



## Deborah Wright Comment

### Creating a different future for our seas

- Ocean governance needs radical reform and its priorities must be reconsidered to ensure sea resources are protected into the future.

Phytoplankton absorb millions of tonnes of CO<sub>2</sub> and produce up to 85% of the Earth's oxygen – more than all terrestrial forests combined. These lesser-known organisms also have properties with significant medicinal value. Some are being developed for new types of antibiotics, anti-cancer drugs and treatments for diseases such as HIV and malaria.

The oceans provide a bountiful source of minerals, oil and food. One billion people rely on fish as their main source of protein and 180 million people are employed in fisheries, mostly in the developing world.

Our seas are so vast they have long been regarded as an inexhaustible and indestructible resource. But thousands of species are threatened, with many on the verge of extinction due to over-fishing, deep-sea mining and ocean acidification. Millions of birds and mammals are killed by nets, lines and debris. Coral reefs are trashed by fishing gear, contaminated by agricultural and other pollutants and weakened by global warming.

Plastic waste covers hundreds of thousands of square kilometres. Then there are additional threats from shipping, the oil, gas and mining industries, and commercial fish farming.

Conservation organisations are campaigning to establish marine reserves where destructive activities are prohibited, or at least restricted. Left undisturbed, habitats recover and depleted populations flourish. There are 5,800 marine reserves with some degree of protection but many are too small and fragmented to be effective.

The very nature of water makes it incongruous to try to apply our 'fencing off' mentality to the sea. Presently, those trying to safeguard the world's oceans are struggling. The imperative is always on the conservationist to justify protection while often polluters can go unchallenged.

Surely we should expect seas to be unspoilt and unpolluted? We should assume that marine wildlife is always properly valued, which would turn the conventional paradigm of exploitation on its head. The principle governing our relationship with the oceans then becomes one where resource conservation is our starting point.

Our seas and oceans are already protected by international law. The United Nations Convention on the Law of the Sea 1994, also known as the Law of the Sea, is the primary mechanism for governing the world's seas. It obliges states to conserve the marine environment in their territorial waters and in the high seas through multi-lateral cooperation.

Marine conservation objectives are also found in other treaties such as the Convention for the Conservation of Antarctic Marine

Living Resources (CCAMLR) and the Convention on Biological Diversity (CBD).

In 1982, CCAMLR was established as an integral component of the Antarctic Treaty to conserve marine life in the Southern Ocean, following serious concerns about the over-fishing of krill. The convention helped pioneer the development of the ecosystem approach to marine management, which takes the entire ecosystem into account rather than individual species, when implementing fisheries regulation.

Significantly, it also uses the precautionary approach when dealing with the uncertainty of data and a patchy understanding of extremely complex natural systems. This put the health of the marine environment before all commercial interests and secured the conservation of the Southern Ocean and its wildlife.

The purpose of the 1992 CBD is to conserve biological diversity in a sustainable and equitable way. It is regarded as the leading agreement on sustainable development and embeds in law the principle that conservation of biological diversity is "a common concern of humankind".

In 2010 in Nagoya, Japan, the 193 parties to the CBD adopted a ten-year strategic plan (2010-20) detailing the 'Aichi' targets to safeguard biodiversity. As a part of this, the Sustainable Oceans Initiative was launched to confront threats to marine and coastal biodiversity.

#### Protection failure

The Law of the Sea is certainly a milestone of multilateral collaboration in ocean management but it fails to protect seas and oceans adequately for various reasons. There have been many technological and commercial developments since 1994 that are not accounted for in the treaty. For example, advances in the ability of ships to track and capture fish have accelerated the demise of many species. And bioprospecting (the search for minerals and biological organisms for use in industries such as pharmaceuticals and cosmetics) was unknown. Ocean acidification and the great Pacific garbage patch were also unheard of.

The Law of the Sea and the CBD are general and imprecise, making them easy to evade. What exactly constitutes a breach of the law? What are the marine pollution guidelines and standards? Who is answerable for transgressions?

But most importantly, laws are only effective when they are enforced. There is a lack of international cooperation to curb destructive activities and scientific advice is widely disregarded by decision-makers.

It is clear that ocean governance needs radical reform and a radical rethink of priorities. Marine protection laws need strengthening and updating and need to be enforced in ways that make the misuse of the sea a criminal act. Financing reform will be costly, but it is feasible. Every year, tens of billions of dollars are spent subsidising unsustainable commercial fishing. This public money should fund restoration and protection instead.

The intelligent use of marine resources will reap substantial financial rewards, as demonstrated by well-managed Norwegian and Falkland Island fishing fleets. A percentage of this income should help finance law enforcement.

The essential change needed to restore and replenish our seas and oceans is that they are all protected as a universal principle founded in law. Marine industries would become responsible and accountable, and seas and oceans would recover. An infinite supply of food and employment for millions of people would be secured. That is what marine sustainability truly means. ■

*Deborah Wright is ocean campaigns coordinator at Marinnet. This is an extract from The Great Blue: Reversing the paradigm to create a different future for the sea*