



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: Dr. Sidney Holt
FAX No: 39 578 299 186

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

Date: 23 December, 1995

Subject: World Commission

Dear Sidney,

I am writing to you in my capacity of Vice Chairman of our Commission. I intend to be quite active in this capacity and am looking forward to working closely with you, also within the context of the editorial committee we have established to assist you.

Today I would like to make a proposal:

You made a very good intervention, during the discussions at our first plenary session, with regard to changing scientific perceptions which have implications for the Law of the Sea Convention and perhaps other Conventions dealing with the oceans. E.g., you pointed out that the provisions on the management of living resources are quite obsolete and cannot be implemented.

This of course corresponds to the general experience. In our recent Hearings for the Commission in Japan, we had fishermen, scientists, and government people; and they all agreed that it was totally impossible to implement the provisions in Part V of the Convention, and they really did not know what to do about it.

Now,, what I proposed in Tokyo -- and the proposal, as you may remember, was

warmly endorsed by our Chairman --was a working paper that should cover all the areas where changing scientific perceptions may affect the implementation of the Convention(s) in such a way: What was the old perception, on which the Convention was based! What is the new perception? How can we adapt, through interpretation and practice, the Articles concerned? I and my colleagues here could do the legal part if we get the scientific part from you.

I think we should have all working papers for the July meeting ready by May first. Which does not give us an awful lot of time. I don't know how much time you have right now. If you don't have time, please, please let me know right away, because then I would invite somebody else. But I do think it is a very important subject, with lots of implications for the relations between science and law in general, and we should have that paper for the next session.

Let me use this occasion to send you both my warmest wishes for Christmas and for a peaceful and prosperous 1996.

Yours as ever,

E. K. M.

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RECEIVED JAN 02 1996

Message from: Sidney Holt

To: Elisabeth Mann Borgese [Personal]

cc: none other

Date/time: 24/12/95 6:25 pm

COPY

Elisabeth, I am perfectly well aware that you did your level best to prevent my appointment to IWCO, that having failed you tried to prevent Mario Soares appointing me as General Editor, that at the Exec. Co. meeting before the Plenary you sought again to remove me, that having failed with that you sought to change, limit, reduce the role I had accepted, and then to make it in some way subservient to the Secretary General and hence indirectly - you thought - to yourself.

Elisabeth, I do not wish to engage for three years in guerilla warfare with you, inside and outside the IWCO - but I am prepared to do so if forced to. There will be no repeat of the IOI story, in which, having been elected as Chair of the Planning Council, you and your protégé Saigal emarginalised me (and thus the Council) to the extent we were not even informed of an impending PIM! So I really suggest you call it off, cut the hypocrisy, and let us, as you apparently would wish, work together with other Members in a constructive way. Meanwhile I shall get on with doing what I need to do for the IWCO, as a Member, as a Member of the Executive Committee, and as General Editor.

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RECEIVED JAN 02 1996

Message from: Sidney Holt IWCO

To: Elisabeth Mann Borgese

cc: Office of Chairman (attention M.B.Coelho); Coordinator(M Ruivo)

Date/time: 24/12/95 6:13 pm

Subject: IWCO: Your fax message of 23/12/95

COPY

Thanks for your suggestion that I write something on the state of science as far as fisheries are concerned, for assimilation in something legal your colleagues in Dalhousie will be writing. As a matter of fact I am already working on something like that, on my own initiative, as a Member of IWCO. I intend to spend much of my time on this (with the intention of publishing it during 1996, and circulating it to all Commission members, via the Secretariat and the Chairman's Office). Something relevant, both on the scientific and the procedural sides has already been written and now in print, by some of my colleagues and me, and I have, since returning from Tokyo, taken the necessary steps to get copies of those in hand for provision to the membership. For my own part I am already working with a couple of eminent law of the sea specialists, and we should be in a position to provide the Commission with a working paper before the Rio meeting. My study of this matter began when I was involved in the drafting of the critical section of CCAMLR (I tried at that time to interest the IOI in this, to no avail) and has continued to my present involvement in the drafting of a new Black Sea Fisheries Convention as consultant to the World Bank and the Government of Turkey. In this connection I should appreciate receiving a copy of the Report of IOI hearings in Japan to which you refer.

Elisabeth, I am a rather concerned by a couple of points in your message. First, although you mooted the possibility of establishing an Editorial Committee, and received some support for this, I recall other Members saying they were not convinced such was necessary. I suggested afterwards that to

the extent that review of drafts of the Report by a sub-group of the Commission might be needed then the Executive Committee itself could easily take on that function. As a member of the Executive Committee myself (though I did not seek that honour or responsibility), and as the General Editor, I would readily take the Chair of the Committee, if so invited by the Chairman, whenever it transformed itself into an editorial group. Certainly I do not recall a separate Editorial Committee actually being established, nor you being appointed to it, nor have I since been so informed by our Chairman.

Second, I think it may become confusing if you, or indeed any other members, especially if they claim to act in some special capacity, such as Vice-Chairman, each begin to organise the Commission's work in an ad hoc manner. For example, I already had informal discussions with other members - Lie and Keskec - before we left Tokyo concerning joint preparation of working papers on living marine resources. I am about to submit to the Chairman my list of some 'issues' I think we should take up with names of possible authors of 'annotated outline papers', including myself.

My suggestion, as a Member of IWCO, is that if you wish to, you go ahead with your colleagues in preparing a paper on one or more of the other parts of UNCLOS about which present scientific and technical perceptions may be substantially different from what they were when the negotiations began and were in progress and call for modification or special interpretation of UNCLOS provisions. Certainly ideas about the nature of mineral resources, the role of the ocean in regulating the planetary environment, and also as a recipient of wastes from human activities, are very different now.

Best wishes

COPIE

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[Old correspondents please note altered postal address]

From: Sidney Holt

To: Mario Ruivo

cc: IWCO Secretariat; Peter Sand

Date/time: 26/01/98 5:56 pm

I have just returned from posting to you a confidential letter, express, and found Jean-Pierre's fax dated 23 January, with extracts of comments from some IWCO members.

In looking at the extract of my own remarks I was surprised to see reference to my views on Annex 1 (which are not critically important) but none to my vigorously expressed views on Chapter 2 Equity etc. - which I think *are* critically important. That Chapter contains, inter alia, a virtual endorsement of economic globalisation, as overall a good thing. That is completely ideologically acceptable to me. From my point of view, and that of many others, we have to accept its inevitability but work to counter as best we can its disastrous effects on the distribution of wealth, the institutions of democracy and governance. My comments on this chapter also included other matters I consider important.

If I may comment further on the 'comments' I would say I agree especially with those of Seyyid Abdulai, Ian Burton, and particularly the latter's suggestion to delay for a year the completion of the Report. The present version does not do credit to the initiative taken by Mario Soares and in my view, and considering most of these current comments on it, it cannot be put right in the current envisaged time-frame; there are simply far too many matters of substance to be resolved, and they are only now coming to the forefront.

Lastly, of course I still wonder whatever happened to my contribution to the introductory material. I think that inclusion of its *essence* would have deflected some of the critical comments made in this compilation.

I tend to agree with much of Peter Cook's comments. The problem has always been that we have had such little material to use, especially on technology, and the study group arrangements, strongly influenced by an IOC-style approach precluded serious discussion of the omitted major issues, such as maritime surface transport, undersea transport and communications.

I would disagree with Ian's view that "science and technology can do and have done a lot of harm". I cannot see how science has or can do harm. The use of technology, yes, under powerful economic and military incentives, yes. These two, 'science' and 'technology' should not be so continually lumped in a single meaningless compound.

While I see merit in most of Elisabeth mann Borgese's comments, but I do not agree with her view of progress in increasing transparency of international affairs. In the inter-governmental organisations with which I am familiar there has been in the last decade a strongly increasing tendency to closure of the debate or even the overhearing of debate to NGOs. This is, I think, a general view of in NGO circles, with many, so far ineffectual protests being made. Elisabeth's citation of the Mediterranean Commission is an exception, not the rule.

Specifically I share Oscar Arias' view about the role of national navies, and I share Ian's view that the work of the Commission has not so far been sufficiently transparent and open, and that the views of Commissioners (including myself) that the report structure provided is not a suitable one have consistently been ignored.

JPL
JvE
TG
LY

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[Old correspondents please note altered postal address]

From: Sidney Holt

To: IWCO Secretariat

Date/time: 28/01/98 3:25 pm

Hello, dear friends!

You may not yet know that some time ago I told the office of our Chairman that I do not wish to be identified in future as "General Editor" of the Commission's Report. Since the General Editor is *ex-officio* a member of the Executive Committee that means I do not consider myself now to be a member of that Committee.

I won't here go fully into my reasons for this - for me - difficult decision. They have to do with the general nature of the report in its successive drafts, which I to my mind far from a suitable vehicle at this time for our intended purposes. And, as I have frequently expressed in meetings, I do not much like its structure - over which I have failed to exert any substantial influence - nor much of the form of language in much of it. But the latter can be corrected with vigorous - and probably time-consuming - linguistic editing by a professional, provided that professional is given very clear guidance as to what is required of him or her.

I have told the office of the chairman I have some serious problems with the political ideology that has emerged and is threatening to dominate the Report, though that affects directly not so much my "General Editorship" as whether I will ultimately go along with a consensus on the final version. The brief comments I made on the 19 December version, and in my later "comments on comments" are known to you: I do not agree to the thrust for seeking to legitimise large navies maintained by maritime powers by giving them "environmental peace-keeping functions; I do not agree with the apparent

'white-washing' of the bad consequences of economic globalisation for poorer people everywhere and its antagonism to democracy and equity; I am totally opposed, at this time in history and in this context, to the harping on a meaningless and truly misleading antithesis between an undefined 'north' and 'south' - think this is obscurantist.

I'm sorry I cannot get to the Rabat meeting; the changed dates meant a conflict with other important engagements that I could not change. I have told the Chairman's office that after that meeting I am willing, in principle, to help in the final writing stages, after Rabat, but not as *primus inter pares*. Personally I hope the bull could be taken by the horns, the bullet bitten, or whatever to extend the life of the Commission as at least one other member has suggested, to give a better chance for us to come up with something more fully thought through and much more readable, interesting and accessible. If more time does become available I would again suggest that, among other things of course, we take steps as John May and I proposed in October to get together three or four people to draw up a programme of Public Awareness activities for the next, say, five years.

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From: Sidney Holt

To: Elisabeth Mann Borgese

Date/time: 05/03/98 4:09 pm

Hello! Sorry not to have answered your letter (faxed from Frankfurt) of 23 November. I had thought to see you in Rabat but because of the last minute change of dates could not attend. I've heard about the meeting, but the only matter of substance, from Peter Sand, that the ombudsman recommendation was dropped. I'm sorry about that: I think we very badly need an international route for individuals and NGOs to be able to challenge the actions of "authorities".

I'm told the revised and now final report was mailed to me today; then I'll see if I want to stay in or drop out. There were several things in the December 19 version which I objected to, in political terms. One was an apparent acceptance that economic globalisation is good for people; that I simply can't go along with. Another was the continued designation of "North" v-a-v "South". That was useful in the days of the two super-powers, the NEO and the 77 etc. But now I think it is counter-productive, for example to always lump Brazil, India and China in with Congo, Solomon Islands etc. The third was familiar to you from our correspondence of three years ago: my continuing distaste for "sustainable development" except as a perjorative phrase!

Elisabeth, I don't think that for you to write that my "opinion of IOI is very low" is reasonable. IOI was always a good idea. I haven't been exactly enthusiastic about its recent (current?) Director, yes. I was somewhat irked at having been by him marginalised when I was Chair of the Planning Council and ex officio of the Board, but that was long ago. Now, I have no idea what IOI is or does, really. I did resign from Chairmanship of the PC for the above

reason, but never from the PC itself. Nevertheless I've obviously been 'punished' by being rubbed off the mailing list - put down the IOI Memory-Hole, so to speak

Anyway --- I expect to move to South Wales at the end of summer/early autumn. My house is now being built; my immediate problem is to sell this farm, and I certainly will miss the central Italian countryside, and my own fresh fruit and vegetables. I'll let you know an address in due course.

Had a three page letter from Fox yesterday. She lives now in Montreal, and was caught in the great ice storm. She wrote me from Vermont, to where she had managed to 'escape' - starting with the problem of not being able to open her (electric) garage door. What a lesson in how dependent we have become in the first world on such services as power and water supplies. She describes not being able to get money out of banks, but shops and restaurants unable to accept credit cards. Technological Armageddon! Now I've had my credit cards refused because they expire on 01/00; the millenium bug marches on. I shall hope to get to PIM in Halifax. My health is pretty good except for the continuing lack of balance; but it is amazing how one sense is able to compensate for the loss of another - as blind people have known for ages. I still miss Leslie very much and mope a bit. But Spring is coming and the fruit blossom is out. I'm quite looking forward to the summer here. Since I edged out of IWCO work I have been able to get back to doing actual scientific work, and am also involved - perhaps I told you? - in the WWF/Unilever initiative to start a Marine Stewardship Council - so back to fisheries management. I've just finished reviewing the past forty years of fisheries research for management for sustainability and precaution; that's for a book being published in Vancouver to commemorate forty years since I published my work with Ray Beverton on fish population dynamics.

All for now. Cheers and take care.

ps In your Novemebr letter you said you might leave IWCO after Rabat. Have you done so?

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From: Sidney Holt
To: Elisabeth Mann Borgese
cc: none
Date/time: 09/03/98 10:20 am
Subject: IWCO

I have just noticed that the inside cover of the final draft of the report has against your name "until 24 February 1998". Does that mean you resigned? I resigned as of yesterday, with a short letter to Soares and a long critical comment to Ruiivo. Send it to you if you like. I think you would disagree with some of my concerns but agree with others. Basically I want to be free to make critical public comment after it is published.

Winter is back in Central Italy, but the log fires are nice. Love to all dogs and any cats around. Last night was a three out of four cat night as the Inuit might have said

Res/1wco



Dalhousie University

International Ocean
Institute

FAXED



FACSIMILE TRANSMISSION

To: Sidney Holt
 Fax: 39 578 299 186

From: Elisabeth Mann Borgese
 Fax: 1 902 868 2455

Date: April 16, 1998

Dear Sidney,

on Easter Sunday, in a most peaceful mood, I sat down and wrote you a long, and long overdue letter, and then, by a stupid mistake, I wiped it off my computer. Then I felt so demoralized that I did not rewrite it...

In the meantime, of course, you know that indeed I resigned from the World Commission, and I am glad I am out. There are so many excellent people and old friends on it, which is the reason why I did not quit long ago; as a matter of fact, I was ready to quit in Tokyo, because it was clear at that time -- and even before -- that things could not work.

Well, all this is water over the dam.

So is the past history of IOI. During the past five years, however, IOI has gone through a quite remarkable development -- thanks to the indefatigable productivity of a person whom you don't like, but who has done a fabulous job: Krishan Saigal. We now have 11 operational centres, programmes all over the place, extremely interesting projects, and an Endowment Fund of 10 million Swiss Francs. I have just started to raise another ten million dollars for a new global project. Gunnar Kullenberg is taking over as Executive Director on June 1, and Krishan is going back to India; but I hope we will remain in close touch, through IOI India.

Of course everything has been reformed. Layashi is no longer President. Our new President is Joe Warioba, the former Prime Minister of Tanzania and now judge of the International Tribunal for the Law of the Sea in Hamburg; we have some

very good young people on the Board, and also the Planning Council has been reorganized. All our Directors a members, whereas 4 of the Vice Chancellors of the host institutions of our Centres are Members of the Board. So the whole thing holds together.

In the last issue of *Science* there was a lot of stuff on the Vancouver project on the last forty years of fishery management -- I am sure you have seen it. I would be very much interested in seeing your own overview.

My new book *The Oceanic Circle A Report to the Club of Rome* is coming out in November, published by the UNU Press. It should be launched at Pacem in Maribus in Halifax.

I hope you are enjoying your last summer on your farm. Moving is always melancholy, but I am sure you have good reasons for the move, and I do hope your health continues to improve. I cannot complain about mine -- after two weeks of skiing in the Engadine!

I am just a little bit sceptical about the WWF/Unilever initiative on the Marine Stewardship Council. These companies are clever. They know what is good for them -- but do they mean it? Is it WWF that co-opted Unilever or is it Unilever that co-opted WWF?

All the best,

Yours as ever,

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From: Sidney Holt

To: Members of the Independent World Commission on the Ocean
cc Dr Mario Soares

Date/time: 27/04/98 3:05 pm

Subject: The Final Report and my Membership

I think you will have been informed by our Chairman that I resigned my designation as General Editor some time ago and that I have since resigned my Membership of the Commission. As it happens this latter decision was taken almost simultaneously with the resignation of Madame Elisabeth Mann Borgese, and also that of Ambassador Layashi Laker as Secretary General. I want to take this opportunity of saying that my own decision was in no way related to those of Elisabeth and Layashi.

I feel I owe you all some explanation of my decisions. With respect to the General Editorship I was not happy with the structure of the Commission's Report, decisions regarding which were not in my hands. I decided I did not wish to be publicly and overly identified with that structure. I also became increasingly dissatisfied with what I regarded as a lack of transparency in the assembly and finalisation of the Report.

With respect to my membership, at the time of my resignation I had not seen any draft later than that dated 4 March 1998, concerning which I had a number of substantive reservations about its content, all of which were brought to the attention of the Secretariat and the Office of the Chairman on numerous occasions in the past five months. I have now received the final version, dated 21 April. The most recent amendments, while in some respects being improvements, are not such as to cause me to change my decision.

My concerns pertain both to the introductory material and to the recommendations. Regarding the former I believe the Commission has failed to provide convincing reasoning as to *why* the public – and especially that section of the educated public that does not comprise professional specialists in fields related to the ocean – should be concerned about the ocean, its state and its future. This reasoning must be derived in large part from the relevant and profound scientific discoveries of this century and especially the past thirty years which, together with developments in technology and industrial practices, have revealed, *inter alia*, deficiencies in legal, economic and regulatory mechanisms and institutions that must be corrected.

Then, as we move into the Third Millenium, it seems to me that we cannot rely for solutions and progress solely or even mainly on state-level governmental and inter-governmental activities. Yet the Report gives, in my view, overwhelming weight to these. Non-governmental activities of all kinds and flavours, which I consider to be the key to effective democratic involvement, have been very much relegated to the background.

As to the Recommendations what, at an earlier stage, seemed to be some quite “strong” recommendations for new or strengthened mechanisms have gradually been “watered down”, unacceptably so, in my view. Thus the now “weak” suggestion for a Forum, as apparently secondary to a UN Conference, has been weakened. The proposal for an “Ombudsman/ Guardian” is not now clearly spelled out, nor vigorously and convincingly argued for. My suggestion – which was well-received – that assessments should be required of the possible broad impacts of new technologies to be introduced to the ocean, is reduced to “more determined efforts” should be made, despite the fact that at present there exist *no* such efforts or even ideas about them in the public domain, and certainly no relevant institutional mechanisms.

More importantly, there are for me two quite serious problems with the Report. One concerns “Reorienting the security roles of navies and other

maritime security forces". The summary contains the recommendation that, with respect to the high seas "The role of navies (etc) be reoriented...to enable them to enforce legislation concerning threats other than military ones." Nowhere in the relevant Chapter 1 is it mandated that any such re-oriented use of military forces could only be justified if those forces were to be put at the disposition of the United Nations and under its effective control. I am afraid we are too close to the recent Gulf crisis for it to be acceptable to recommend anything that could provide justification for powerful nations to take upon themselves the role of 'enforcers', even if under ambiguously worded UN Resolutions.

Then, lastly, the Commission recommends that: "the oceans be regarded as a common resource" and that "the 'high seas' be treated as a public trust". But the overwhelming emphasis throughout the Report is on *rights* of coastal states and, with those, the sharing of *benefits*, with hardly a word about the *responsibilities* of coastal states to avoid that *their* activities do not adversely affect the "public trust". Not only does the Report thus reinforce an exploitative approach, but to my mind this, together with repeated emphasis on "regional" solutions, effectively denies the basic concept, amply borne out by modern science, that the ocean is one and indivisible.

Otherwise, I believe the Report contains much useful material, but it is not at all inspiring or even exciting. Thus it is likely to receive limited attention, and only for a short time, from media and from decision-makers at all levels. If the Commissioners believe - as I certainly do - that this is the time to encourage more people, everywhere, to take the ocean seriously, then we had an opportunity to make a powerful impact on that process. I have concluded, with deep regret, that we have not grasped and exploited that opportunity.

I have enjoyed working with you all through the past two years.