

## edward j dodson's cooperative individualist view



Some of us are old enough to remember the nearly decade-long United Nations *Convention on the Law of the Sea* that met from 1973 through 1982. The resulting treaty finally took effect in 1994, when a majority of member governments became signatories. Although the present Bush Administration finally agreed to US participation, the US Senate has yet to ratify the treaty. Opposition has come from conservative think tanks fearful of international interference with US security measures and rights as a sovereign nation-state.

I do understand and share concerns regarding transfer of legal authority of the global commons to an agency of the UN (the International Seabed Authority). If, as we argue, the laws of the social democracies have been structured to secure and protect entrenched privilege, the laws of other societies are even more overtly unjust. How can we be convinced that an organisation of governments will ever act in the interests of all?

The social democracies have a very thin claim to any moral high ground. We in the US have been a use, abuse and throw-away society from the earliest European settlement. If there is any universal moral principle, it is that the earth is the birthright of all persons, equally. Our acceptance of the system of sovereign nation-states makes the application of this principle extremely difficult, but within the rules of access to and exploitation of the resources of the oceans is our chance to begin to dismantle the systems of law that have acquiesced to the claims of sovereignty over territory.

A major reason for US reluctance is the structure of the bureaucracy empowered to administer the treaty provisions. The process of issuing licences for mining of the ocean sea beds needs to be depoliticised, with one set of rules for all and licences awarded to the highest bidders. The amount any company will bid for a licence will factor in the costs of compliance with all regulations (rigorously enforced).

A provision of the treaty guarantees the US sovereign control over oil, natural gas and any other natural resources found in the ocean a distance of 200 miles from the US coast. The mining and fishing industries in most nations with access to the oceans should be reasonably satisfied with these provisions, although there are many regions where negotiation over conflicting sovereignties is urgently needed.

A fair and effectively enforced *Law of the Sea Treaty* is in the interest of all. For one thing, our global food supply must be protected. We continue to struggle to protect species from catastrophic overfishing. The ocean ecology evolved over millions of years, and human intervention is on the verge of irreparably destroying the delicate balance that supports our own survival. We ought to call for scientists to determine what the maximum sustainable annual take is, as well as the use of sustainable harvesting methods, set the number of licences to be issued, then conduct an auction for those licences. This revenue stream, as well as that derived from issuing licences to drilling and mining companies, must then be equitably distributed under rules negotiated by members of the UN. This, then, would be a good beginning, but only a beginning. The list of resources rightfully belonging in the commons includes the wind, waves and currents, ocean life other than just fish, clean air, anchorages, locations conducive to floating development (like casinos and desalination plants) and licences issued for flight paths. You can surely think of others.