

32502
12-A-032



To: Dr. David Hopper
President
International Development Research Centre

From: King Gordon

Subject: Pacem in Maribus III, MALTA, June 27-July 4

Pacem in Maribus -- an obvious wordplay on Pope John's and St. Luke's Pacem in Terris -- is the name given to a series of conferences of the oceans held in Malta. It is also the name given to the loose organization sponsoring these conferences and laying out areas of research covering a wide range of problems associated with the seas. The conference and the organization have two poles: Santa Barbara, California, and the Centre for the Study of Democratic Institutions and Malta, whose government has given a strong lead through the United Nations to initiate international legislation and action to regulate the exploitation of the sea bed, ocean pollution, and the conservation of the seas' living resources. Within the past year these two poles have tended to merge in the new International Ocean Institute in Malta, which is a creation of Pacem in Maribus and the Government of Malta, and is receiving some support from the UNDP.

It is perhaps useful at the start to get behind the institutional front to the individuals who have provided the ideas and dynamic out of which this interesting movement has arisen. The two most important are Arvid Pardo, the Maltese Minister Plenipotentiary for the Oceans, who was responsible

11/11/72
12/11/72
13/11/72

for raising the issue in the United Nations and initiating the establishment of the Commission for the Seabed; and Elisabeth Mann Borghese of the Santa Barbara Centre who has provided the single-minded drive behind the enterprise and has been responsible for raising much of the financial support. Along with Mrs. Borghese one should mention Dr. Norton Ginsberg, a distinguished geographer, on leave from Chicago and now at Santa Barbara and Lord Ritchie Calder of Great Britain, a remarkable popular scientist who, through his writings and work with governmental and international bodies, has done much to create an awareness of the critical problems that call for concerted international action. Around this small core there has converged a fairly imposing assemblage of scientists, economists, international lawyers, practical engineers, various types of marine specialist, military strategists, diplomats, and informed laymen. The organization is in close contact a) with the specialized institutes concerned with oceanography and marine biology, and b) with national and international agencies concerned with problems of the oceans.

Pacem in Maribus III, showed some of the positive results of three years of hard work. It also showed some of the wear and tear of prolonged effort: some of the participants thought that it lacked the zest of earlier conferences, a rehashing of tired and familiar themes. This latter is not an uncommon layman's reaction: the great ideas are glittering and challenging; their implementation is apt to be bloody hard and humdrum work. There is some reason for satisfaction that

in considering the conservation, rational utilization and regulation of the oceans we are beginning to encounter these detailed and niggling problems. The value of Pacem in Maribus should be judged by the extent to which a broad-gauge non-governmental effort can act as a catalyst for specific actions and procedures of control and regulation by specialized non-governmental, governmental, and intergovernmental bodies.

The most obvious example is the Mediterranean itself. There is no doubt that Malta's initiative arose directly from its Mediterranean setting and from the fact that its very existence depended on the preservation of its maritime environment. From the beginning of Pacem in Maribus, therefore, there has been a sharp focus on the Mediterranean. There has, in fact, been a parallel series of conferences under PIM sponsorship devoted specifically to the Mediterranean, the latest held in April of this year at Split, Yugoslavia. (Annex I) It is in the study projects carried out in these conferences that definite progress is revealed. Not only have special problems in the area of marine biology, industrialization, tourism, pollution, military utilization been isolated and defined with increasing clarity but the Mediterranean is beginning to be viewed as a model for constructive, concerted and co-operative action by its 17 riparian states. In a talk I had with Dr. Pardo he made it clear that he considered the progress in the study of the Mediterranean the most important contribution of Pacem in Maribus. But what really brought him to this conclusion was the fact that, immediately following the Pacem in Maribus

conference, an intergovernmental conference of 14 out of the 17 Mediterranean states would take place in Malta. The object of this conference was twofold: a) to establish, as the Latin Americans had established, a common front for their representatives at the Conference of the Seabed Commission and the likely law of the Sea Conference in 1973 and b) to take the first constructive steps in the direction of an intergovernmental authority for the Mediterranean.

Pardo, incidentally, is under no illusions about the difficulties in achieving a degree of consensus among Mediterranean states of widely differing political philosophies and conflicting national interests as well as extra regional interests and attachments that place them in opposing camps. After reviewing these and other factors in conflict, the Working Group on the Mediterranean (Annex I a) examined some seven major points of consensus that included the need for the systematic gathering and storage of data concerning the region as an ecosystem and as a socioeconomic regional system; the need for an environmental warning system; the need for immediate attention to the pollution problem; the need for integrated programs of soil, air, water and forest management; the need for harmonizing key national economic policies; and the need for planning for regional development and environmental conservation.

Linked closely but by no means exclusively to the focus on the Mediterranean is the new International Ocean Institute. The purposes of this new Institute, which is attached to the Royal University of Malta, are examined in some

detail in the statement made by Dr. Sydney Holt, its interim director, a transcript of which is attached to this report as Annex II. Dr. Holt made it clear that the Institute was not a scientific research organization: its purpose is "to promote research on the peaceful uses of ocean space and its resources, including the regulation of such uses." The Institute will, however, work with scientific oceanographic and biological Institutes since the data they provide are relevant to rational regulation and utilization of ocean space and to the eventual creation of an international ocean authority. The Institute will act as a clearing house of information, will sponsor publications, grant fellowships, promote seminars and conferences all aimed at cultivating wider and more effective interest in the maintenance and rational utilization of man's common heritage in the oceans. Its location in Malta will naturally tend to direct its attention to the sea that surrounds it: but it will have global interest in all measures pointing towards the development of an international ocean regime.

One very obvious result of the establishment of the International Ocean Institute is that it will tend to sponsor as part of its regular programme the kinds of activities and projects formerly sponsored by Pacem in Maribus. Whereas Pacem in Maribus represents an ad hoc enterprise of a widely disparate group of people operating out from a couple of Centres, the International Ocean Institute is a single functional institution which at present is receiving UNDP support and is seeking non-governmental support for launching out into a broader

programme in keeping with its declared purposes.

It is interesting to note that one of the regional conferences the Institute is considering sponsoring within the next year, with the support of the Government of Mexico, is to be focussed on the Caribbean as an ocean area holding possibilities for concerted and co-operative action in some measure along the lines of the Mediterranean model. In such a project, if it develops -- and a preliminary conference is planned for Mexico this autumn -- Canada should have a special interest.

The third most important achievement of the Conference, in my opinion, came out of the Working Group on a Constitution for the Oceans. (Annex III) The paper which emerged hardly does justice to the discussions or to the serious input in papers prepared for the plenary sessions. Arvid Pardo and Elisabeth Borghese were joint chairmen of this working group. There were also several good international lawyers including Louis B. Sohn of the Harvard Law School. A central concept that has been emerging, which to some extent seems to be superceding the concepts of territorial waters and the high seas, is "the concept of the oceans as the common heritage of mankind." Closely linked with this concept is the requirement of "an international authority to regulate the exercise of freedom in ocean space as a whole."

It is worth remarking that in these discussions, reference was frequently made to Canada's stand on a number of constitutional points, e.g. the radical stand on the extended

limits of pollution control in the Arctic, the stands on the conversation of marine life taken by Jack Davis at Stockholm, and the main position taken by Canada at the Preparatory Committee for the Law of the Seas Conference in 1973. Alan Beesley had attended a previous *Pacem in Maribus* Conference and was remembered.

It was the belief fairly well substantiated of a number at the Conference, that the development of concepts associated with new environmental problems and pointing towards the need for the creation of an ocean regime had a definite effect on the intergovernmental discussions in the Commission on the Seabed and the Preparatory Committee on the Law of the Sea Conference. This is an area in which Ritchie Calder's remark that *Pacem in Maribus* "must keep about three years ahead of governments" is perhaps relevant. Certainly, there seems to be an advantage in elaborating new principles of international law in a non-governmental context free from the constant intrusion of national interests and political considerations.

These, then, to my mind were the three most important areas in which *Pacem in Maribus III* made a definite contribution: The Development of the Mediterranean Region, the International Ocean Institute, and Constitutional Issues relating to Ocean Space including the Seabed.

There were several other areas explored, a number of which were considered important by many conference members. Probably the one which roused major interest was the study

project on an ocean tax to finance the establishment of an international ocean authority. The preliminary work had been done by a group of three Cambridge economists under a Mr. Eatwell. It became evident that what was being proposed was not a proper Tax but rather an intricately weighted system of determining a just basis for contributions related to a state's utilization of the sea. The presentation received a lot of criticism, it seemed to discriminate against states which relied heavily on fishing, and hardly seemed likely to gain much support if put forward in an international forum.

The Canadian proposal to tax minerals extracted from the seabed is simpler and, to my mind makes much more sense. (The Eatwell proposal includes fishing whether within or outside of territorial waters.) The Canadian proposal can be compared with royalties paid for extraction of minerals within a domestic regime: the very name royalty implies the existence of a regime, which in the case of the seabed would be an international regime. Oddly enough, the royalty suggestion came up in the proposal by an engineer, Dr. LaQue, concerning licensing the collection of manganese nodules from the seabed. It is of some historic interest that the concept of an ocean tax was presented some twenty years ago in a research paper prepared in New York by Dr. John Fried: in this presentation the tax on seabed minerals was to finance the entire UN operations, including the support of international development.

Discussion also took place on Disarmament of the Oceans (Annex 4); the Development of the Economic Resources of

the Ocean (Annex 5): here there was a far-out paper, severely attacked by the physicists and engineers on the utopian effects of fusion, using sea water as a base; and the creation of an International Sea Service which would combine floating laboratory facilities with devices for monitoring pollution (Annex 6).

Conclusion

In a whole new area of environmental concern, Pacem in Maribus has done and is doing useful pioneering work. There was some serious consideration given to calling a halt to the Pacem in Maribus conferences as such and perhaps focussing on certain regional or topical problems, possibly closely linked with the work of the International Ocean Institute. This opinion was not shared by others, including Elisabeth Mann Borghese, who thought that the momentum achieved by PIM had to be maintained. So it looks as if there will be another Pacem in Maribus conference in 1973.

Of all projects associated with Pacem in Maribus I feel that the International Ocean Institute is the most promising. It is still finding its feet. It badly needs the additional financing required to launch it on a broadly constructive programme. But as a UNDP-supported institution with complementary support from the Government of Malta it will continue. It may well be that it will develop certain areas of specialization that are of interest to IDRC and come within its range of priorities.

To my great surprise, since I had taken little or no active part in the deliberations of the Conference, I was casually informed at the Malta airport by Elisabeth Borghese that I had been appointed to the Planning Council of the International Ocean Institute. You may wish, therefore, to discount my mild enthusiasm for this institution, or else rely on me for additional information on how it is going and what are its prospects as well as its needs.

Finally, let me thank you for giving me the opportunity for attending this conference. The bulk of the papers of the conference are on their way here by slow boat. I have asked Mrs. Borghese to make available to the IDRC library a series of publications put out already by Pacem in Maribus and shall see that they get to you when they arrive.