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International Ocean
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I.O.I. - Malta

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The Hon. Senator Albert Gore
Vice President Elect
United States Senate
Washington, D.C.

Dear Senator Gore:

I take the liberty of writing to you, because I understand that we had a very dear common friend, the late Roger Revelle.

Roger was on the Board of our Institute right from the beginning, and almost until his death. The last major piece --a sort of testament --that Roger wrote, he did for a book I recently published (alas, after his death) on oceanography, entitled, OCEAN FRONTIERS. I am sending you a copy. His chapter is the most beautiful one in the book.

I am aware of your great and deep commitment to the cause of the human environment, but what I would like to bring to your attention is that the post-UNCED process is closely interrelated with the Law of the Sea process, and both must now be seen in the broader context of restructuring the United Nations system.

The 1982 Law of the Sea Convention contains the only existing, comprehensive international environmental law, covering pollution from land-based and atmospheric as well as oceanic sources. It is the only existing legal instrument that effectively integrates environment and development into sustainable development: developing of living and nonliving resources, of human resources, and of science and technology. It is the only existing legal instrument that provides for binding, enforceable settlement of disputes arising from environmental issues.

Considering, furthermore, the fundamental importance of ocean/atmosphere interaction for climate change, UNCED must build on this Convention --and this Convention must come into force.

On December 10 we shall commemorate the tenth anniversary of the ceremony at Montego bay which opened the Convention for signature. As you know, 159 States and entities have signed the Convention which now has been ratified by 54. We expect a few more ratifications

on December 10 --which will bring us very close to the 60 required to bring the Convention into force.

It will come into force 12 months after the sixtieth ratification. That will be a crucial year for the Convention. If we act wisely, I do believe we can get, first, the Pioneer Investors to ratify (France, China, India, Japan, Russia) and then the European Community (Germany wants the Tribunal!) and I would hope the United States would follow soon thereafter.

Attempts to rewrite the sea-mining part (Part XI) of the Convention to please the Republican Administration were ill advised and futile. They should gently be abandoned. What we must do instead is create an interim regime which should be universally acceptable. This interim regime, in fact, is already in existence. The Preparatory Commission and its Pioneer Regime have, in fact, functioned as an Interim Regime, and all we have to do is to extend this arrangement beyond the coming into force of the Convention, and until such time as ocean mining will become economically/ environmentally sustainable. The Preparatory Commission, with its Plenary (Assembly), its General Committee (Council) and its Commissions of Experts (technical commissions) can be recognized as Interim Authority; the Pioneer joint arrangement for exploration, training, and technology development, can be recognized as Interim Enterprise. The French have proposed a similar arrangement last year. The Germans have proposed a joint venture for technology development and long-term environmental impact assessment: a five-year project which constitutes a perfect agenda for the Interim Enterprise. I recently had occasion to discuss this with the Secretary-General of the recently established Chinese ocean-mining Pioneer organisation (China Ocean Mineral Resources Research & Development Association, COMRA) as well as the Indian Department of Ocean Development which is in charge of Pioneer activities. Both are deeply interested in such an undertaking. The Chinese told me that they are in contact with NOAA, and that NOAA would be interested in cooperating on environmental impact studies. I am going to Moscow next week to try to interest the Russians.

I do think the time has come for the U.S. to reconsider its stand with regard to the Law of the Sea Convention and to cooperate and take the leadership in such an international venture. I fervently hope that, after January 20, you will inspire the President to move in this direction! The objections the Republican Administration raised against the Convention were of an ideological nature. They are, moreover, totally obsolete today, since the scientific and economic situation has changed rather drastically, and there is not going to be any

commercial mining for quite a few years. I do believe that we can freeze all articles dealing with production and its financing, and work with the Interim Regime which may develop into a realistic permanent regime.

These are my hopes. We are looking forward to better times after January 20. My most fervent wishes for Christmas and for the New Year (the Chinese said, it is the Year of the Chicken, and it is going to be a good year!)

Yours very sincerely,

Elisabeth Mann Borgese
Professor

*Encl: Discussion Paper
on L.O.S.*