

Pacem in Maribus 2000

by Thomas Dux*

The general theme of the XXVIII Pacem in Maribus conference, held from 3–6 December 2000 at the newly opened building of the International Tribunal for the Law of the Sea in Hamburg, Germany was “The European Challenge”. The Congress aimed at providing a forum for broad interdisciplinary discussion of new problems and responses in maritime matters, to identify actions to be taken and to respond to challenges to the marine environment in the 21st century. Its final output was the Hamburg Declaration on the Oceans (see below).

Organized annually by the International Ocean Institute, the Conference brought together a great number of scientists and legal experts, along with representatives of governments, international organizations, the private sector and international non-governmental organizations (NGOs). Participants met in plenary sessions and four programme workshops. The latter were organized around four main programme areas: *European Seas; Subtropical and Tropical Seas with Particular Consideration for the Needs of Developing Countries; Legal Conflicts and Problems and The Emerging Institutional Framework for Ocean Governance*. The workshops dealt with various aspects of these topics, based on presentations prepared by a large number of speakers.

Opening Ceremony and Plenary Sessions

Following the official opening and inaugural addresses the plenary heard lectures by such renowned speakers as Professor Emeritus R. P. Anand, Professor Ruud Lubbers, and Professor W. Graf Vitzthum. To conclude the opening

day, Professor Federico Mayor, former Director General of UNESCO, gave the Second Arvid Pardo Memorial Lecture on the topic “The Ocean and the Culture of Peace”.

Other plenary lectures on the following days addressed a variety of legal, policy and scientific issues ranging *inter alia* from “Baltic Sea Environment Protection” (Professor P. Ehlers) to “New Discoveries and Visions of the Deep Sea Floor” (Professor K. Lochte) and questions of “Integrating Risk Management and Assessment into Coastal Management” (R. Race).

On the final morning the Chairmen and Rapporteurs of the four workshops presented summaries of the group meetings and conclusions drawn therefrom.

The final plenary sessions continued with a lecture by Professor E. Mann Borgese, the founder of the International Ocean Institute, on “Ocean Governance and Global Development in the New Millennium”, in which she outlined the trends of the past century and stressed the need for implementation and enforcement of the existing laws and regulations, before she turned to emerging institutional models to address the issues at hand. The plenary closed with adoption of conclusions and recommendations in The Hamburg Declaration on the Ocean – The European Challenge.

The Hamburg Declaration on the Ocean – The European Challenge

On the final morning, a plenary meeting was held in which a draft Declaration was circulated and amendments were suggested. The Declaration incorporated conclusions and recommendations from all workshops and was adopted by acclamation at the closing plenary.

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The text contains seven preambular paragraphs and 25 recommendations. The preamble notes, *inter alia*, the fact that the United Nations Law of the Sea Convention along with the Conventions and Agreements emanating from the United Nations Conference on Environment and Development provide a comprehensive international framework for ocean governance and acknowledges that the main emphasis for the coming decades will be on consolidation, implementation and enforcement of the juridical legacy of the past decades.

The Conclusions and Recommendations adopted in the Declaration address a broad set of issues ranging from levels of governance to capacity building, from law to science, technology and transport, from environmental protection and sustainable development to risk reduction and public awareness.

With regard to institutional aspects, the document calls for an institutional framework that is comprehensive, consistent, trans-sectoral or multidisciplinary, participatory, bottom-up (rather than top-down), and intergenerational. The paper recommends new enforcement mechanisms ensuring compliance, such as strengthening port-State control, and utilizing non-confrontational approaches to supplement traditional confrontational mechanisms. In addition, the Conference called for close cooperation through regional Marine Environment Commissions established under instruments such as Helsinki, the 1992 Oslo Paris Convention on Protecting the North East Atlantic (OSPAR) and the Barcelona Conventions, and emphasized that such commissions may serve as role models for other marine areas worldwide. As regards Marine Scientific Research the paper, *inter alia*, recommends the implementation of Articles 276 and 277 of the Law of the Sea Convention.



With regard to substantive questions, the Declaration stresses the need for additional rules to protect against environmental threats, such as the introduction of alien species, and to respond to new developments, such as the flagging out of fishing vessels. It notes the need for measures to ensure sustainable fishing in order to conserve biodiversity. The text recommends coordination mechanisms in the face of the increasing number of environmental instruments and draws attention to the issue of the effective exercise of jurisdiction and control, including the need for the elaboration of an international instrument relating to extradition in maritime crimes, fraud, piracy and for the protection of seafarers against abuse and violence.

Methodologically, the document calls for the integration of all relevant dimensions of natural and social sciences and for increased public awareness at all levels and within all elements of civil society. It emphasizes the need for new and additional funding to accomplish the effective implementation of conventions, agreements and plans for action for the sustainable development of marine resources and also extols the importance of the exchange of knowledge and know-how.

The concluding call-for-action recommends that further development of the emerging institutional framework should be a part of the intergovernmental review of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Rio+10 conference. This action should be supported by the strengthening of UNICPOLOS and its transformation into a fully representative forum for the oceans.

The proceeding of the 28th *pacem in maribus* conference will be made available at the website of the International Ocean Institute at www.ioinst.org.

