

# Global Ocean Governance: Challenge of Change

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Firth of Clyde Forum Annual Conference

St Andrew's in the Square

Thursday, 19 November 2009

“There is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things”

- *Niccolo Machiavelli (1469-1532)*

“First they laugh at you, then they ignore you, then they fight you, then you win”

*- Mahatma Gandhi (1869-1948)*

# Governance

- Governance is the new buzzword in the development discourse
- Public sector management, transparency, legal framework, accountability and information as the key components of governance
- Selflessness, integrity, objectivity, accountability, openness, honesty, leadership (Standards in Public Life)

# Some key questions

- What are the uses/resources?
  - *Rationae materiae*
- Who has access to them?
  - *Rationae personae*
- Where/when are they exploited?
  - *Rationae loci*
- How to distribute them in an equitable manner?
  - *Ex equo et bono*

# Uses and Resources of the Sea

- Shipping and Navigation
- Resources: Living and Non-living
- Waste Disposal
- Strategic Uses
- Leisure and Tourism
- Pipelines and Cables
- Marine Scientific Research
- Biodiversity
- Conservation
- Habitat Management
- Climate Control
- Illegal uses
- Education and awareness

# Further boost to the interest

- Socio-economic necessity
  - *Roti, kapda aur makan*
- Political and cultural aspirations
  - Post-war Neo-independent countries
- Scientific discovery and technological possibility
  - Knowledge, exploitability and usability
- Wide-eyed science fiction
  - Writings of popular science, imagination
- (Pragmatism)
  - Rachel Carson

# Problems (opportunities?)

- Pressures on resources
- People's aspirations
- Population and demographic patterns
- Powers: interest groups
- Political perceptions
- Poverty and prosperity: causal
- Pollution: inevitable consequence
- Press: media
- Progress?



“The global ocean is our great laboratory for the making of a new international order, based on new forms of international cooperation and organisation, on a new economic theory, on a new philosophy”

*Elisabeth Mann Borgese (1918-2002)*

# Ocean Governance

- 1494 – Treaty of *Tordesilas* (Zaragoza)
- 1609 – *Mare Liberum v Mare Clausum*
- 1945 – Truman Proclamation 2667
- 1958 – Geneva Conventions (UNCLOS I)
  - Territorial Sea and Contiguous Zones
  - Continental Shelf
  - High Seas
  - Fishing and Conservation

# Ocean Governance

- 1967 – Arvid Pardo of Malta
- 1967 – UN Seabed Committee
- 1973 – UNCLOS III commences
- 1982 – UNCLOS III concluded
- 1994 – Enters in Force
- 1997 – Ratified by the UK

CLCS, ISBA, ITLOS, ITLOS-TF

# Marine Environment

- Civil Liability Convention (Torrey Canyon)
- London (Dumping) Convention
- Intervention Convention (Amoco Cadiz)
- OPRRC Convention (Exxon Valdez)
- Washington Global Programme of Action
- Fund Convention
- Oslo, Paris and OSPAR
- UNEP's Regional Seas Programme

# Marine Resources

- HMS/SS Convention
- Agreement Relating to Part XI
- ICES
- RFMOs
- IUU Fishing
- CCAMLR and CRAMRA
- The Arctic

# Principles *Jus Cogens*

- Common concern
- Sustainable development
- Precautionary polluter pays principle
- Self-regulation
- Biodiversity conservation
- Intergenerational equity
- Integration and consensus

*An overarching ecosystems approach*

# Impetus

## *Environment in a SLUDGE*

- Slightly
- Less
- Unsustainable
- Development of the
- Global
- Environment

# UNCLOS and UNCED

- “Two mighty rivers that will change the future of global governance” (not just ocean or environmental governance)
- Two successive Secretary Generals of the UN, Boutros Boutros Ghali and Kofi Annan have alluded to this in their valedictions
- Their predecessor Javier Perez de Cueller was personally credited with bringing the UNCLOS back on course.



# Hopeful/Useful Developments

- UNCLOS and UNCED
- UNICPOLOS
- Global Forum
- EU Maritime Policy
- EU Common Fisheries Policy
- UK Marine and Coastal Access Bill
- MPAs within and outside Areas of NJ

# My Approach: The Seven Pillars

- Science and Technology of Resources
- Geopolitical Economy of Resources
- Institutions and Organisations
- Legislation and Implementation
- Role of Civil Society
- Financial Initiatives
- Education and Awareness

# My Involvement

- International Law Association (ILA) International Committee on International Law for Sustainable Development
- UK All Party Parliamentary Group (AAPG) on Marine and Coastal Issues
- International Centre for the Exploration of the Seas (ICES) Working Group on Integrated Coastal Zone Management
- Oslo and Paris Commission (OSPAR) Working Group on Deep Sea Marine Protected Areas
- Society for Underwater Technology (SUT) Committee on Ocean Resources

# My involvement

- The work of a range of organisations, local to global, in the area of ocean governance
- Contribution to discussions on the UK Marine Bill and EU Maritime Policy
- Promoting ocean governance through speaking engagements
- A range of Stakeholder Dialogues on marine and coastal issues

# Major Stakeholders

- Women; Children and youth; indigenous people; NGOs; Local authorities; Trade unions; Business and industry; Science and technology; Farmers

AGENDA 21

# Pragmatism

“It is not the end of the problem but the solution must start somewhere”

BP Advertisement on CNN

“We don’t see change when it is happening; we see it only after it has happened”

Bertrand Russell (1872-1970)

Thank you for listening!

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