



Dalhousie University

International Ocean
Institute



FACSIMILE TRANSMISSION

To: H.E. Ambassador Hasjim Djalal
Fax No 62 21 765 7570

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

Date: July 15, 1998

Subject: Your letter of 13 July

Dear Hasjim,

Thanks for your letter and the attachment. Page 2 of the Programme is missing. Could you please fax that through again?

We'll be in touch.

Warm regards,

Elisabeth



Dalhousie University

International Ocean
Institute



FAXED

FACSIMILE TRANSMISSION

To: Dr. Hasjim Djalal
Fax No. ~~.62 21 765-75-70~~ 385 3029
From: Elisabeth Mann Borgese
Fax No. 1 902 868 2455
Date: July 26, 1998
Subject: Your letter of July 13

Dear Hasjim.

Thank you very much for your letter of July 13. I imagine it is not easy for you to keep these important things going in the present situation, and you ought to be congratulated and thanked!

As I told you, we are very much interested in your initiative and would love to cooperate in the training effort. Perhaps one of us, preferably Dr. Kullenberg, our new Executive Director, or Robert Race, the new Director of IOI Canada, should participate, if possible, in the Second Meeting of the GEM-MEP in the Philippines in October. We are already working with the Philippines where we are preparing a training programme which we hope will be funded by CIDA, and perhaps one could combine the two efforts. It would have the advantage that ecosystem monitoring could be set into a broader context.

My increasing preoccupation in recent years is a tendency, emanating from the "North", to drop the "D" from UNCED. In other words, to deal with the protection of the Environment, forgetting about Development. The integration between the two, which some of us know, is essential, simply has not taken place and tends to be pushed more and more into the background. As long as the sectoral organisation of the whole system remains intact, this is perhaps inevitable. But I think we ought to counteract whenever and wherever we can.

The second possibility for funding that I could see is the UNEP context. We are about to make a joint application with UNEP to the United Nations fund established by Ted Turner, for a series of workshops on the GPA/LBA and the "revitalization" of the Regional Seas Programme.

Your paper mentions UNEP as a possible source -- and this might be the specific framework.

Ecosystem monitoring most certainly should be part of training within this project.

Either one of these two frameworks would also help us not to disperse our efforts too widely and overextend our capacity.

We can discuss the matter some more in detail when we meet in Jamaica next month.

If, in the meantime, you could take steps to have the IOI represented at the meeting in the Philippines, that would be excellent.

All the best,

Yours as ever,



Elisabeth Mann Borgese



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FACSIMILE TRANSMISSION

To: H.E. Ambassador Hasjim Djalal
Fax Nr. 62 21 765 75 70

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

Date: July 26, 1998

Subject: A proposal

Dear Hasjim,

Today I want to submit to you another matter: It seems to me we should not let the Year of the Oceans pass without doing something concrete: manifesting that we are serious about ocean governance and all the things, like sustainable development, that depend on it.

The attached proposal seems to me straightforward. Who could be against it? It has the advantage of not creating anything new, which would be opposed by many States; and it would keep ocean affairs right at the centre of the United Nations system, where they belong.

I would like to see the proposal incorporated in the UNGA Resolution of the Year of the Ocean.

Do you think Indonesia could support the proposal? Can you help to get your Government to do that?

I would be most grateful for your reaction.

With all good wishes,

Yours sincerely,



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Proposal for the establishment of a United Nations Ocean Assembly (UNOA)

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 coherent and 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 the ex-Prime Minister of the Netherlands, Dr. Ruud Lubbers, my colleague in the Club of Rome..

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 would be most grateful for your reaction.



Policy Integration: The Ocean Assembly

When, with the adoption and opening for signature of the Law of the Sea Convention, UNCLOS III came to its end in 1982, it was clear that there no longer existed a body in the UN system, capable of considering the closely inter-related problems of ocean space as a whole. During the decade and a half that has passed since then, the need for such a body became ever more glaring.

This problem arises from a lacuna in the Convention itself. In this respect, as in some others, the Convention is unfinished business, a process rather than a product. Unlike other Treaties, which provide for regular meetings of States Parties to review and, eventually, to revise such Treaties, the Law of the Sea Convention severely limits the mandate of the meetings of States Parties restricting it, after the establishment phase, to the periodic election of Judges to the International Tribunal for the Law of the Sea, the approval of the expenses of that institution, and amendments to the Statute thereof. The mandate of the Assembly of the International Sea-bed Authority, the only other body comprising all States parties, obviously is limited to sea-bed issues.

Theoretically, there would be three ways of dealing with the problem:

One could, perhaps first informally and later by amendment, broaden the mandate of the meetings of States Parties, enabling them to review the implementation of the Convention and to formulate an integrated ocean policy;

One could broaden the mandate of the Assembly of the International Sea-bed Authority, considering that, on the one hand, sea-bed mining is not going to require very much time for the foreseeable future, while, on the other, “the problems of ocean space are closely interrelated and need to be considered as a whole.”

The General Assembly of the United Nations could be given the responsibility for

examining, periodically, all the interrelated problems of ocean space and generating an integrated ocean policy.

The first two alternatives would have the advantage of utilizing existing and otherwise under-utilized bodies for a function for which they would be well prepared. Both would have the disadvantage of a membership that is less than universal. It should also be noted that “closely interrelated problems of ocean space” arise also within other, post-UNCED Convention regimes with a different membership. The first two alternatives would not be suitable for dealing with ocean-related interactions between various Convention regimes, e.g., the overlaps between the Biodiversity and Climate Conventions and the Law of the Sea

As emphasized in the Report of the Secretary-General of the United Nations¹ it is only the General Assembly, with its universal membership that has the capability of dealing with all the closely interrelated problems of ocean space, including those arising from the interactions of various Convention regimes. The disadvantage of the General Assembly, however, is that it cannot possibly devote sufficient time to these problems which would require several weeks, at least every second year.

To solve this problem, the General Assembly should establish a Committee of the Whole to devote the time needed for the making of an integrated ocean policy. Representatives of the upgraded Regional Seas Programmes, the Specialized Agencies of the UN system with ocean-related mandates, as well as the nongovernmental sector should participate in the sessions of this Committee of the Whole -- a sort of “Ocean Assembly of the United Nations,” meeting every second year. The integrated policy should be prepared by DOALOS in cooperation with the CSD.

¹ Doc.A/51/645

are involved in one way or another in ocean affairs, and ways have to bound to harmonize and integrate their overlapping and often conflicting policies, Policy Integration: Specialized Agencies and Programmes

In analogy to what happens in the national “circle” where almost all Government Ministries almost all Specialized Agencies and Programmes of the United Nations are involved in one way or another in ocean affairs The International Maritime Organisation (IMO), the Intergovernmental Oceanographic Commission (IOC) and the International Sea-bed Authority (ISBA)² are exclusively devoted to ocean affairs (IMO for shipping; IOC for marine sciences, ISBA for sea-bed mining), while UNESCO, FAO, and UNEP have a broader mandate including divisions for ocean affairs (UNESCO for marine sciences, culture and education; FAO for fisheries and aquaculture; UNEP for Regional Seas and marine environment) and others are otherwise involved with the oceans, such as the World Meteorological Organisation (WMO) with ocean-atmosphere interaction and its implications; the International Atomic Energy Agency (IAEA) for nuclear marine pollution; the United Nations Industrial Development Organisation (UNIDO), with industrial marine technology; the International Labour Organization (ILO) for the protection of maritime workers; the World Health Organisation (WHO) for ocean-related

²ISBA is not a Specialized Agency but an independent intergovernmental Treaty-created body with “observer status” at the UN and at the International Tribunal for the Law of the Sea.

health problems; etc.

Streamlining of the Agencies and Programmes for cost-effectiveness, elimination of overlaps and harmonisation of policies has long been on the agenda of the United Nations and has been entrusted to the Administrative Committee on Coordination (ACC). In the wake of UNCED, the Secretary-General established a subcommittee of the ACC to deal specifically with the ocean-related policies and activities of the Agencies and Programmes, the ACC Subcommittee on Oceans and Coastal Areas, with its Secretariat within the IOC. Progress thus far has been disappointing. It is in fact doubtful whether policies can be integrated at the inter-Secretariat level. It is only at the level of the General Assembly that an integrated ocean policy can be framed, and this policy, then, should become the basis for the efforts of the ACC Subcommittee on Oceans and Coastal Areas..

If one wanted to compare intranational and international institutional arrangements, one could envisage the “Ocean Assembly” as the counterpart to a national parliament that determines policy. The Specialized Agencies and Programmes would execute this policy like the Ministries and Departments of a national government. The ACC subcommittee would act like an Inter-ministerial committee or council responding to the interdisciplinary and trans-sectoral challenges of ocean and coastal management.. Linkages between the upgraded Regional Seas Programmes and the decision-making process of the “Ocean

Assembly” must be as effective as the linkages between the Government and the governments of States/Provinces in a Federal State.