Many feel that a forum is needed to consider the closely interrelated problems of ocean space as a whole. The Independent World Commission on the Oceans, on which I have the honour to serve, has vigorously addressed this vital issue.

☒ Malta suggests positive consideration of the suggestion that this Assembly institute a biennial Committee of the Whole to review ocean-related questions in an integrated manner.”

Now that the proposal has been officially introduced, it would be splendid if Canada could play a leading role in having it implemented. I should like to stress that this is not related to Canada's ratification or nonratification of the LoS Convention. There are now a number of other Conventions, Agreements and Programmes dealing with the Ocean -- and only the General Assembly (or its Committee of the Whole), where all States are represented, is capable of dealing with them in their interaction.

With all good wishes,

Yours sincerely,



Dalhousie University

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FAXED

FACSIMILE TRANSMISSION

To: Dr. Donald W. Campbell  
Fax No 1 613 944-0856  
  
From: Elisabeth Mann Borgese  
Fax No. 1 902 868 2455  
  
Date: October 14, 1998  
  
Subject: UNGA initiative

Dear Dr. Campbell,

Thank you very much for your letter of September 30, received here on October 13. In the meantime you should have received my fax, with the information about the Maltese proposal.

We are of course aware of the programme of the CSD and are preparing a document. We are also working closely with UNEP as well as with the World Bank, in preparation for this Session.

However, we feel that with regard to this particular proposal, action is needed at the level of the General Assembly. In view of your letter, this may have to wait until next year. It is a pity, however, to lose the momentum of the International Year of the Ocean, and we think it still would be desirable to have something included in the Resolution to be adopted this year -- perhaps in the form of a recommendation to the CSD, in the Preambulary paragraphs.

Thank you for the suggestion to get in touch with Richard Ballhorn. I will certainly follow up.

With all good wishes,

Sincerely yours,

Elisabeth Mann Borgese  
Professor



INTERNATIONAL  
OCEAN INSTITUTE  
CANADA

DALHOUSIE  
University



FAXED

FACSIMILE TRANSMISSION

To: Minister Don Campbell  
Fax No 613 944 0856  
From: Elisabeth Mann Borgese  
Fax No. 1 902 868 2455  
Date: March 27, 1999  
Subject: General Assembly initiative

Dear Dr. Campbell,

May I ask for your help and advice once more.

You certainly are aware that our initiative for the establishment of a Committee of the Whole by the General Assembly, for the purpose of dealing with ocean affairs in an integrated and comprehensive manner, has made quite some progress. I am attaching our assessment of the developments that have taken place.

When we last corresponded you and your staff assured me that you were not at all opposed to the proposal but felt the need for a full discussion of all possible alternatives. I fully understood this position.

This discussion, however, has now taken place, and I understand, Canada is leaning towards the alternative of a UN Conference on Oceans.

This, I think, would be most unfortunate, because such a Conference, at this time, is not needed. What is needed is an ongoing process to deal with these matters. Quite apart from the fact that that proposal would have financial implications which our proposal does not have.

I would be most grateful if you could give your personal attention to this matter. Canada's position is important and will influence others. If we get the Committee of the Whole this will open vast new possibilities for improving ocean governance at the global level, and this would fit precisely into Canadian policy!.

I would be most grateful if you could let me have your reaction.

With all good wishes, sincerely yours,

*Elisabeth Mann Borgese*



INTERNATIONAL  
OCEAN INSTITUTE  
CANADA

DALHOUSIE  
University



***Proposal for the establishment of a Committee of the Whole to deal effectively with ocean affairs and the Law of the Sea***

Last year we introduced our proposal for the establishment of a Committee of the Whole on ocean affairs and the Law of the Sea to the UN Missions in New York. We got some positive feed-back, but the time was not ripe. Within the last 12 months, the situation has dramatically changed, thanks, in particular to the interventions of Ambassador George Saliba of Malta. The proposal now is officially on the agenda of the Seventh Session of the UN Commission on Sustainable Development, together with a few other versions.

The Co-Chairmen's Summary of the Discussions on Oceans and Seas, Ad Hoc Inter-sessional Working Group of the Commission on Sustainable Development (New York, 1-5 March 1999) contains the following paragraph

30. Many delegations argued for the need for improved coordination at the intergovernmental level for achieving an holistic approach for global action on oceans. In this regard, some delegations mentioned specific proposals for developing new organizational arrangements including;
- holding a United Nations Conference on Ocean Affairs;
  - establishing a biennial Committee of the Whole that would report to the General Assembly;
  - organizing a high-level oceans symposium, under the direction of a high-level steering group, as part of preparation for the ten-year review of progress achieved since UNCED;
  - establishing an open-ended working group of the General Assembly to prepare for its annual debate on oceans and law of the sea;
  - using the potential of the Meetings of State Parties to the UN Convention on the Law of the Sea.

Other delegations, however, cautioned against the establishment of a new institution and stressed instead the need for streamlining and reinforcing the existing mechanisms.

31. Some delegations pointed out that further discussions would be needed to examine the purpose, format, timing, duration, frequency and reallocation of available funds, when considering new organizational arrangements. Some other delegations pointed out that it is essential to identify problems in the existing international arrangements and that if improved coordination is desirable in certain areas, attempts first should be made to



make better use of existing framework of relevant conventions and organizations.

I shall comment briefly on each one of these positions. My conclusion will be that the Committee of the Whole proposal is the only one that fills a need that exists, considering that, at present there simply is no body -- to use the language of the Law of the Sea Convention -- that can consider the closely interrelated problems of ocean space as a whole!

*Holding a United Nations Conference on Ocean Affairs.*

This proposal reflects a misconception of what is needed. It is not *one Conference* that is needed. What is needed is a body that meets *at regular intervals, at least every second year* to review the comprehensive reports of the Secretary-General, discuss them *in depth* and propose a coherent, integrated policy for the next period. This must be an *ongoing process* not a one-time shot!

*Organizing a high-level oceans symposium*

There is not much difference between the "Conference" and the "Symposium" proposals, except perhaps, that the "symposium" proposal is a bit more elitist. But neither one provides for the needed *ongoing process*.

*Establishing an open-ended working group of the General Assembly*

This comes closer to filling the need. To make it a "working group," however which is an informal body, downgrades its importance and prestige. It is not important what the *name* of the body will be -- Committee of the Whole; Standing Committee; Seventh Committee of the General Assembly -- but it should be an official body, not an informal one

*Using the Meetings of the States Parties to the UN Convention on the Law of the Sea*

These meetings can serve a more useful function in the future. They could review the Convention periodically and keep it updated. The Law of the Sea and Ocean Affairs, however, is now much broader than the LoS Convention. It includes the ocean-related parts of all UNCED and post-UNCED Conventions (Biodiversity, Climate), Agreements (Straddling Fish Stocks), and Programmes (Agenda 21, Global Plan of Action, SIDS, etc.). All these have different memberships, and the Meeting of States Parties to the LoS Convention are not competent to deal with the interaction of all these instruments. All States must participate in that, and the General Assembly is the only UN body with universal membership.

*Cautioning against the establishment of new institutions*

The force of inertia is a formidable force. It is quite clear, however, that the “streamlining and reinforcing of existing mechanisms” is not working. This should have been the task of the ACC Subcommittee established for this purpose, But that subcommittee has not made the slightest bit of progress since its establishment in the wake of UNCED. An integrated ocean policy cannot be made at the Inter-Secretariat level. It can only be made at the level of the General Assembly with its universal membership. Once such a policy is laid down, the ACC Subcommittee will be able to function properly and streamline and harmonize the programmes of the UN Agencies and Programmes dealing with the different “sectors” of ocean affairs. On the other hand, the establishment of a Committee of the Whole does not really create anything new, but, indeed, uses an existing mechanism. It has no budgetary implications. If the Committee meets at a time other than that of the General Assembly, it is covered by the general budget of the UN.

*The need for further discussions*

There are indeed a number of details that will have to be worked out, and some Delegations have identified them. There will be time to do that, however, once the CSD has recommended the establishment of a body by the General Assembly. Whatever its name may be, it would have to fulfil four minimum conditions:

1. It must be open to *the full membership of the United Nations*
2. It must be an official body that must meet at regular intervals
3. It must report to the General Assembly
4. it must establish procedures, such as hearings, for the participation of “civil society” -- NGOs, major socio-economic actors and local communities with special problems.



Department of Foreign Affairs  
and International Trade

Ministère des Affaires étrangères  
et du Commerce international

Deputy Minister

Sous-ministre

Res/IOI Activities  
Doc 859  
RECEIVED MAY 18 1999

MAY - 7 1999

Dr. Elizabeth Mann Borgese  
International Ocean Institute  
Dalhousie University  
1226 LeMarchant Street  
Halifax, Nova Scotia  
B3H 3P7

Dear Dr. Borgese,

Thank you for your letter of March 27, 1999, concerning international coordination of ocean issues.

I found your views useful, as did the Canadian delegation preparing for the recently concluded 7<sup>th</sup> meeting of the UN Commission on Sustainable Development (CSD), that took up this issue as a main theme.

In preparation for the main session of the CSD, Canada proposed a high-level ocean symposium which could provide the analysis to determine the most effective *on-going* process or supply helpful guidance that could be taken up by a *regularized* UN process to deal with global ocean issues. Canada clearly recognizes that the current one day debate on oceans in the General Assembly is inadequate. Our proposal was intended to either complement a new upgraded process or ensure that the issue of improved international coordination and cooperation remained on the international agenda if no new UN process was agreed at CSD7. Canada recognizes that political commitment is necessary to maintain the momentum on ocean issues after this year's CSD session and in the lead up to the 10 year review of the Rio Summit, to be held in 2002.

As you are aware the debate on this particular issue at the CSD session was robust with a number of regional groups putting forward diverse proposals to help address this challenge of international coordination and cooperation. In the end, the international community was able to agree on a set of common principles and practical considerations in order to forward to the General Assembly a strong recommendation

for action and a call for change to the status quo. Canada was actively involved in these deliberations and, like many other delegations, argued for a process that will allow for broad-based discussion of oceans issues, involving all relevant stakeholders (e.g. governments, UN agencies, NGOs); would not entail the creation of new institutions; would take full advantage of existing structures and mandates; and in a cost effective manner would be able to respond comprehensively to the serious pressures facing our oceans. Canada believes that improved international coordination and cooperation is essential to fully address critical ocean issues such as pollution, destructive fishing practices, and the need for better marine science.

For your reference I am enclosing a copy of Minister Anderson's statement and a copy of "Canada's Oceans - Experience and Practices", both delivered at this year's CSD.

Your work and commitment to the oceans is widely known and I think we share the same desire to ensure their health for current and future generations.

Yours sincerely,

*With warm wishes*

*Donald W. Campbell*

Donald W. Campbell



Department of Foreign Affairs  
and International Trade

Ministère des Affaires étrangères  
et du Commerce international

Office of the  
Deputy Minister

Cabinet du  
Sous-ministre

JCD/Rochon,

AED/Balaban

I've told M. Martin  
that you'd follow up.  
6.4.99

Could you follow  
up with Professor  
Bongese again  
please

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APR 7 1999  
REÇU AED

Michael Martin

Renée

Can you pls provide a  
resp mail before you go  
to the CSD.

Renée

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Department of Foreign Affairs  
and International Trade

Ministère des Affaires étrangères  
et du Commerce international

Deputy Minister

Sous-ministre

203 Activities  
RECEIVED JUN 25 1999  
Doc 899

JUN 15 1999

Dr. Elisabeth Mann Borgese  
Chair, International Ocean Institute  
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1226 LeMarchant Street  
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Dear Dr. Mann Borgese:

Thank you for your letter of May 22, 1999. We have passed your proposal concerning the open-ended working group on oceans issues to New York where officials are beginning to consider CSD follow-up. Thinking in New York is still at a very preliminary stage and all ideas are most welcome. At this point it appears that the follow-up to the CSD recommendation on oceans governance will be in the context of the UN Plenary agenda item on Oceans and the Law of the Sea. There is also some preliminary support for the idea that the open-ended working group meet around the time of the States Parties meeting in the spring. I emphasize that all of this is very early thinking and may well change dramatically in the coming months.

Howard Strauss, Director of the Oceans, Environmental and Economic Law Division, will manage Canada's position on this agenda item and I encourage you to forward any ideas that you have to him. We will be happy to ensure that they are considered in New York.

As regards ratification of the 1982 Law of the Sea Convention and the 1995 UN Agreement on Straddling and Highly Migratory Fish Stocks, I can't tell you more than you already know. The legislation needed to ratify the latter has been passed by both the House and Senate and we hope to ratify the Agreement in the coming months. It remains Government policy to ratify the Convention as well and we will do so once an effective high seas fisheries enforcement regime has been put in place.

Thank you again for writing on this important subject.

Yours sincerely,

Donald W. Campbell

125 promenade Sussex Drive  
Ottawa, K1A 0G2



Dalhousie University

COPY

International Ocean  
Institute



August 22, 1999

The Hon. Don Campbell  
Deputy Minister  
Department of Foreign Affairs &  
International Trade  
125 Sussex Drive  
Ottawa, K1A 0G2

Dear Dr. Campbell,

I am just back from Jamaica, where we had an extraordinarily successful "leadership seminar" for Delegates to the Seabed Authority, discussing the future of this Authority, which I do believe has a great potential, in spite of all. I'll send you the proceedings in the near future.

The USA was a very vocal observer at this Fifth Session of the Authority, but Canada was lamentably absent — even though there was a young man sitting somewhere to observe, but he did not say anything.

I had a long talk with Minister Anthony Hylton of the Ministry for Foreign Affairs. They are profoundly interested in the future of the Seabed Authority and co-sponsored our seminar — and they are profoundly dismayed by Canada's absence. (The Canadian young man did not attend our seminar.)

I don't want to bore you — but is there anything we can do to hasten Canada's ratification a bit? It is good that we ratified the straddling stocks agreement — but it will take years until that enters into force and is effectively implemented, and to wait with the ratification of the mother Convention on the Law of the Sea until that time seems so futile and stultifying!

The Seabed Authority is now going to deal with the Sea-floor Massive Sulphides; an official linkage has been established between the Authority and the Biodiversity Convention whose Secretariat has obtained observer status with the Authority, and a MOU on modes of cooperation is in preparation. It is likely indeed that the mandate of the Authority will be broadened to comprise genetic resources and bioprospecting in the Area. Then there are the hydrates which are attracting more and more attention, both as a future energy resource and because of their sea-floor destabilizing impact and their dangerous effects as a greenhouse gas.

All this should be of great interest to Canada, and Canada should be there — fully, as a member!, as a leader!

*Ceterum censeo....*

On a personal note: I have not yet heard from your son, but just want you to know that I am back home!

With all good wishes,

Yours cordially,

Elm