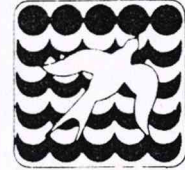




Dalhousie University

International Ocean
Institute



ESTABLISHMENT OF AN
INDEPENDENT WORLD COMMISSION FOR THE SEAS AND OCEANS
("THE COMMISSION")

EXECUTIVE SUMMARY

Considering the basic importance of the world ocean in the development of human society, the maintenance of peace, and the health of the biosphere, we propose the establishment of an INDEPENDENT WORLD COMMISSION FOR THE OCEANS.

The oceans cover three-fourths of the surface of our planet. They are of crucial importance for the economy/ecology of the 21st century. The new order for the oceans created by the United Nations Convention on the Law of the Sea, 1982, converging with the decisions of the United Nations Conference on Environment and Development, 1992, could be model for, and must be part of, a new global order capable of meeting the challenges of the next century.

The Commission's tasks should be

- . to refocus world attention on the importance of sustainable ocean development and the law of the sea;
- . to monitor the ratification and implementation of the Convention, and the progressive development of the Law of the Sea, 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 analyze 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.

In the fulfilment of its tasks, the Commission shall closely cooperate with IOC/UNESCO, other agencies and programmes of the U.N. system competent in ocean affairs, other intergovernmental organisations as well as nongovernmental organisations, at the national, regional, and global level.

The Commission should present a brief interim report to the United Nations on the occasion of its 50th anniversary, and to IOC/UNESCO; an advanced draft of the Report should go to the Commission for Sustainable Development in 1996; the final report should be completed in 1997 and officially launched in 1998, the year designated by the General Assembly as the Year of the Oceans.

The Commission should be composed of not more than 30 eminent persons, both generalists and experts in various aspects of ocean affairs from different parts of the world. There should be 6 Vice Presidents who, together with the President, should function as an Executive Committee for the Commission

The International Ocean Institute, with the appropriate staff complements, should serve as Secretariat for the Commission. With its headquarters in Malta and its operational centres in Malta (Mediterranean), Canada (North Atlantic), India (Indian Ocean) Fiji(South

Pacific), Senegal (South Atlantic), Costa Rica (Caribbean), China (North Pacific), and Japan (Pacific, Sea of Japan), each one with its own field of high technical and scientific competence, the IOI is perfectly equipped to assume this function.

The work should be conducted on the basis of commissioned research papers and through a series of regional hearings, organised by the Vice Presidents in cooperation with the IOI operational centres, IOC/UNESCO, and other appropriate institutions/organisations. These hearings should be followed by plenary meetings of the Commission.

PROJECT PROPOSAL

Background

With the coming into force of the United Nations Convention on the Law of the Sea, a new phase of ocean affairs and environmental management is beginning.

Oceans and coastal areas occupy the forefront of environmental concerns. The Law of the Sea Convention provides the legal framework, the dispute settlement system, and the enforcement mechanisms for the implementation of Agenda 21 in these areas. The Conventions and decisions adopted by UNCED, in turn, can be used to reinforce the provisions of the Law of the Sea Convention. The implications and ramifications of these developments are vast and will affect humankind in many ways during the ongoing and forthcoming process of social, economic, and political change and transformation.

Besides the Division of Ocean Affairs and the Law of the Sea of the United Nations (DOALOS), involved in several areas, a number of specialised agencies and programmes are dealing with various sectors: UNESCO/IOC with science and education; FAO with fisheries and aquaculture; IMO with shipping; UNEP with the environment; UNIDO with industrial marine technology, etc. It means that the U.N. structure still reflects the sectoral approach of the 60s and 70s. Inter-Agency coordination is proceeding, under the aegis of IOC, but since the end of UNCLOS III there has been no forum where States and non-State entities can discuss ocean affairs in the integrated manner mandated by the Convention.

Purpose

The purpose of the Commission's work is

- . to regain momentum and enhance awareness about the importance of ocean management and the Law of the Sea;
- . to make a significant contribution to the Decade of International Law and the process of restructuring the United Nations system by filling a lacuna. The role of ocean management and the law of the sea in the post UNCLOS/UNCED

period is rarely given sufficient relevance. As we have stressed over the years, the ocean regime should be studied both as a model for and a part of the new international/national, legal/political, economic/environmental, scientific/technological, and institutional order that is emerging and will mature during the first decades of the 21st century;

- . to assist developing countries to fully participate in this process;
- . to ensure that the emerging world order reflects all world views, interests and aspirations.

Composition

The group of not more than 30 members from the different regions of the world should include a number of Heads of State or Heads of Government, outstanding marine scientists, business leaders in the field of marine technology and industry, leading personalities from within the U.N. system, in their personal capacity, and NGO leaders.

Methodology and Work Schedule

1. The International Ocean Institute has for over two decades worked in a number of the areas proposed for the work of the Commission. In October 1994, a seminar was held in Malta, under the sponsorship of the IOI, the Foundation for International Studies and the Government of Malta. The meeting discussed the areas proposed for the Commission. A set of papers was commissioned, and may serve as a starting point for the work of the Commission.
2. The first meeting of the Commission's Executive group should be held in Lisbon, Portugal, in February 1995.
3. During this organising session, the Commission will determine its final composition; it will adopt its own working schedule and methodology. A provisional time table for 1995, subject to approval by the Commission and its Executive Group, could be envisaged as follows: A first Plenary Session of the Commission could be

held in Lisbon in March or April. It should, *inter alia*, approve the guide lines for the regional hearings which should be held in Malta, Canada, India, Fiji, Costa Rica, Addis Ababa, Japan, China, and Qatar. The results of these hearings should be a further input into the work of the Commission. The Executive Committee should have a second meeting in June, in Malta. A second session of the Plenary Commission could be held in September, 1995, in Japan, with the task of adopting a brief interim report to be presented to the Fiftieth General Assembly and to the General Conference of UNESCO. One of the two 1996 Plenary Sessions might be held in Paris, under the co-sponsorship of IOC/UNESCO, and with the participation of all the competent U.N. agencies and programmes, and other relevant organisations, whose representatives should attend in a personal capacity. An advanced draft Report should be ready in time to be submitted to the Commission for Sustainable Development in 1996, when the Seas and Oceans (Chapter 17 of Agenda 21) will be considered. The final report, in book form, should be completed in 1997 and should be published in 1998, the year declared by the General Assembly as the Year of the Oceans. A World Conference on the Oceans may be organised in Lisbon at that time, in the context of the world Ocean Expo 1998, to examine the results of the Commission's work. The Report should be officially transmitted to the General Assembly, the General Conference of UNESCO and the other competent international organisations, in September 1998.

Outcomes

The outcomes would be

- (a) A Report by the Independent World Commission on the Seas and Oceans, broadly interdisciplinary, drawing on the perceived concerns of communities at the grass-roots level as well as on the most advanced and innovative thinking of Academia while taking State interests into due account;
- (b) The establishment of an independent global network to monitor the progressive development of the Law of the Sea, the implementation of the necessary institutional framework, at national, regional, and global levels, and the sustainable development of marine resources, services, and technologies.

The fullest cooperation of the U.N. system, the Specialised Agencies and programmes competent in ocean affairs will be essential for the successful implementation of the Commission's recommendations.