



Dalhousie University

International Ocean
Institute



I.O.I. - Malta

*The Spirit of Malta:
Institutional Implications
An Independent Study*

PRE-PROJECT PROPOSAL

Background

1. An informal meeting on "Agenda 21 for the Mediterranean" was held in Malta on February 11-13, 1993. Among the many facets of the new tasks this Agenda imposes, the meeting dealt explicitly with the institutional implications of moving the Mediterranean Action Plan and its institutional framework in the Barcelona Convention from "Stockholm" to "post-Rio," from a sectoral to a broadly interdisciplinary approach to development and environment.

Serious thought should be given to creating a regional Mediterranean United Nations entity that could be inspired and regulated, perhaps in its initial phases, from and through an expanded Barcelona Convention with terms of reference encompassing not only environment but social and economic interactions that will promote a process of sustainable development in the Mediterranean Region.¹

2. The International Ocean Institute (IOI) has as long record of studying Mediterranean marine affairs in a comprehensive and integrated manner. As early as 1971 -- well preceding the Stockholm conference, the IOI published a volume on the Pollution of the Mediterranean, by the late Lord Ritchie Calder. The following year, the IOI, with the assistance of the Ford Foundation, launched a project on Environment and Development in the Mediterranean, culminating in a Seminar in Split, Yugoslavia, and the publication of a volume under the same title. The IOI, at that time, was examining the modalities and the potential of a Mediterranean Authority for Development and Environment, dealing with all sea uses in an integrated manner.

During the last three years, IOI's policy research has focused on the issues of "ocean governance in the 21st century," at national,

1 Minister Guido de Marco of Malta, as quoted in MEDWAVES,
News bulletin of the MAP Coordinating Unit. Athens: Spring, 1993.

regional, and global levels. The crucial importance of regional development and cooperation and the need to bring the Regional Seas Programme up from "Stockholm" to "Rio" and after was stressed throughout. A number of ideas and approaches have been studied in this context.

The IOI has also conducted a number of training programmes on Mediterranean cooperation and development (Malta, Italy [Trieste], Algeria) and developed comprehensive syllabi for these programmes.

Scope and Purpose

Patterns of national and international organisation develop in parallel. In fact, international organisation is, in some respects, a mirror image of national organisation. The sectoral division of labour within States, through the establishment of Departments and Ministries, had its counterpart in the sectoral organisation of the United Nations system with its specialized agencies. Now, the quest for inter-Departmental, inter-Ministerial integration, whether for integrated coastal management or the management of the environment, has its counterpart in the quest for inter-Agency coordination and policy integration in the United Nations system, culminating in the establishment of the Commission for Sustainable Development and the new tasks and responsibilities given to the ACC and its Inter-Agency Committee. Regional organisation in ocean affairs, spearheaded in the 70s and 80s by the Regional Seas Programme, has remained behind. Considering its fundamental importance -- since many issues that cannot be resolved either at the national or at the global level, can best be resolved at the regional level -- regional organisation needs now to be restructured so as to respond to changes in ocean governance at the national level as well as to the emerging new structures at the level of the United Nations. The UNCLOS and the UNCED processes, from now on, must evolve together, and they have already begun to act decisively on the process of restructuring the United Nations system.

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Content

The study will not aim at the creation of new institutions, except where there are real gaps; it will instead try to build on existing institutions or "building blocks" which can be ordered in a new architecture. These will include states, intergovernmental and nongovernmental organisations; coastal municipalities; scientific institutions; as well as the private sector.

It might well be that rather than seek completely new institutional arrangements, the Contracting Parties might prefer to build on what had so far been achieved.²

The study will begin with an analysis of changes within the Governments of Mediterranean States to respond to the institutional requirements of integrated coastal and marine management. If the Mediterranean States are to draw up national master plans for the development of resources and services and the conservation of the environment, what institutional infrastructure is needed for the successful drafting of such plans? Comparisons will be made with non-Mediterranean States, advanced in integrated ocean management (e.g., the Netherlands), and options will be proposed as to how best to adapt emerging concepts to each one of the States Parties to the Barcelona Convention. Most Government Departments in most of the countries will be involved: Foreign Affairs and Environment, Agriculture/Fisheries and Energy and Resources; Tourism; Transport and Trade, and Ports and Harbours; Coastal Development; Water; Science, Technology, and Education; Labour; Justice; Public Health; Defense; Coast-Guards: They all have their stake in Marine Affairs in the Mediterranean countries, and their contributions to make.

Whatever mechanism is established within Government, it will have to be this mechanism that will have to be represented at the meetings of States Parties to the Barcelona Convention: no longer the Ministries or Ministers of the Environment -- by the very nature of their mandate not suitable to integrate Environment and Development. (That the first "High-Level Segment" of the Commission for Sustainable Development [CSD], June, 1993, was attended exclusively by Ministers of the Environment, shows that this

2 *Ibid.*, p. 3

process of integrating Environment and Development is still at a very initial stage.)

Taking the cue from the CSD, one could consider to add "High Level Segment" also at the regional level, i.e., meetings of Ministers of Fisheries; Ministers of Transport, etc., as required. As in the case of the CSD, these meetings of the High-Level Segment, or Segments, should have a high political profile, and decision making power. Each meeting of Ministers -- e.g., of Fisheries -- should be attended as well by the regional representative of the "competent international organisation -- e.g., FAO -- to ensure proper integration of global and regional policies. The whole regional machinery should be properly represented at the "High-Level Segment" of the CSD.

A number of new issues will arise to which the enlarged institutional arrangement will have to respond. The following are random examples; the study will undoubtedly identify other issues.

Water Management: If we are serious about river-borne pollution of the Mediterranean -- and the implementation of Agenda 21 makes this mandatory -- we can no longer afford to exclude the land-locked States of the Hinterland. Recently, in fact, the concept of "integrated coastal management" is experiencing some evolution, expanding it both seaward, to comprise the entire EEZ, and landward, stretching it up to the watershed. It will be necessary to integrate the Convention on the non-navigational uses of international water courses, long in the making, into the Regional Seas Programme. If, however, land-locked States will have new duties, they must also have corresponding rights within the Regional Seas Programme.

Implications of the integration of the Black Sea into the Mediterranean Action Plan: The dramatic changes in Eastern and Central Europe will require institutional responses in the Mediterranean Action Plan.

Straddling and highly migratory stocks in the high seas: Most of the problems arising from the management of straddling and highly migratory fish stocks on the high seas could best be settled at the

regional level, with binding decisions being taken by regional conferences of plenipotentiary Ministers. If extra-regional, distant-water fishing fleets are involved, decisions could be taken within the CSD High-Level segment by the Ministers of the countries participating in the fishery concerned.

Monitoring and surveillance: Modalities of joint monitoring and surveillance could be studied.

Integrated EEZ: Since national Exclusive Economic Zones are not very practical in a semi-enclosed sea bordered by as many as 17 States, one might study the possibilities of an integrated Mediterranean EEZ, as considered, on various occasions, by Malta. Such an integration might have far-reaching institutional implications.

Dispute settlement

Most disputes, regarding fisheries, environment, shipping, or marine scientific research, could be settled through Special Arbitration under Annex 8 of the Law of the Sea Convention, with all arbitrators selected from within the region. Issues rising from boundary delimitation would continue to go to the ICJ or to the International Tribunal for the Law of the Sea, once it has been established. If there were to be an integrated EEZ, no boundary issues could arise.

Coordination with European Community, OAU, League of Arab States: issues arising from overlapping jurisdiction between the sea-centred Mediterranean regional system and the land-centred regional organisations within the three continents bordering the Mediterranean Sea.

METHODOLOGY

The project would consist of three phases. There should be one chief investigator, co-ordinating the whole project, under the supervision and with the advice of the IOI Planning Council, or a committee thereof.

Phase 1 should build on the proceedings of the Informal Meeting on "Agenda 21 for the Mediterranean. It should result in a systematic analysis, a statement of issues and options, and an identification of gaps where further clarification, discussion, development is needed. Duration: One month.

Phase 2: On the basis of this analysis, a series of about 25 papers should be commissioned: One from each of the Mediterranean States, and about half a dozen of "issue papers" concerning the region as a whole. The papers would be analyzed and summarised by IOI staff. Phase 2 would culminate in a workshop for the discussion of the papers. Duration: Six months.

Phase 3 would be devoted the extrapolation of conclusions and recommendations and the editing of a volume. Duration: Five months.

PROVISIONAL BUDGET

PHASE 1: One man-month.		
Chief Investigator		\$5,000
Clerical assistance	1,500	
Subtotal		6,500
PHASE 2	25 Working papers @ \$5,000	125,000
	Summaries and analysis 3 man-months, @\$3,000 per man-month	9,000
	Workshop, 30 persons, 5 working days	
	air fares	15,000
	sojourn	18,000
	Services	3,000
Subtotal		170,000
PHASE 3	Chief investigator 5 man-months	25,000
	Clerical assistance	7,500
Subtotal		32,500
Advising and monitoring by Planning Council		5,000
Total		214,000
Overheads, 15%		32,100
Contingencies		3,900
Grand Total		250,000



International
Ocean
Institute

P.O. Box 524
VALLETA, MALTA

Telephone: 236596
Telefax: 247594
Cables: INTEROCEAN
Telex: 1946 OCEANS MW

FAXED

FACSIMILE TRANSMISSION

To: Dr. Krishan Saigal
FAX No: 356 346 502

From: Elisabeth Mann Borgese
FAX No.: 1 902 868 2455

COPY

Date: July 4, 1993

Subject: Research project, Mediterranean Training programme

My dear boss,

I have drafted a lot of stuff. If you like it, please send it on to Salvino, in Athens or Malta. It would be great if he could receive it well before our Board meeting, so he can react to it properly.

If you don't like it, please change it --or throw it away!

Other matters: I had a very friendly talk with Schütz-Müller, and he promised he would look immediately into the question of our remaining payment for the preparatory phase. He says, he needs an invoice from you, as well as accounting for what has been spent thus far.

Your obedient servant,

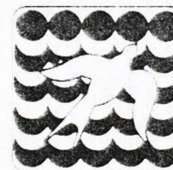
Elisabeth



Dalhousie University

International Ocean
Institute

COPY



I.O.I. - Malta

FACSIMILE TRANSMISSION

To: Professor Salvino Busuttil
FAX No: 30 1 7291 160

From: Elisabeth Mann Borgese
FAX No.: 1 902 868 2455

Date: July 4, 1993

Subject: Mediterranean

My dear Salvino,

I have read the latest issue of Medwaves with some excitement. Especially the report on the Malta meeting is quite inspiring. All the right questions were raised. I think you have wonderful material for your speech in Japan! It takes us a big leap forward; it also takes us back, to the days of the IOI Split seminar, in 1972, when we were already talking about a Mediterranean Authority for environment as well as development!

It seems to me, the Mediterranean is leading again, this time, in the process of moving the Regional Seas Programme from Stockholm to post-Rio. Evidently, the Malta meeting was fully aware of the institutional implications of this move.

After discussing the matter with Krishan Saigal, I would like to propose that IOI undertake a study for UNEP on

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It could be a pilot project for all the Regional Seas Programmes. I am attaching a Pre-proposal outline. What do you think?

Secondly, I read with interest about the CEDARE-MAP arrangements for training. Not yet quite clear to me. A training centre is one thing. The preparation of integrated master plans is a bit different. It is a question of policy research, which then, of

course must be linked to the training. Besides, it seems to me, they must be master plans on *environment and development*: not on *enviornment*. It is amazing how people tend to forget that! In any case, this development --very positive, it seems to me --either makes our Mediterranean training programme obsolete and we might drop it, or UNEP and CEDARE could utilize our programme, which, of course, would have to be totally reorganised, which would be quite interesting and challenging for us. On the other hand, I wonder whether it would not be advantageous for UNEP/CEDARE to make use of our training programme. I think our experience in running intensive, genuinely interdisciplinary programmes is universally recognized. I am sure it would even be financially convenient for UNEP/CEDARE, because we can do these things a lot cheaper than the intergovernmental organisations.

Cooperation could be based on a MOU, as we have it already with IOC/TEMA, and we would put together a small committee of experts, including, of course UNEP and CEDARE, to supervise the quality of the syllabi.

I hope to see you in a couple of weeks in Malta, and there will be a lot to discuss!

Much love,

As ever,

