

SECOND PLENARY SESSION
Rio de Janeiro
2 - 5 July 1996

IWCO/15 Prov.

Draft Report

1. Opening Session

The Opening Session was attended by some 200 invitees from the government of Brazil and of the State of Rio de Janeiro, the diplomatic corps, academia, local NGOs, business, and the press. It was presided over by Dr. Mário Soares, Chairman of the IWCO, jointly with Dr. José Israel Vargas, Minister of Science and Technology, Vice-Chairman of the IWCO.

On the podium were also seated Dr. Eduardo Moacyr Krieger, President of the Brazilian Academy of Sciences, Dr. Eloy Fernandez y Fernandez, Science and Technology Secretary, State of Rio de Janeiro, Ambassador Dayrell Alves de Lima, Head of Department of Environment, Ministry of External Relations, Prof. Mário Ruivo, Co-ordinator of the IWCO, Ambassador Layashi Yaker, Secretary General of the IWCO.

Chairman Dr. Mário Soares called for an increased global awareness of the oceans as the basis for planetary survival. The oceans are a heritage common to all mankind, regardless of differences between rich and poor, said Dr. Soares. We must establish a broad consensus to protect this heritage. We must study all the possibilities for the peaceful use of the oceans and sustainable development of their resources.

Recalling the Rio Earth Summit that took place four years ago, Dr. Soares said, Rio '92 had been a breakthrough in the advance of human awareness of the relevance of environmental issues. The Earth Summit had shown the possibility of development *and* sustainability. The IWCO was gaining inspiration for its Session from the Rio setting, and from the work done during the Summit.

The main goals of the Commission are to raise awareness of the oceans and to develop proposals for ocean governance, Dr. Soares said. Its Final Report is to be submitted during the Commission's sixth and last Session in Lisbon, in conjunction with Expo'98. He then outlined some of the work the Commission was going to do over the next three days. The issues of ocean economics, the promises of science and technology, the peaceful uses of the oceans and the legal framework for improved ocean governance were of prime importance for the work to be done.

The President of Brazil, Fernando Henrique Cardoso, sent a message to the Session in which he said that he was confident that the work of the Commission would be instrumental in creating world-wide awareness of the ocean and the improved management of its resources. There would be an opportunity to discuss these matters during a meeting between the Chairman and the President, in Brasilia.

Prof. José Israel Vargas, Minister of Science and Technology of Brazil, welcomed participants on behalf of the host country and the organising national Committee. He reiterated the importance given by the Government of Brazil to Ocean affairs and recalled continuing efforts to enhance national capabilities in relevant fields of research and the importance attached to international co-operation.

The meeting was then briefly addressed by the following Vice-Chairmen/Members of the Commission: Abdulmohsen Al-Sudeary, Elisabeth Mann Borgese, Salvino Busutil, Eduardo Faleiro, Ruud Lubbers, Alassane Dialy Ndiaye, and Yoshio Suzuki. Finally, the President of the Argentinean Academy of Sciences, Dr. Oscar Quihillalt, addressed the meeting.

The session was adjourned and reconvened at 14.30 hours. The List of Participants is annexed.

2. Adoption of the Agenda

After its introduction by the Secretary General, the Agenda (IWCO/13 prov.) was adopted without change.

3. Progress Report on intersessional activities

3.1 Establishment of the Secretariat

The Secretary General reported that, in addition to the Office of the Chairman, established within the Mário Soares Foundation in Lisbon, the Secretariat was now operational on premises provided by the Canton of Geneva, which also offered the necessary furniture and equipment. The Government of the Swiss Confederation has offered to support the Secretariat in Geneva and some activities of the Commission with a contribution of one million Swiss francs over a period of three years (1996-1998). The Swiss Government has accorded to the Commission, its experts and its supporting staff the same privileges and immunities as those accorded to the United Nations organisations in Geneva.

In accordance with the discussion on this item in the preceding Executive Committee meeting, the Chairman recalled the decision to maintain a strict principle of austerity in the management of the affairs of the Commission including its staff. He underlined that the Commission should focus its efforts on matters of substance, the preparation of the Report and, in due time, its dissemination.

The Chairman intends to go to Geneva in order to formally inaugurate the premises of the Secretariat and to meet with the Swiss authorities involved in the setting up of the Secretariat. He will hold a press conference in order to promote the Commission's objectives and make public the progress accomplished during the Rio Session.

3.2. Implementation of the Program of Work

The Secretary General reviewed some main aspects of the implementation of the Program of Work, as it resulted from the Tokyo Session (TWCO I/8/Rev. 1). This Program will be revised in the light of the decisions taken during the Rio Session.

In reaction to a question on the representation of women in the Commission, the Co-ordinator informed that the composition of the Commission will be finalised next month.

3.3. Financial situation and funding activities

The Secretary General reported on the financial and budgetary matters of the Commission. From the 4.4 million dollars needed for the basic budget, the Commission had 2.15 million secured and still needed to secure another 2.25 million. According to him there were good hopes of securing these funds soon, taking into account the discussions going on with Japan, Saudi Arabia, and other potential partners (public and private institutions).

From the 2.5 million dollars needed to cover the costs of meetings, 2.0 million could be considered secured. This applied in particular to the costs of the Plenary Sessions: Japan having financed the first; Brazil the second; the Netherlands the third; South Africa - with a small contribution from India (mentioned by Vice-Chairman Faleiro) and, possibly, support from the Commonwealth Secretariat - the fourth; the USA the fifth; and Portugal the final one. There were still 0.5 million needed, but, once again, there was a good chance of securing them in the near future.

The Treasurer expressed his optimism with regard to the financial situation despite the fact that the Commission still needed 2.25 million dollars for its substantive work and 0.5 million for its meetings. However, he considered that this situation would not allow the Commission to support any Regional meetings. On the basis of the funds secured now, he did not expect any cash flow problem for the Commission until the end of September, provided that there was no additional expenditure beyond what was so far approved. He was confident that the funding still needed would soon be secured.

3.4 Meetings of the Executive Committee

The Secretary General briefly reported on the two Executive Committee meetings, which had taken place since Tokyo, viz.: the 2nd (intersessional) meeting in Lisbon, on 3/4 May 1996, and the 3rd meeting, in Rio, on 1 July 1996. In both meetings the financial, organisational and substantive aspects of the work were considered, especially in the light of the preparation of the Second Plenary Session in Rio.

4. Consideration of the four major issues already selected by the Commission

Following a short introduction by the Executive Secretary, in order to give an in-depth consideration to the four major themes identified at the previous Session, the Commission decided to establish sessional Working Groups on: (i) The legal and institutional framework for the use and protection of the ocean; (ii) Peaceful uses of the oceans, sovereignty and security; (iii) Ocean economics in the context of sustainability; and, (iv) Promises and challenges of science and technology.

The following members of the Commission acted as Co-ordinators and Rapporteurs of each of the sessional Working Groups: Alexander Yankov (WG I), Richard Falk and Ruud Lubbers (WG II), Salvino Busuttil and Elisabeth Mann Borgese (WG III), Ulf Lie (WG IV).

Following consideration of the relevant issues in the Working Groups the respective rapporteurs presented to the Plenary the major thrust of their conclusions. The Commission took note as follows:

4.1

The **Legal and Institutional Issues** Group had the task of identifying the major legal and institutional problems regarding the short-term and long-term proposals made in and following up on Agenda 21 of UNCED, which provides the basis for integrating sustainable development and environmental protection (Principle 4 of the Rio Declaration). Its Chapter 17 and other relevant instruments (e.g. Framework Convention on Climate, Convention on Biodiversity, etc.) also complement the United Nations Convention on the Law of the Sea which entered into force in 1994.

The group identified two inter-related problem areas which should be examined with priority, namely: i) proposals concerning the law-making and standard-setting relevant to the uses of the oceans and the protection of the marine environment; and, ii) the ways and means of enhancing the implementation of international instruments.

For the first problem area the Group considered the translation of non-legally binding instruments on ocean affairs into legal rules. It emphasised the need for participation of non-governmental organisations and other social and interest groups in this process which could stimulate public awareness and involvement. The evolution from general rules and regulations towards the enactment of

specific rules is an important prerequisite for strengthening the legal framework for protection and development of the marine environment. The adoption of national legislation in conformity with international rules and standards is another condition for the efficiency of international instruments.

For the second problem area, the Group stated that, in view of the multiplicity of legal instruments dealing with the protection and preservation of the marine environment, priority should be given to their harmonisation and to finding adequate ways and means of enhancing their implementation. Special care should be taken in order to avoid increasing an already inflated number of instruments, as States face great difficulties in integrating the existing international laws concerned into their national legislation and perform adequate follow up.

Furthermore, implementation will require, at the national level, a more integrated institutional set-up than the present sectorial one. Finally, if rules are not to become meaningless, implementation would also require regular monitoring, assessment and periodic reports through appropriate institutions and mechanisms on national, regional and global levels.

4.2

The Group on **Peaceful uses of the oceans** agreed that the end of the Cold War had created a new geopolitical setting with implications for the oceans. This change has brought a transition from a bipolar to a multipolar security framework. The concept of security, which had already been broadened so as to encompass elements such as food, environment and other relevant components, needs to be extended to include the "security of peoples".

Thus, the new agenda for security includes concerns about the marine transport of drugs, of arms, of the transnationalisation of terrorism, the re-emergence of piracy at sea, the migration of displaced peoples and refugees, and of conflicts about marine resources ("fisheries wars"). The security of the world community is under threat through issues like the transport by sea of dangerous substances like plutonium and nuclear waste while, on the other hand, international solidarity might encourage creative solutions to reduce tensions and prevent disputes among states.

New approaches include joint development and management of resources in disputed areas and sharing of information. One illustration of a trend in this direction was the declassification by the US Government of oceanographic data. The use of naval facilities for underwater acoustic experiments, the monitoring of ocean parameters, or fisheries surveying in the Exclusive Economic Zones is of a similar character.

In conclusion, peaceful uses of the oceans should be enhanced in the light of the goals of denuclearisation, demilitarisation, creation of zones of peace, conflict prevention and resolution, taking into account the UN Secretary General's Agenda for Peace and the 1992 Security Council Summit of the

Heads of State on Collective Security In short: "If you want peace, prepare for peace".

4.3

The Group on **Ocean Economics** emphasised that although there is an obvious linkage with land economics, the oceans force us to think differently. They have caused a breakthrough in international relations, law, and governance. It is very likely that the oceans could yield a new approach to economics and socio-economic development as well.

The concept of sustainable development must be based on a synthesis of economic and ecological concerns and not lose sight of its role in the eradication of poverty. It must also examine, in the case of the oceans, the different approaches to "ownership". If products have an "utilisation value" and not an "exchange value", then the concept of "ownership" becomes irrelevant. It should be noted that non-Western cultures have, in some cases, different concepts of "ownership" or "property".

The UN Convention on the Law of the Sea has led to the new concept of "common heritage of mankind". How to give effect to the concept is still in question. In terms of national self-reliance, technology today cannot just be bought; it must be learned. "Technology transfer" today implies the development of human resources. One of the most effective means of "technology transfer" is joint research and development, i.e. capacity-building within a framework for regional and global, South-South and North-South co-operation.

4.4

The Group on **Science and Technology** saw science not as a separate issue for oceans concerns, but integrated with aspects of law, economy, social sciences and political considerations. Questions like the implementation of the United Nations Convention on the Law of the Sea and Agenda 21, coastal zone management, management of living and non-living resources, marine environment protection, all have implications that touch on science and technology.

Therefore, science and technology have an important role to play in the preservation of the ocean as a major component in the life support system of our planet. Management goals increasingly require forecasting capabilities as well as advanced monitoring systems.

The provision of scientific advice is now confronted with the need to make decisions in a context of uncertainty and the application of the "precautionary principle", requiring, increasingly, an inter-disciplinary approach (including human and social sciences), with the inherent adjustments in methodologies and changes in attitudes of those involved.

Access to information and facilities, including advanced technology for research, are, therefore, key elements in capacity building in developing

countries, as stated in Agenda 21, seen as equally important as the UN Convention on the Law of the Sea. Despite the efforts undertaken at national and international levels, the situation is far from satisfactory regarding the establishment of effective partnership between North and South. This is a key issue the Commission should address in depth.

5. Selection of other major issues to be considered by the Commission

Under this item the Commission considered **additional issues** which it felt were essential to achieve its goals.

Foremost was the issue of **public awareness raising** which cuts across all other issues under consideration. Increasing global consciousness of the oceans is one of the priorities for planetary survival through participative and well informed democratic practice. It involves changes in public perceptions and attitudes, in decision making processes and in government action. The challenge consists in changing a global attitude to the oceans which, only too often, tends to take them for granted. Compared with other components of the global environment, even compared with lakes and rivers, the oceans seem to have a great capacity to forgive the harm that is inflicted on them. Therefore, public consciousness feels justified to turn its back on them.

Ultimately, increasing awareness of the oceans has to begin with a very basic educative attempt at making human beings 'see' them, and it should end with creating a new ethos in humankind's relations with the oceans. One approach to achieving such a new global ethos may consist in the systematic promotion of citizen responsibility and partnership at all levels and in all endeavours relating to the oceans. Its attainment depends upon the acceptance, by all agents involved, of the need for self-restraint and common but *differentiated* responsibilities

Another issue was related to **partnership, solidarity and ocean governance**. The Chairman of the Commission called for "a new ethos in mankind's relations with the oceans". This should be the ultimate goal of the Commission. The emergence and acceptance of such a new philosophical approach to the relationship between man and the oceans entails the need to face the issues of sustainable resource development, use of science and technology and decision-making in the context of more transparent and participative legal, political and institutional frameworks. Such ethos will have to be reflected in the institutional frameworks for ocean governance at the national and international levels, on the basis of harmonised and efficient sets of legal norms.

The members of the Commission held substantive discussions on all of the above mentioned issues and underlined their inter-relationship. They also pointed out the importance of taking into account some additional considerations such as the question of **indigenous peoples** and their relationship to the oceans. Indigenous people, especially those with traditions closely linked with ocean use and dependence, should provide the Commission with an added dimension in its work.

The possibility of organising an inquiry into public opinions and perceptions on the oceans should be explored.

In this connection, it was recalled that non-governmental organisations play an increasingly important role as participants in decision making processes. Awareness of ocean related matters might be built more effectively through collaboration with NGOs.

6. Thematic and regional inputs to the work of the Commission

It was pointed out that a distinction should be made between regional and thematic consultations. As far as thematic inputs are concerned, it would be important to consider them in the context of the selected major issues identified by the Commission.

There was general agreement that regional meetings or consultations would be appropriate and useful but should not detract the Secretariat from its major assignments. It was therefore agreed that Regional meetings are desirable, but that their organisation and financing should entirely rest with the local organisers. The Secretariat could be associated to some extent, in particular with the selection of issues and provision of guidelines for such meetings. Vice-Chairman Faleiro expressed the willingness of his Government to host a meeting in India which would be totally funded. Treasurer Busuttill also mentioned the intention of Malta to host a meeting for the Mediterranean Region.

Several members of the Commission referred to initiatives they have taken in this connection. Reference was made to hearings held in Japan and Fiji. The Commission recognised the value to its work of regional particularities, including cultural traditions.

7. Information/communication strategy and activities

The information and communication strategy of the Commission, while linked to the important issue of awareness raising, should be distinguished from the latter. While awareness raising is a long term and fundamental objective of the Commission it is nevertheless fundamental to ensure that its purposes and activities are disseminated during its life time.

During the substantive discussion on this issue, a number of specific recommendations were made. These include the need to associate the public at large, possibly through NGOs, with the activities of the Commission. During the next Session in Rotterdam, meetings with NGOs could be arranged. The relationship with the media requires special attention, as well as the mobilisation of science writers.

Consideration should also be given to the possibility of providing educational material and, generally speaking, of communicating information on the activity of the Commission to relevant other bodies concerned with the ocean. Several members of the Commission offered their assistance to establish such links between the Commission and existing organisations and associations.

The use of Internet by the Brazilian Society for the Advancement of Science was given as a good example of the use of such new means of communication. However, it was pointed out that the utilisation of Internet by the Commission requires an effective

design and may be more efficient if the home page of major organisations dealing with the ocean would be used as support. Similarly, ventures such as the International Year of the Ocean and World Expo 98 could also provide opportunities to that effect. In these endeavours, the Internet could also be used as a two-way system, namely to elicit comments from interested parties.

The Commission felt that it was important to define what message it wanted to give in order to generate interest (e.g. issues of global science, peace and security, social and cultural) and how to present such a message in order to have an impact on leaders and on the public at large. The suggestion to establish an ad hoc consultative group on this matter was widely supported.

8. Updated Program of Work

The initial Programme of Work of the Commission had been submitted to the Tokyo Session and will be updated by the Secretariat in the light of the decisions taken during the Second Plenary Session.

In this context, a preliminary exchange of views took place on the preparation of the **Report of the Commission**. The Commission took note of the fact that it was planned to convene a certain number of Study Groups on the major issues/clusters identified by the Commission and to request the preparation of specific papers from recognised experts in the fields concerned. It was agreed that a preliminary annotated outline of the Report would be submitted at the next Session of the Commission.

On procedural matters, the Commission requested the Secretariat to endeavour to circulate the documentation of the next session one month in advance, in order to allow a better preparation by Members.

9. Other matters

As no other matters were raised, the Chairman proceeded to the last item of the Agenda.

10. Formal closing (public)

In his closing statement, the Chairman thanked the Members of the Commission for their participation. As this was the first substantive Session, he felt the Commission had made a 'quantum leap' in its work. He thanked, through Minister José Israel Vargas, the Brazilian Government for its hospitality, the Academy of Sciences of Brazil for its efficient organisation and the representatives of the media for their active interest.

The Chairman will report on the Session to the President of Brazil, Fernando Henrique Cardoso, when he visits him in Brasilia in the coming few days. The Chairman intends also to contact other Heads of State, as well as the UN Secretary General and the Director General of UNESCO, with a view of informing them of the progress made. Preparations for the Third Session, in Rotterdam, which will be attended by HM Queen Beatrix, will be actively pursued. The Chairman concluded by reminding all participants that the main goal of the Commission was to address the question of public awareness, democratic participation and ocean governance so as to facilitate the development of a new order for the oceans. He then closed the Second Session of the Commission.

SECOND PLENARY SESSION

Rio de Janeiro

2 - 5 July 1996

IWCO/15 Prov.

Annexe**I. Participating Members**

Chairman	Mário Soares	
Members	Seyyid Abdulai	
	Najeeb Al-Nauimi	
	Abdulmohsen Al-Sudeary	Vice-Chairman
	Elisabeth Mann Borgese	Vice-Chairman
	Peter Bridgewater	
	Salvino Busuttil	Treasurer
	Eduardo Faleiro	Vice-Chairman
	Richard Falk	
	Sidney Holt	General Editor
	Stjepan Keckes	
	John Kendrew	
	Ulf Lie	
	Ruud Lubbers	Vice-Chairman
	Luiz Macedo de Soares	
	Guido de Marco	Vice-Chairman
Donald Mills		
Alassane Dialy Ndiaye		
Mário Ruiivo	Co-ordinator	
Ezekia Solofa		
Jilan Su		
Yoshio Suzuki	Vice-Chairman	
José Israel Vargas	Vice-Chairman	
Alexander Yankov		
Secretariat		
Ex Officio Members	Layashi Yaker	Secretary General
	Jean-Pierre Lévy	Executive Secretary

II. Secretariat

Jan van Ettinger	Senior Officer
Ingrid Lewis	Information and Communication Officer

III. Office of the Chairman

Mário Baptista Coelho	Personal Assistant to the Chairman
Ana Maria Casquilho Plimer	Senior Secretary

IV. Other Participants

Brazilian Organising Committee	Diogenes de Almeida Campos	Brazilian Academy of Sciences
	Luiz Filipe Costa Fernandes	Brazilian Independent Commission on the Oceans
	Marcia Graça Melo	Brazilian Academy of Sciences
	Lauro Moreira	Ministry of Science and Technology
	Antônio José Teixeira	Ocean and Antarctic Issues
Netherlands Local Organisers	Marjolein Mathijssen-van den Bos	
South Africa Local Organisers	John Cooper	