

The International Ocean Institute and  
Pacem in Maribus Conferences

The founder of the International Ocean Institute (IOI) and chief designer of Pacem in Maribus is Professor Elisabeth Mann Borgese, a well known person in the areas of environment and the oceans. The origin of IOI goes back to a collaborative effort between the Center for the Study of Democratic Institutions (Santa Barbara, California, USA) where Professor Mann Borgese was a Fellow, and the Government of Malta, following Malta's initiative of 1967, when Ambassador Pardo introduced in the General Assembly of the United Nations the concept that the oceans are the Common Heritage of Mankind. This collaborative effort resulted in the holding of five preparatory workshops - on marine environment; on the marine sciences; on disarmament in the marine sector; on the appropriate legal and institutional structure for the oceans.

This effort culminated in the first Pacem in Maribus Conference (PIM) which was held in Malta in 1970 to explore the philosophical and ideological parameters of the concept of the Common Heritage of Mankind as well as its legal and economic content and institutional implications. It was felt, at that time, that, more than a Conference, the issues needed sustained research and progressive development, which could best be achieved by an international ocean institute. The IOI was established soon thereafter as a nongovernmental organisation.

The IOI's task, as defined in its Statutes, is:

to promote education, training and research, to enhance the peaceful uses of ocean space and its resources, their management and regulation as well as the protection and conservation of the marine environment.

The approach of IOI is to bring together the various specialists involved in the oceans -- in science, technology, economics, law, management -- to help them transcend their narrow specialisations and help create a common language that can lead to the development of a common culture: a new spirit and a new faith. The common language has to be simple so as to be intelligible to the average person. Only then would it be possible to create a new global environmental culture and be in line with the attempts being made to harmonise science and spirituality, materialism and ethics.

The four elements of IOI's strategy -- Conferences, training, policy research and publications -- are all interlinked with the Conferences being future-oriented, with policy research flowing from the result of the Conferences and training being the vehicle through which the results of policy research are conveyed to decision makers. Training courses also act as feed-back mechanisms as to the areas needing research or interdisciplinary discussions at Conferences. Publications, of course, are the record of what has transpired in Conferences or what the results of policy research are.

### Pacem in Maribus

What led to the convening of the first Pacem in Maribus Conference was the need for utilising the ongoing international debate on the Law of the Sea as an experiment in which ideas relating to the restructuring of international relations could be married to the ongoing Marine Revolution which was taking its place on the long list of disjunctures that have marked human history - the political, industrial, socio-economic revolutions of the past, and the technological and biological revolutions of the present. The Marine Revolution partakes of all of these and also added a new dimension. For along with the informatics and communications revolution it was resulting in a restructuring of the international system.

The changing face of international relations is the result of the rapidly expanding and intensifying industrialization of the oceans. Scientific and technological breakthroughs have opened new vistas, and in the process raised a host of ecological issues related to the total human environment. As man moves to exploit territory traditionally regarded as no-man's land beyond sovereign claims, he poses grave new problems of development and disarmament and adds new stresses and strains to the fragile structure of international relations.

It needs to be kept in mind that the Marine Revolution could easily turn out to be predominantly destructive. In important ways it is without precedent: starting from a far more advanced stage than earlier industrial revolutions the speed of the impending global transformation allows no time to adjust to change; and it takes place at the confluence of pollution from air, land, and water in a medium that magnifies the effects of miscalculation. On the basis of present trends some scientists are even predicting that the oceans could be dead of man-made pollution if ameliorative steps are not taken.

Yet, no one can seriously propose that industrialization of the oceans be halted. A zero-growth economy for the seas is the most utopian of all utopias - and worse still, it is a rich man's dream that would become a nightmare for the majority of peoples whose survival requires full development of the world's resources. Besides the advance of science and technology cannot be halted. Luddism did not work on land. It will not work under water.

The realistic alternative is to harness and rationally direct the forces of the Marine Revolution, minimize its destructive side effects and maximise the beneficial ones. Only then could the oceans fruitfully become one of man's last resource frontiers. This is the one of underlying themes of Pacem in Maribus Conferences: to have appropriate development of the oceans resources for the benefit of all humanity, North and South, East and West.

Another recurring theme of these Conferences is the need for international cooperation -- North-South, East-West. In this

connection, it would be interesting to note what was the goal of the first Pacem in Maribus held in Malta in 1970. To quote:

Any successful approach to the creation of an ocean regime leads inescapably to consideration of the great, overriding issues of international relations that constitute the ultimate threat to the human environment. We cannot expect to move forward without catching some preliminary glimpse of new forms of international co-operation; a system that guarantees peaceful development of ocean resources as the common heritage of mankind but be based on improved understanding of the relations between the human environment and law; and it would require institutionalizing new forms of participation and communication among transnational science, multinational industry, and international politics. The creation of an international ocean regime could mark the point of passage from one era of international relations to another. The great maritime no-man's land offers a chance for a new beginning.

The above was when the UN Convention on the Law of the Sea, 1982 was but a distant dream. Here is what the Secretary General of the United Nations had to say in his message to PIM XXII held in Madras in 1994 to celebrate the coming into force of the Convention:

Cooperation and coordination among States and regions in addressing problems of mutual concern are the essence of international relations. The oceans are humanity's common heritage, and as such the international community has a shared responsibility to cooperate in safeguarding the oceans, and to coordinate its efforts in promoting the rational and sustainable use of their resources. By ratifying the Convention on the Law of the Sea, the international community affirmed that rules will regulate the conduct of nations. It ensured that agreed principles will provide the framework for the future development of the oceans.

This Conference, and others like it, can also play a critical role in promoting a wider understanding of the Convention on the Law of the Sea and its significance in terms of human development. I wish the participants and the organizers of the Conference every success in this important undertaking.

The continuing stress on international cooperation and human development after almost two and a half decades of discussion is noteworthy. It also underlines the great distance we have to travel before ideas can be translated into reality. Especially as international cooperation and human development involves getting North and South, East and West together and harmonising different laws, cultures and systems.

And as we look back at the Pacem in Maribus Conferences which

took place on five continents, during more than two decades of the most turbulent development ever seen in history, one gets a strange sensation of continuity within change, of long term goals being tempered by short-term strategies and tactics, of visionary optimism straining against the pressing needs of the struggle to survive.

Through its twenty three conferences, Pacem in Maribus has tried to contribute to the solution of some of the most pressing problems: In International law and national legislation; regarding international organisation; in science policy; in disarmament; in the management of ports and harbours and sea-borne trade; in the protection of the marine environment; in the rational exploitation of the resources of the oceans; in technology development; in North-South cooperation; in training and education: all parts of a bigger whole.

In all these Conferences it was also the goal of IOI to think about three years ahead of Governments -a privilege and, I should say, a duty of NGOs - far enough to be stimulating; not so far as to be utopian.

In many ways Pacem in Maribus conferences have been pacesetters. They were the first to draw attention to the menace of pollution in the Mediterranean (1971) and to propose something that presaged the Barcelona convention of five years later; the first to propose an international tax on the global commons (Ocean Development Tax); and the first (1974) to stress the need for the establishment of some sort of Ocean Forum at the General Assembly level where the closely interrelated problems of ocean space could be considered as a whole, across functional or sectoral boundaries.

It would not be possible in this short paper to cover the various themes developed in the past twenty three conferences. Some of the major themes explored in the last five conferences, namely, PIM XIX to PIM XXIII will be dealt with now. The details of the papers presented are at Appendix I.

PIM's XXIX to XXIII dealt with the general question of peace, ocean governance and sustainable development in the context of bridging the North-South and East-West divides in the realms of economics, technology, energy and food. The main themes explored related to institutional restructuring, technology development and peace in the context of a comprehensive concept of security and the UN Secretary General's Agenda for Peace. I take these up in turn.

### Institutional restructuring

The Conference themes adopted by PIM XIX, PIM XX, and PIM XXI are indicative of the points of departure taken by the PIMs in their vision of ocean institutions. The theme of PIM XIX was "Ocean Governance: National, Regional, Global, Institutional Mechanisms for Sustainable Development in the Oceans"; for PIM XX, "Ocean

Governance: Model for Global Governance in the 21st Century?"; and PIM XXI adopted "Ocean Governance: A Model for Regional Seas in the 21st Century."

The focus on the notion of "ocean governance" follows logically from the realization of the profound and central role of the oceans:

- (i) in the global economy;
- (ii) as a critical factor in determining climate;
- (iii) as a lead sector in international law and international relations, and
- (iv) in providing a model of management for sustainable development.

The experiences in and the prospects of ocean governance, therefore, suggest in deeper ways how the international system can be more meaningfully constituted in the coming century. In turn, such perception of the role of the oceans rests on a remarkable achievement in the history of international law making, namely, the 1982 Convention on the Law of the Sea: the most comprehensive and substantial treaty brought into existence in modern history.

In a certain sense, the justification behind I.O.I.'s *Pacem in Maribus* convocations is a product of this Convention and its negotiation history; but the ideas generated in PIM have also significantly shaped the actual meanings accorded to the Convention as a whole. This was the case in the first ten PIM's which were attended by all the leading lights of the Conference on the Law of the Sea and which dealt with the contentious issues arising in the Conference.

Two foundational underpinnings of this Convention make up the core of I.O.I.'s concept of ocean governance and as explored in *Pacem in Maribus*:

- (i) that the problems of ocean space are closely interrelated and need to be considered as a whole; and
- (ii) that the oceans and its resources are the common heritage of humankind.

These two suppositions arise from the postulation of a "marine revolution" referred to earlier. Necessarily, the ways of looking at the oceans, and the activities that impact on the ocean environment, have to be continuously re-examined and transformed in the light of this revolution so that its destructive potential is kept in check and the future is free of crisis and disorder.

It needs to be noted that the two concepts of interrelated ocean activities and the Common Heritage of Mankind directly impact on the ocean governance problematique. A few comments on the institutional relevance of these two closely interwoven concepts may be made. The first concept, namely, that of the fundamental interrelationships of ocean problems, is obviously dictated by

the underlying unity of the oceans as a physical medium and as a bundle of diverse uses. This concept currently finds direct expression in the notion of "integration" espoused by Chapter 17 of Agenda 21 in respect of the new approaches to ocean and coastal management.

The integrated content of ocean and coastal management approaches refers to the adoption of inter-sectoral, inter-disciplinary mechanisms to planning and decision making - a strategy convincingly put forward in 1987 by the World Commission on Environment and Development (the Brundtland Commission). In its Report, Our Common Future, the Brundtland Commission emphasized the urgency of "institutional integration" of ocean concerns and institutions. The Commission reiterated the necessity for the integration of relevant institutional mechanisms if the goal of sustainable development was to be achieved, and was convinced that the present fragmented character of existing institutions, at all levels of governance, could not possibly result in sustainable development.

Looking to the next century, the Commission was also convinced that sustainable development, if not survival itself, depended on significant advances in the management of the oceans. Considerable changes were considered necessary in institutions and policies and more resources were required to be committed to ocean management.

The highly popular reformulation of the concept (regarding unity of ocean problems) by the Brundtland Report in the language of "sustainable development" was seized upon by PIM XIX when this Conference considered the institutional implications of sustainable development. PIM XIX explored the requirements for "horizontal" (i.e., inter-sectoral) and "vertical" (i.e., global, regional, subregional, national, local) institutional integration in the ocean sphere. As a result, PIM XIX was able to arrive at and propose a concrete meaning to sustainable development of the seas. PIM XX and PIM XXI, likewise, dwelt on the thesis of institutional integration in the context of sustainable development by focusing on, respectively, the universal and regional aspects of integration. Pacem in Maribus XX examined possible lessons from the 25-year ocean experience for the governance of other global issues, such as outer space, the atmosphere, food security, energy, and science and technology.

Pacem in Maribus XXI explored the question of transforming the regional seas programmes of the United Nations Environmental Programme (UNEP) from a sectoral approach focusing on the environment to an approach integrating environment and development concerns. Much attention was given to the problem of nuclear pollution in the Sea of Japan, and possible remedies. The Conference also broke new ground by involving the general public in the international meeting of experts and specialists in ocean affairs.

The second concept in the governance equation (that the oceans are the common heritage of humankind) is a politico-ethical

statement concerning the ideal orientation of new ocean institutions for managing the evolving ocean regime. Transcending the somewhat narrow context of the "common heritage of mankind" as a principle governing only the activities in the deep seabed, and three PIMs have sought to extend it to other ocean uses and to matters like energy, food, outer space, the atmosphere and science and technology. This second concept adds an indispensable "political" dimension to ocean governance. The word "political" is of course, conceived in the widest sense as encompassing ethical, economical, societal and cultural issues.

The main elements flowing from the Common Heritage principle and relevant to the design of ocean institutions in the post-UNCED era were considered by the PIM Conferences to be the following:

- (i) non-appropriation (no single state can claim exclusive title or control to common resources);
- (ii) shared management (implying a cooperative and inclusive modality of decision-making);
- (iii) common benefit for humankind as a whole (incorporating an equitable scheme for the distribution or redistribution of the opportunities and wealth of the oceans);
- (iv) use for exclusively peaceful purposes (invoking the principle of disarmament and the idea of the peace dividend);
- (v) conservation for future generations (reiteration of sustainable development as inter-generational equity);
- (vi) a system for the peaceful settlement of disputes.

The last is of course of special relevance to this city as the International Tribunal for the Law of the Sea is located here.

### Technology development

Technology is the driving force behind the Marine Revolution. IOI has been from the beginning been in favour of a system whereby marine technology would be jointly developed by all countries, East, West, South and North. PIM XXII had as its title: Sustainable Development and Regional Cooperation. It was organised with the overall objective of comprehensively exploring avenues for Science and Technology Cooperation in the Indian Ocean Region and Restructuring the United Nations in the context of the UN Convention on the Law of the Sea (which came into force on 16th November, 1994, only two weeks prior to PIM XXII) and the UN Conference on Environment and Development (held in Rio de Janeiro in 1992).

A workshop on Marine Technology Cooperation in the Indian Ocean Region was organised in preparation and within the framework of PIM XXII. The workshop followed on and further developed previous initiatives of the IOI, undertaken in cooperation with the United Nations Industrial Development Organization (UNIDO) and the United Nations Environment Programme (UNEP), on Joint Technology Development in the Mediterranean and in the Caribbean.

Earlier, in August 1993, UNIDO and IIT Madras had organised a workshop in IIT for studying Joint Technology Development in the Indian Ocean Region and recommended the establishment of an institutional framework for its implementation.

The workshop, held prior to PIM XXI, was planned as a logical follow up of the earlier effort. The Workshop took note of the fact that the United Nations Convention on the Law of the Sea had mandated the establishment of regional centres/systems for the advancement of Marine Science and Technology. The workshop was attended by twenty participants from different countries in the Indian Ocean Region and also included a few experts from other parts of the world. The workshop featured discussions centered on a working paper, presentation of case studies, and field visits to leading academic and research institutions.

Specifically, the discussions in the workshop focussed on:

- \* environmentally and socially sustainable technologies for the Indian Ocean sub-regions and, in particular, technologies required for coastal and marine management and technologies eminently suitable for small islands (e.g., wave energy for small islands);
- \* alternative models for the structure of the cooperation 'system', including networking sub-regional institutions that could serve as national coordinators for project selection;
- \* potential partners in the private sector of industrialised countries with Indian Ocean interests;
- \* promotion of joint technology development on the lines of the EUREKA/EUROMAR system; and
- \* setting up a Certifying Centre for environmentally safe marine technologies.

After considering the recommendations of the Workshop, the Conference resolved as follows:

- (i) Pacem in Maribus XXII proposes the establishment of an Indian Ocean Network for the advancement of marine science and marine industrial technology.
- (ii) The network should link Regional Centres whose task it would be to gather and disseminate data and information, organise workshops and training programmes and service the process of project selection and implementation.
- (iii) The Network should create synergisms between public and private funding at the regional level. It might be structured, with due adaptations and adjustments, on the simple pattern of EUREKA/EUROMAR.
- (iv) The Network should determine areas of priority for research and development, and shall adopt a code of standards for social and environmental sustainability.



PIM XXII brought to a focus in a regional context the main themes that IOI had been propagating for over a decade, namely, (i) the need for joint technology development involving the advanced and the developing countries, the private and the public sectors; (ii) the need for appropriate institutional mechanisms based on the advanced cooperative system for technology development adopted by the European Union; and (iii) the need for networking existing institutions rather than establishing new institutions.

### Peace in the context of the Agenda for Peace

The achieving of peace is the very *raison d'être* of PIM Conferences as its very name suggests. Pulling together all that had been explored in earlier Conferences, PIM XXIII had as its theme: "Oceans and Peace: Potential contributions of ocean governance to the implementation of the Secretary-General's Agenda for Peace." PIM XXIII also celebrated the 50th Anniversary of the United Nations.

The discussions in PIM XXIII established the following fundamental propositions as the necessary conditions for the attainment of peace in the oceans.

First, and most obviously, it needed to be recognised that the oceans covered three quarters of the planet and were a crucial factor in the global economy and the health of the biosphere.

Second, the United Nations Convention on the Law of the Sea, covering the peaceful uses of the seas and oceans and reserving the oceans for peaceful purposes based on the principle of the Common Heritage of Mankind, offered new opportunities for peace making and peace keeping while enhancing economic and environmental security.

Third, the threats to peace and security had radically changed during the past half century, since the end of World War II. Today they were social, economic, and environmental rather than military; they were intrastate rather than interstate. Thus the concept of "security" had changed. It is now "comprehensive security" or "human security"; or "democratic security". It contains an economic and social dimension as well as an environmental dimension, together with the political/military dimension. Peace is a universal concept which is not attainable unless harmony -- not only in the social sense as between individuals but also in the larger sense as between humans, animals and plants -- is attained.

Fourth, there was thus a convergence between the emerging systems for the peaceful uses of the oceans for sustainable development, and for peace making, peace keeping, and peace building, especially at the regional level where regional seas programmes for sustainable development and maritime zones of peace may eventually coincide. Regional cooperation of navies for peaceful purposes, including joint surveillance and enforcement of regulations on peaceful uses and humanitarian operations may

equally serve to safeguard regional security under the aegis of the United Nations Agenda for Peace.

Fifth, this convergence suggested the desirability of a "shift of paradigm" to reorient naval strategic thinking, where unrestricted Grotian freedom of the seas for warships is no longer taken for granted and there is a growing recognition that the Laws of Naval Welfare, adopted at the Hague in 1907, long before the advent of sea-launched weapons of mass destruction, naval air power and advanced submarines, are virtually obsolete; that regulation of the military uses of the sea must be subordinated to the regulation of its peaceful uses; that the concept of the geopolitics of maritime security is changing from a global to a regional focus, with the exercise of sea-power in foreign policy increasingly being conducted in a regional setting.

Based on the above, PIM XXIII recommended, inter alia, that:

- . the UN General Assembly adopt a resolution on the peaceful uses of the oceans which should include criteria of responsible use of the oceans by naval ships and aircraft, including the duty to compensate for environmental damage and economic loss;
- . there be negotiations leading to the termination of the exemption from compulsory dispute settlement involving naval activities in the oceans as embodied in the 1982 Law of the Sea Convention;
- . the Convention on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed (Seabed Treaty, 1971) and the 1982 Law of the Sea Convention, be harmonised by the next Review Conference of the Seabed Treaty;
- . there be a review of interpretations of Article 51 of the Charter of the United Nations, as it applies to claims of self-defense and its relations to the prohibition of the threat or use of force;
- . there be a study to review and revise the 1907 Hague Laws for naval warfare in the light of contemporary technological, environmental and political developments;
- . the concept of Zones of Peace be studied.

PIM XXIII further recommended that in order to link the common heritage with the common future of humanity, it was suggested that the large majority of the world's nations seeking an end to the threat of nuclear annihilation should seek to achieve a Nuclear Weapons Convention by the year 2000 that eliminates all nuclear weapons in the time-bound framework. The prohibition and conversion of strategic ballistic missile submarines must be part of this accord. This was expected to be the final step in

achieving a nuclear weapons free world, including Nuclear Weapons Free Oceans.

### Conclusion

The Pacem in Maribus Conferences, as is clear from the above, have generally tried to be in tune with issues agitating the international community. The next Pacem in Maribus, to be held in China in November, 1996, for example, is in preparation for the Year of the Oceans to be celebrated in 1998. Its theme is: Ocean Governance and the Twenty-first Century. It looks into issues likely to be dominant in the next five years or so: impacts of globalisation of the economy on the coasts and oceans; the impact of coastal megacities on the environment; the socio-cultural impacts of technology especially informatics and biotechnology; the development of bio-villages; and so on.

It is to be hoped that this short paper gives a flavour of what IOI and Pacem in Maribus Conferences are all about: a mix of views from North, South, East and West; an interdisciplinary integration of various specialities; and a think tank which is not too far ahead of its time.