



## **OPENING CEREMONY**

**Monday 5 November 2007**

**09.00-09.40**

**Chameleon Suite**

**Corinthia Palace Hotel, Attard, Malta**

Master of Ceremonies: Ambassador Prof. Salvino Busuttil

Guest: H.E. Edward Fenech Adami, President of Malta

President of IOI: Awni Behnam

Executive Director of IOI: Youri Oliounine



## Opening Remarks

Awni Behnam,

*President, IOI*

Honourable President of Malta, Dr. Fenech Adami,  
Honourable Patron of IOI, President Emeritus Mario Soares,  
EU Commissioner, Mr. J. Borg,  
Honourable Guests,  
Excellencies, Members of the Board of IOI,  
Directors of Operational Centres,  
Ladies and Gentlemen,

I bid you all a most warm welcome to the 32<sup>nd</sup> Conference of *Pacem in Maribus*. Allow me to extend my deep appreciation and gratitude to the organizers of our conference, the national committee coordinator, Dr Aldo Drago, the international committee coordinator, Dr. Noel Brown, and David Busuttill of the *Foundation de Malte*, and to Ambassador Salvino Busuttill, the host country representative to the Board of IOI. To all the staff of the IOI Headquarters under the able leadership of the Executive Director, Dr.Youri Oliunine, we owe a debt of gratitude.

This event is a legacy of a partnership that forever changed humanity's relationship with the Ocean and the environment of our planet. A legacy of partnership between our founder, a remarkable woman of our time, Elizabeth Mann Borgese and Arvid Pardo, brilliant diplomat and thinker.

George Orwell once said that "*at a time of universal deception telling the truth is a revolutionary act*". Pardo and Borgese told the truth to unveil a deception in a philosophy that was devoid of moral and ethical dimension (Marie Librum) or what is known as the traditional regime of the high seas based on a principle conceived at the time by pirates to serve piracy, making "Ocean" a space for eternal plunder under a false premise of limitless and inexhaustible resources.

On a fateful day in November 1967, forty years ago, Arvid Pardo, an illustrious son of Malta, led the marine revolution with his truth, when on behalf of the Government of Malta proposed at the UNGA that the international community establish a new relationship between humankind and nature through a new legal regime for the Ocean beyond a limited national jurisdiction, whereby the Ocean environment and resources are common heritage of mankind.

In 1971, the Government of Malta proposed that the common heritage regime replaces the traditional regime of the high seas. When referring to Ocean space, Pardo meant the surface of the sea, the water column, the seabed and its subsoil.

Elizabeth and Pardo, working in a historic partnership, created *Pacem in Maribus* and IOI to see to it that the ethical and moral dimension becomes the cornerstone of the new regime of the ocean to be encapsulated in UNCLOS. It was to be a model for a new international order propagating peaceful use of the Ocean hence *Pacem in Maribus*.

Forty years on we find ourselves at a crossroads and in danger of unravelling that principle and undermining acquired rights of the less privileged of the international community. Today, we are witnessing a subtle denial of the common heritage principle and an attempt by stealth to erode it. Undermining the common heritage will inevitably empty UNCLOS of its soul.

The last meeting of the ICP in June this year is still fresh in our minds as it became clear from the debate on marine genetic resources, the rollback of the scope of application of that principle was evident in many the ingenious statements that bordered on hypocrisy; applauding the common heritage only to deny its scope of application with same breath.



At stake today is the very survival of our Ocean, the source of life to our planet. The reality is that despite a plethora of complex and much faceted governance architecture, including UNCLOS, our oceans are in deep trouble and our planet in peril.

Regrettably, however, the human impact on the ocean through use and exploitation has been destructive and unconscionable because humans have taken foregranted the sustainability of the ocean. In so doing, and despite decades of efforts to evolve an adequate governance regime, the ocean's fragile ecosystem is being systematically destroyed. It has become evident that the scientific and technological advances that facilitated the large-scale exploitation of ocean resources have also contributed to the emergence of destructive practices and inherent dangers. It is therefore essential to address the delicate balance between the health of the oceans and their resource use and the imperative of striking a balance between sustainable practices and the health of the ocean. That balance can only be achieved if an enabling environment is created through the application of enforceable governance, appropriate technology use, advocacy, and capacity building.

However, having conventions, international rules, guidelines, and protocols does not guarantee implementation. There is no automatic relationship between goals and action. The essential ingredients are the political will of policymakers to act on commitments and the will of humans in general to behave rationally.

The content of such a deception is no surprise. A state of denial existed by hiding behind a thin veil of varied governance tools. For two decades, we were deceptively told that globalization and liberalization and its promise will provide the market solution balance between environment and the sustainable use of resources, while the truth lay in the root cause that the political commitment of all States and communities were lacking. For too long there existed an obstinate refusal to admit that there exists a huge gap between commitments and the exercise of jurisdiction, enforcement and compliance. A clear example is the governance of the high seas where enforcement and compliance is left to the flag state where the flag state is either incapable or unwilling to exercise its duties and obligations under law or when CO<sub>2</sub> emissions for shipping that is twice that of air transport but it has been allowed to hide behind a deceptive slogan of little pollution for a lot of movement.

A third example is fisheries subsidies that fuels, fishing piracy (IUU) or distant fishing fleets with their predatory access agreements that empty the nutrition source of already poverty stricken developing countries. All that is done under a morally deceptive pretext of a legal framework, the question we have to ask is why with all those conventions from UNCLOS to Rio, WSSD, CBD, GPA, FAO and IMO rules and guidelines, the oceans biodiversity is being irrevocably destroyed? Why the human impact is changing the chemistry of the Ocean, the speed of its current, impairing its carbon absorption and destroying its eco-systems? Why bottom and seamount trawling continues unabated? We are losing eco-systems before we never knew they existed. Why species after species are disappearing from our Ocean? And why the rush to judgement in amending the annex to the London Protocol on anti dumping to sequester CO<sub>2</sub> into the seabed before the scientific research is completed? Does this not remind us of the parade of scientists claiming tobacco is not harmful or the Inhoffs claiming climate change is a fantasy?

However, that ingenuity of man to destroy is also capable of great change and creativity. I take solace from the manner in which the EU marine policy is evolving, particularly the inclusiveness of the process that Commissioner Borg innovatively pursued. Also, the current international attention and involvement of the international community in responding to climate change will bring to the forefront the important nexus of ocean and climate. Hopefully, it will focus attention on the health of the Ocean, the protection of its biodiversity and sustainable use of its resources and services. It is also evident that at the United Nations, the issues of the oceans and particularly as it relates to areas beyond national jurisdiction is gaining momentum and an emerging consensus to formulate an implementation agreement in the offing.

We all, in our various disciplines, have a role to contribute to that agreement and to shape it so as it does not become a deception of rewriting UNCLOS but to fill the implementation gap and to see to it that developing countries will be empowered to protect their interest and acquired right. Your



debates in the course of this week and your recommendations should aim at arming developing countries with a positive agenda so that when they negotiate the agreement, they know what they want and not only what they do not want. We look to Malta for leadership in this unfolding scenario.

Forty years ago, at the first PIM, Elizabeth wrote: *"The Marine Revolution is upon us, and now must take its place on the long list of great disjunctures that have marked human history - the political, industrial, socio-economic revolutions of the past, the technological and biological revolutions of the present."*

To those who uphold Elizabeth's legacy I say, the second marine revolution is upon you in the preparation and drafting of a future implementation agreement of UNCLOS that is anchored in those same moral and ethical values of Pardo's common heritage.

Jeffrey Sacks asked what has all this to do with peace. Peace is central to Ocean stress, that stress is linked to millions who have to bear its consequences, whether in the form of climate change or resource decline, and the poorest of the poor are its victims in a chain of reaction that ultimately ends in horrific violence.

Thomas Pain said, *if there will be trouble; let it be in my life, so my children shall know peace.*

Welcome to *Pacem in Maribus*, Peace in the Ocean for our children and grandchildren.



## Opening Remarks

H.E. Edward Fenech Adami

*President of Malta*

The holding of a *Pacem in Maribus* convocation once again in Malta is like the celebration of a homecoming.

This hotel was the very cradle in which *Pacem in Maribus* was placed at birth. The first third of the series were also held here. After that, because of certain not very happy circumstances in Malta, *Pacem in Maribus* (or PIM as it came to be affectionately referred to) began to lead a nomad existence. Admittedly, mobility has a number of advantages over stability; but I was happy indeed to welcome *Pacem in Maribus* back in Malta very soon after I became Prime Minister. The waves of change proved to be for another decade more attractive than a fixed anchorage: *Pacem in Maribus* only visited Malta once again until today. The present 32<sup>nd</sup> *Pacem in Maribus* may prove to be, I am told, the beginning of a new series that will seek to combine the virtues of both stability and mobility by being held alternately in Malta and elsewhere.

There are a few faithful persons present today who were here on the historic occasion of the 1<sup>st</sup> *Pacem in Maribus*, but because of the ravages of time, they are not many. I salute them; and I welcome all the rest who have now satisfied any natural curiosity they had to see what the birthplace of *Pacem in Maribus*, where most of the best ideas now incorporated in the Law of the Sea were conceived, looks like.

The theme of this Convocation makes it almost inevitable that I, like I am sure many of you, would want to recall that the real founder of *Pacem in Maribus* was a woman. She was indeed the author of a most remarkable book called "The Ascent of Woman", that is one of the earliest manifestos of contemporary feminism, or rather of a brand of it that has remained unique. I am by no means sure that the contributions made by Elisabeth Mann Borgese, both to the Law of the Sea and also incidentally to the political life of Malta, had anything specifically feminine about them; but it is certain that she was the person specifically responsible for developing the idea of the Common Heritage of Humankind in two directions: first, the concept was applicable not only to the seabed but even more so to a range of resources stretching from Antarctica to the Human Genome; secondly, she also argued that the application of the concept of the Common Heritage not just to the seabed but to the whole of ocean space, as advocated by Arvid Pardo, carried with it a new cultural approach to the ocean. The old idea that a human being was an essentially terrestrial animal was superseded. To go down to the sea in ships, or in submarines or even in underwater settlements, was not to violate any divine law: there was no such law establishing a rigid separation between the chaotic sea and peacefully ordered land. *Pacem in Maribus* might even be the most intelligent way of preparing for the *Pacem in Terris* that Pope John XXIII had described in his famous Encyclical.

An important corollary of this thesis was that "human being" meant both man and woman. Of course, women had always had, in their way, as profound a relationship with the sea as men: but that of a sailor's wife or a fisherman's daughter or even a woman enlisted in the Royal Navy or any other Navy, tended to be gender-specific; it was at any rate quite different from a man's. Partly because of the all-pervasive influence that the development of Information and Communication Technology is having on all forms of human life including navigation and ocean-related activities, the sharp distinction between male and female involvement with the sea is obviously changing: and it calls for the kind consideration that you are about to give it. The same kind of change warrants also the re-examination of the new potentialities in the relationship with the ocean of upcoming generations.



It is not my task to go into these issues, or the others implied in the convocation's mentioning of the marine environment and sustainable development in its subtitle. I am here only to signify to you with the utmost brevity that our small Island State – that once proposed the new Law of the Sea and later the consideration of a climate change to the General Assembly of the United Nations, the same Malta that has stimulated a new awareness in the European Union, since our accession to membership of it, of the importance of Europe's Territorial Seas, Exclusive Economic Zones and coastal areas - sincerely welcomes the International Ocean Institute's probing of the new issues that keep arising from both the depths and the surface of the ocean.

I cannot but wish you the most total success in your endeavours.



## **Message from H.E. Ambassador Munir Akram (Pakistan)**

*Chairman of the Group of 77 and China*

On behalf of the Group of 77 and China, I welcome the convening of the 32nd Conference of Pacem in Maribus on the occasion of the 40th anniversary of the Declaration of the Common Heritage of Mankind at the UN General Assembly.

It is all the more poignant that the Conference is being held in Malta as Ambassador Arvid Pardo was the Permanent Representative of Malta to the United Nations when he made his historical declaration.

The Common Heritage of Mankind was the ethical and moral dimension of UNCLOS that changed our perceptions with regard to common goods and equitable sharing of benefits by human kind. Today we face a great challenge to retain the letter and spirit of that principle and to ensure that it does not erode as the valuable resources of the ocean and in areas beyond national jurisdictions are illegally or unethically exploited.

I wish to personally recognize the excellent work of the International Ocean Institute as it continues to assist developing countries in capacity building for the sustainable management of ocean and coastal resources. I wish the Conference success and look forward to receiving the outcome of the Conference.



## Message to the PIM32 Conference

Mr. Michel Jarraud

*Secretary-General,  
World Meteorological Organization (WMO)*

I would like to express my appreciation to Dr. Awni Behnam, President of the International Ocean Institute (IOI) and to Dr. Iouri Oliouline, its Executive Director, for the kind invitation to participate in the Pacem in Maribus XXXIII Conference, which is being held in Malta from 5 to 8 November 2007. I regret that my activities have not allowed me to be present at this ceremony; however, on this auspicious occasion, on behalf of the World Meteorological Organization (WMO), the meteorological and hydrological communities and on my own behalf, I wish to thank the IOI and its scientific community for their important contributions to the protection of the marine environment and the sustainable use of its resources.

As the Specialized Agency of the United Nations System with a mandate in weather, climate and water, WMO recognizes the International Ocean Institute as a major partner and shares its commitment to contribute to the achievement of the UN Millennium Development Goals, which is clearly reflected in the three conference themes. It is also WMO's intention to contribute, through its scientific and technical programmes, to the eradication of extreme poverty and hunger, the improvement of health and the attainment of sustainable development. WMO is aware that the IOI shares the same fundamental objectives, which it strives to achieve through the improvement of ocean governance, training and capacity building. A common concern for the oceans is part of the basis of our fruitful collaboration.

Like the International Ocean Institute, WMO recognizes the potential of women and youth in the protection of the oceans and their governance. In particular, among its main ongoing activities, WMO participates actively in the International Polar Year 2007-2008, an international campaign of intensive observations and research in the polar regions, where the role of women and youth is increasingly important. I have also noted that this initiative has been reflected in the Conference agenda.

WMO is very pleased to participate in this Conference and convinced that the discussions and the resulting recommendations will contribute significantly to the sustainable development and protection of the oceans, which are part of our common heritage. I therefore again would like to congratulate the International Ocean Institute and its scientific community on this auspicious occasion, and to wish them a very successful meeting in Malta.





## Message to the Conference

Asha-Rose Migiro

*Deputy Secretary-General,  
United Nations*

The 32nd Pacem in Maribus conference is a tribute to the vision of the late Professor Elisabeth Mann Borgese, who shaped our understanding of the ocean and the role it plays in the sustainability of our planet.

All the more relevant is that you are meeting in November 2007 in Malta on the eve of the fortieth anniversary of the historical declaration of Arvid Pardo – the then Permanent Representative of Malta to the United Nations – in which he proclaimed the ocean beyond areas of national jurisdiction as the Common Heritage of Mankind.

I note with satisfaction that you have made the focus of your agenda women, youth and the sea. This in itself is a fundamental contribution to the elimination of marginalization in societies and to the preparation of future generations to assume responsibility for their own interactions with their environment.

Seventy-five percent of the world population lives within a short distance of the coast, and the most impoverished of the international community lives directly on its shore. This is indicative of the importance the ocean plays in Humanity's livelihood and security. I therefore commend you for integrating the ocean and sustainable use of its services and resources in achieving the Millennium Development Goals, and for making it an issue for your debate and action. This clearly demonstrates that all stakeholders have a role in upholding and contributing to the achievement of the MDGs.

I am sure that your conference will make a significant contribution to the international community's understanding of the organic link between the health of the ocean and climate change. In fact, our longterm wellbeing is dependent on the sustainability of the ocean, that is, safeguarding its living and nonliving resources for the benefit of future generations.

I commend the IOI and your conference for advocating the health of the ocean, its good governance and for the attention being paid to capacity building through training and education in developing countries. By attaching a high priority to sustainable development for coastal communities, and the central role of women and youth in this regard, the conference will make a valuable contribution to the eradication of poverty and peace.

I regret that due to prior commitments I could not join you in Malta in person. I however wish you every success and look forward to receiving the proceedings and recommendations of your conference.