

June 8, 2010 Tuesday

Review

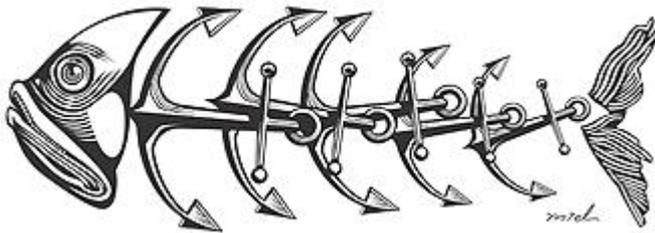
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WORLD OCEANS DAY

Oceans awash in a sea of trouble

By Tommy Koh & Robert C. Beckman, For The Straits Times



TODAY is World Oceans Day.

Although two-thirds of the earth's surface is covered by the oceans, we seldom think about it. Like the atmosphere, which is another global commons, we take the oceans for granted. We extract the maximum benefits we can, but conveniently forget our correlative duty to behave responsibly. As a result, we are putting the ecosystem of the oceans at risk. The current ecological disaster in the Gulf of Mexico is a timely reminder that it is environmentally irresponsible to drill for oil at such depth unless we have the technology to cope with an accident. BP obviously does not.

The oceans provide us with the following benefits:

- Highway for shipping and maritime trade;
- Source of food;
- Source of oil and gas;
- Home for submarine cables and enabler of telecommunications;
- A blue lung for the planet by absorbing carbon dioxide from the atmosphere;
- Stabiliser of the world's climate system; and
- Facilities for recreation and tourism.

What are the current threats to the safety, health and sustainability of the oceans and their ecosystems?

First, the safety of navigation is being threatened by piracy, armed robbery and other lawless acts. The Malacca and Singapore straits used to be plagued by pirates. Following resolute and coordinated actions taken by the three littoral states - Indonesia, Malaysia and Singapore - the problem is under control. Recently, however, pirates have begun to strike in the South China Sea. The real scandal is the irresolute manner in which the world has responded to the Somali pirates, off the Horn of Africa and in the Indian Ocean.

Second, the legal order of the oceans is being threatened by the actions of some coastal states. The United Nations Convention on the Law of the Sea is the Constitution of the oceans. Recently, a number of coastal states have behaved in ways that are inconsistent with the Convention. For example, by imposing compulsory pilotage in the Torres Strait, the littoral states have contravened the regime of transit passage in straits used for international navigation.

Some coastal states are also seeking to assert jurisdiction over more activities in the exclusive economic zone than is permitted by the Convention. The current dispute between states on marine scientific research and military activities in the exclusive economic zone are two such examples.

Third, the Food and Agriculture Organisation has recently warned the world that the future of the world's fishery is in jeopardy. This is a serious warning because fish is the largest source of protein for the world's population. In many parts of the world, both developed and developing, certain fish stocks are being exploited to the brink of extinction. The bluefin tuna is only one example. If the regulators, fishery commissions and the fishing industry do not exercise more self-restraint and make sustainable fishing the universal imperative, we will inevitably confront the collapse of one fish stock after another in the coming years.

Fourth, the world's growing thirst for energy, especially for oil and gas, has spurred the oil industry to drill at greater and greater depth. We should applaud technological progress, but not at the expense of the marine environment. A precautionary approach should be adopted by oil companies and states.

Fifth, the presence of hydrocarbon beneath the sea, in the continental shelf and margin, has resulted in a great increase in disputes between neighbouring states over their maritime boundaries and over competing sovereignty claims. We applaud the fact that the maritime boundary dispute between Bangladesh and India will be resolved through international arbitration, and that Bangladesh and

Myanmar have referred their maritime boundary dispute to the International Tribunal for the Law of the Sea.

As for the disputes between China, Vietnam, the Philippines, Malaysia and Brunei in the South China Sea, we would urge them to act in accordance with the 2002 Asean-China Declaration on the Conduct of Parties in the South China Sea. In particular, we call their attention to their commitment to exercise self-restraint and to refrain from building new facilities on the disputed maritime features. We would also urge them to take confidence-building measures in order to pave the way for negotiations on the joint development of the disputed areas.

Sixth, the salinity of sea water has been affected by the increase of carbon dioxide in the atmosphere. The increase in salinity has, in turn, affected the ecosystem of the oceans. For example, certain species of coral reef are being killed. The death of coral reefs will adversely affect fish stocks that use the reefs to spawn and thus the livelihood of 5 per cent of humanity living within 100m of the reefs. The increase in the temperature of the oceans, some scientists believe, may be the partial cause for an increased number of storms.

Seventh, most people do not know that the oceans play a critical role in the world's telecommunications system. Because submarine cables are invisible and not as romantic as satellites, we are not aware that 95 per cent of voice and data in telecommunication is carried, not by the satellites, but by submarine cables. Most coastal states have not enacted domestic legislation to give effect to the international law governing submarine cables. The laying and repair of submarine cables are often impeded by bureaucratic delays and the absence of a lead agency.

Given how important submarine cables are to the world, it is surprising that there is no international agreement to protect the security of this vital communications infrastructure from terrorist attacks. Singapore should consider taking the lead in proposing new regulations at the International Maritime Organisation to protect the submarine cables from shipping activities, especially from damage by anchors.

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