The Capacity Development Imperative: Elisabeth Mann Borgese's Legacy

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Elisabeth Mann Borgese's Vision

Elisabeth Mann Borgese often proposed that the development of a new international framework for the law of the sea offered a laboratory for humanity within which to develop new approaches to its relationship with nature, and with itself. This proposition was firmly rooted in the conviction that we should be courageous enough to step away from our traditional land-based approaches, and leave behind some of our old ways, which have often caused conflict and inequalities, all at the expense of humanity and nature.

The infectious beauty and humbleness of Mann Borgese's positive intellect was clear to those who worked with her, or even casually conversed with her. However, she was sometimes taken very literally by her contemporaries, and her propositions provided some with the excuse to stay on land and encourage the dismissal of her vision as nothing more than naivety, or perhaps even geopolitical manipulations of the times. Unfortunately, the importance and timing of Elisabeth's underlying ideas evaded them, as they could not see beyond the shores of their intellect.

But Elisabeth was not a pessimist, nor was she easily intimidated by complexity. Quite to the contrary, such situations brought out the best in her, as well as those she so selflessly shared her life with. Armed with conviction, humble persistence, and fundamentally human propositions, she continued to explain. Many of her ideas were eventually understood in the context of the Third United Nations Conference on the Law of the Sea, some even serving as elements of the nucleus of what has become the ‘constitution for the ocean’: the 1982 United Nations Convention on the Law of the Sea (UNCLOS). But Mann Borgese understood that this magnificent development could only be the beginning; hence she continued her mission within the law of the sea and the sustainable development intergovernmental processes. The convergence

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of ocean affairs and the sustainable development agendas became her focus. In parallel, she also redoubled her efforts in developing human and institutional capacity in ocean affairs, as she was convinced the persistent lack of such capacity was detrimental to sustainability.

A Time for Common Approaches

It is in this spirit that humanity must now understand the situation it faces with respect to the state of the ocean, and start to craft new approaches in this great laboratory so as to redefine its relationship. There has never been a more important time in our history to take on this challenge. The ocean is on the brink of a tipping point; we now understand that our cumulative impacts are starting to outpace our ability to mitigate the harm we are causing. The ocean, nature in all its complex processes, is reacting. Humanity, relatively speaking, is having difficulty to do so. Faced with complex and interrelated problems, the effort to understand, regulate, implement, and adapt must be significantly reinforced, as must the current lack of human and institutional capacity.

Our relationship with the ocean is complex. On the one hand, it is our life support system, and on the other, we have taken it for granted and made selfish use of it from time immemorial. Another paradox lies in that we know very little of what the ocean holds, let alone its physical, chemical, and biological characteristics and processes and how our activities affect these. From the beginning of our time, we have looked at that ocean as a medium for exploration, commerce, leisure, opportunity, and more recently for such undertakings as exploration of biotechnology and renewable energy, amongst the many emerging. While such pursuits have fueled the development of humanity and accompanied the ebb and flow of civilizations, this has often been done with little attention to, or understanding of, their effects on the ocean. In historical terms, until relatively recently, governance was by canon, and the ocean was limitless and plentiful. Today, this can no longer be the case, and we are bailing with all our might, each to a different drumbeat, each pursuing different visions of how to best govern our relation with the ocean and adapt to the oncoming. While many of these approaches have merit in of themselves, the current calculus of our positive cumulative efforts does not suffice to halt, let alone reverse the alarming trends.

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1 Group of Experts of the Regular Process, The First Global Integrated Marine Assessment: World Ocean Assessment 1 (United Nations, 2016).
In order to begin effectively addressing this situation, it is imperative to understand the system within which we are operating. It is only from this position of understanding that we may start to identify lacunae and strategic priorities, and examine new ways of structuring our actions and developing capacity to effectively implement these. Such a common mutual understanding will also provide opportunity to better coordinate our individual actions within a clear strategic and common framework, thereby providing opportunities for our collective actions to yield meaningful positive cumulative impacts.

**The Relevance of Elisabeth’s Vision Today**

There is no single approach to the governance of oceanic spaces, resources, and activities. It is not a Cartesian system that can be neatly unfolded. But ocean governance is not a ‘black box’ either, nor should it be elevated to such levels of complexity, or ‘alchemy’. Our lack of understanding of this system cannot be used as an excuse for inaction, more importantly, justifying ineffective action. Elisabeth realized that decision-makers could not be allowed to hesitate when engaging in ocean affairs, nor could their decisions remain in the realm of the safe, floating above some of the most critical problems faced by humanity. She thus saw the importance of simplifying the complex, without losing meaning or substance while making progress. This led her to understand that governance structures are generally formed around political, legal, and institutional frameworks. These could also interact on various geographical scales, from the local to the national, and from the regional to the international. She also understood that a wide range of actors, or stakeholders, functioned within these frameworks, sometimes also across the geographic scales. Examining ocean sectors through these governance components provided insight into the structure and functioning of the system, and she firmly believed that this could also yield significant information regarding human and institutional capacity requirements for ocean governance.

**Capacity as the Centerpiece**

This last point, human and institutional capacity, was already identified by Mann Borgese in the 1970s as a fundamental component of our ability to put in place effective ocean governance frameworks. This requirement has not changed to this day. In fact, many note that it has continuously increased in importance over time as states have continued to develop legal and institutional
arrangements at all geographical scales to manage human interaction with the ocean. However, the expansion of arrangements has not been accompanied by the necessary development and strengthening of capacity-development structures. And when this has been considered, it has often been relegated to general objectives and rarely to obligations. This is also the case with the larger envelope of financing mechanisms for the implementation of agreements and institutional arrangements, at all levels.

Thus, if there is progress to be made in the sustainable management of oceanic spaces, resources, and activities, there is an immediate need to establish and sustain strategic capacity development structures. Additionally, priorities must be identified within the ocean governance system, at all scales and across the frameworks described above, to ensure that necessary capacity is built to address the most pressing ocean issues.

Furthermore, while the multidisciplinary nature of ocean issues was famously recognized in the Preamble of UNCLOS, which codified the notion that all problems of ocean space are closely interrelated and must be considered as a whole, this imperative has not been widely or consistently treated in capacity development initiatives. This condition is largely a symptom of the ongoing management of ocean affairs along independent legal and institutional arrangements. A persistent use of a land-based approach, which Mann Borgese cautioned against, may be limiting in the context of ocean affairs.

Until fairly recently in history, this compartmentalization has also been a structural characteristic of education systems across the globe. While some academic programs are starting to address ocean affairs, including in a holistic manner, the number of programs are very few and certainly not enough to build the new generation of ocean professionals that is required. There is also much progress to be made in developing curricula that respond to the actual needs of ocean affairs, including the reinforcing of the science–policy interface. Many gains could also be achieved through the establishment of a standardized academic accreditation in ocean affairs, which would be recognized globally as a pathway to a defined profession. In many academic disciplines, universities have worked very closely with industry to ensure relevance of their programs to the workplace. But this is a difficult undertaking within ocean affairs, as the ‘industry’ is disparate and continues to be largely sectoral in its organization.

Elisabeth had also understood these challenges and the importance of overcoming them. Through consultations with the stakeholders of the ocean affairs frameworks, as well as with a myriad of relevant experts in academic disciplines, she proposed a comprehensive and relevant academic curriculum to be delivered through a virtual learning platform, leading to an internationally
recognized degree. While this vision was too early for its time, it is now being successfully implemented by at least one university at the graduate level. Given the ocean issues humanity faces, it would seem that there is still much to be accomplished in academic education for ocean affairs.

The importance of resolving the academic bottleneck to sustainability cannot be overstated, particularly with respect to the creation of a new generation of ocean professionals which is needed to understand and start implementing solutions. But Mann Borgese had also understood the importance of developing capacity within the existing field of practitioners. She initially focused her efforts within the framework of the UNCLOS negotiations. She would often express the importance in ensuring that all those involved in this multilateral process seeking to develop a constitution for the ocean clearly understood the issues at hand as well as the process itself. She truly believed that the stakes could not be higher for humanity; active and meaningful participation by all was an imperative.

Once UNCLOS took shape, and eventually entered into force, Mann Borgese also saw the importance of providing support for developing states in the implementation of the new constitution. This vision was particularly important to her in respect to developing states, and it led her to establish training programs in ocean affairs. To this day, these training programs continue to assist in building human and institutional capacity in developing states.

Still today, almost four decades later, the importance of providing ocean-related professionals with opportunities to develop their capacities in a holistic and relevant manner is critical to the achievement of a sustainable relation with the ocean. As with academic degrees, training programs are growing, but collectively they are not sufficient. This, not only because their numbers remain small compared to the needs, but also because their curricula are often designed to only meet necessary sectoral technical needs. Also, and on the opposite end of the spectrum, curricula can be based on sound academic and holistic principles, but these may not be grounded well enough in the immediate needs of the stakeholders. Few capacity development programs work in tandem with ocean affairs stakeholders to overcome these limitations and to ensure that they remain relevant with the evolving needs. Again, in the face of the severity and diversity of ocean issues, much work remains to be done to develop the capacity that is so immediately required.

Elisabeth’s vision recognized the importance of understanding the system being developed for the implementation of the new ocean order, including the need for a comprehensive and multidisciplinary approach firmly rooted in principles of sustainable development. She also recognized the imperative of ensuring that the necessary capacity was being built to accompany these
developments. She worked tirelessly throughout the negotiation of UNCLOS and subsequently for some four decades in pursuit of this vision. Today, her vision still holds true, and perhaps it is worth recalling. This, as the international community has embarked on two major processes which speak directly to the vision: the development and implementation of the 2030 Agenda for Sustainable Development, and the elaboration of a new legal framework filling a lacunae of UNCLOS, namely, the development of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

The importance of the success of both of these processes in relation to ocean sustainability, humanity’s well-being, is clear. There is also no doubt that both processes will require enormous human and institutional capacity to progress meaningfully. The question is: Will the capacity imperative remain unaddressed as these processes move forward? As we continue to develop the framework for the law of the sea for sustainability, will we take advantage of the laboratory to develop new approaches to our relationship with nature, and with ourselves?