

BY INVITATION

The oceans, the law and the future of the world

Continuing the abuse of the seas will have serious consequences for the planet

By Tommy Koh

SINGAPORE is an island and we live in close proximity to the sea. Most of us, however, do not think about the sea, except when we go to the beach in the East Coast Park or Sentosa or when we are feasting on our chilli crab.

We should, however, think more about the seas and the oceans because they benefit us in so many ways.

There is also a symbiotic relationship between the land and the sea. Indeed, I would argue that if we continue to neglect and abuse the oceans, this will have very serious and harmful consequences for us and the future of our planet.

First, the oceans supply fish and other seafood which form a major source of protein for billions of people. They also provide the seaweed and marine plants that are used for making, say, food and chemicals.

We have been over-exploiting the fish stocks of the world. Between 1950 and 2005, the global fish catch increased by five times, from 19 million tonnes to 87 million tonnes. This trend is unsustainable and, if not checked, will lead to the extinction of many of the world's fish stocks.

Subsidies for the fishing industry should be phased out because they have led to overcapacity. Bottom trawlers, which essentially vacuum all living creatures in their path, should be forbidden. Instead, we should try to help the subsistence, small-scale and artisanal fishermen gain access to the markets and make a decent living.

Second, the management of the world's fish stocks is in the hands of the coastal states, if the fish stocks are within their exclusive economic zones, and, in the hands of the regional fisheries management organisations, if the stocks are outside such zones.

In some areas of the world, such as the South China Sea, no such commission exists. Where they do exist, they are often ineffective because of the obstructive behaviour of some irresponsible parties.

There is also the problem of illegal, unreported and unregulated fishing. Many countries take a shortterm view regarding fishing. The attitude is to catch as much as they can and not worry about the future.

As a result, there is very little respect for the law and the Food and Agriculture Organisation of the United Nations' code of conduct for responsible fisheries. If this situation continues, the world will be faced with the certain prospect that more fish stocks will collapse and be unable to regenerate themselves.

Third, there is insufficient interest in and understanding of the importance of coral reefs. Coral reefs are the homes and nurseries of many species of fish and other biodiversity. Together with mangroves and coastal marshes, they also act as buffers against storms and tsunamis.

Millions of people who live in coastal communities depend on the coral reefs for their food and livelihood. Singapore is located in an area comprising Brunei, Indonesia, Malaysia, Papua New Guinea, the Philippines and the Solomon Islands, which has been called the Coral Triangle. This is one of the world's most important coral reefs, containing more than 35 per cent of global reefs and more than 3,000 species of coral fish. According to a recent report, 85 per cent of the reefs in this triangle are under threat, from pollution, sedimentation, over-fishing and climate change.

The welfare of 150 million people will be affected if we allow the reefs to degenerate and die.

Fourth, the oceans are the blue lungs of the planet. They absorb about 30 per cent of the carbon dioxide from the atmosphere. However, because of the increased concentration of carbon dioxide in the atmosphere and the rising temperatures, the oceans are becoming warmer and more acidic. Ocean acidification occurs when they absorb the rising quantities of carbon dioxide in the atmosphere. When dissolved, the carbon dioxide forms carbonic acid. Combined with the increase of water temperature and the depletion of oxygen, this could have devastating effects on all organisms living in the ocean environment.

An early victim of rising temperature and acidification is the coral reef. Rising temperature has already led to the bleaching of coral reefs.

If carbon dioxide in the atmosphere doubles from its present level, Professor Callum Roberts, the noted oceanographer, has warned that 'all of the world's coral reefs will shift from construction to erosion. They will literally begin to crumble and dissolve'.

According to Prof Roberts, a quarter of the world's coral reefs have already died. In the Indian Ocean, more than 70 per cent have been lost.

Fifth, the oceans are the highways of the world. The world economy will collapse if there is no international trade. The bulk of that trade is carried by ships. The passage of ships in ocean space and the conditions of their entry into and exit from ports are governed by international law.

The law is enshrined in the UN Convention on the Law of the Sea, which was adopted 30 years ago. The convention has created a new legal order and has kept the peace at sea.

The only serious threat to international shipping is posed by the Somali pirates. Somalia is a failed state. The Transitional Federal Government of Somalia, based in Mogadishu, is trying to rebuild the collapsed institutions of state. Punt and Somaliland are effectively running their own shows.

In the absence of economic opportunities, many young Somalis have taken to piracy to earn a living. They are being employed by masterminds who have become millionaires by hijacking ships for ransom.

The Somali pirates have expanded their theatre of operation, beyond the Gulf of Aden, into the Indian Ocean. They have also become bolder and more vicious. So far, the international community has responded by increasing the naval patrols in the area. The ocean is vast and the patrols rarely succeed in intercepting the pirates before they have hijacked the ships, which are mostly unarmed.

The UN Security Council has authorised states, cooperating with the Transitional Federal Government of Somalia, to enter Somalia's territorial waters and use all necessary means to repress acts of piracy and armed robbery.

The situation is reminiscent of that in the late 18th and early 19th century when international shipping was frequently attacked by the Barbary pirates. President Thomas Jefferson of the United States decided to stop the practice of paying ransom to the pirates. Instead, the US led a multinational naval force to defeat them at source.

The time has come for the US to lead a similar mission to fight the Somali pirates at source. There is no other way to solve the problem.

The writer, who served as president of the UN Conference on the Law of the Sea in 1981 and 1982, is the chairman of the Centre for International Law of the National University of Singapore.

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