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Why vulnerable marine areas must be protected from oil and gas activities

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On 4 January 2018, the United States announced [the opening of almost 90 % of its waters to oil and gas drilling](#), within the framework of a five-year plan also providing for less stringent technical regulations for operators. On the same day, [the Norwegian courts dismissed the case brought by three non-governmental organisations against the Norwegian government](#) over the licences it awarded for oil exploration in the Arctic. More generally, [the upturn in oil prices](#) could lead to new investments in deep-sea exploration and in the exploitation of oil wells discovered in recent years that are now profitable. But is offshore drilling essential to meet the world's energy needs?

During COP21, the international community committed to limiting the increase in the global average temperature to “well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C”^[1]. This goal calls for a redefinition of the global energy mix, a deep decarbonisation of the economy and, consequently, a reduction in the use of fossil fuels. The primary responsibility for these demands lies with the oil sector, and a number of signals – as yet weak – show that the industry is considering ways to set a path towards long-term transition and adaptation as required by the Paris Agreement.

However, the debate on turning certain fossil fuel reserves into sanctuaries is still confined to a small circle of experts and has not yet emerged as a key point in the international policy agenda. Yet the question inevitably arises and, although figures vary, it is estimated globally that a third of oil reserves, half of gas reserves and more than 80% of coal reserves should remain unused in order to meet the climate targets. Some studies even indicate that the potential greenhouse gas emissions from reserves currently exploited would take us beyond the 2°C warming limit.

Assuming that new wells can still be opened, especially oil wells, it appears unrealistic at the present time to imagine that exploitable reserves can be distributed by means of international negotiations. First, the keys to this distribution are currently far too uncertain. Second, the climate agenda approaches the issue of fossil fuels through the prism of consumption, and not production. And finally, the exploitation of energy resources in their territory, including marine areas, is a right granted to States by international law that cannot simply be brushed aside.

In this context, why not insist on the ecological sensitivity of an environment to limit, or even prohibit, the extraction of fossil fuels? The marine environment, which currently supplies a third of the world's oil and a quarter of its natural gas, meets this criterion perfectly and could thus be spared from certain drilling activities. The recent accidents on offshore platforms have demonstrated that the environmental risks of these activities can affect all parts of the world and all actors in this sector, even the most important. Routine pollution and oil spills have disastrous environmental consequences for marine ecosystems and considerable impacts on the economic activities that depend on them. Thanks to the inventories provided by scientists (national inventories, regional assessments under the competent organisations, identification of Ecologically or Biologically Significant Marine Areas under the Convention on Biological Diversity, etc.), we also know that the characteristics of some marine areas make them more vulnerable than others (enclosed or semi-enclosed seas, nursery areas, the presence of special habitats, etc.).

Since we do not need to exploit all of these undersea reserves, how can we build momentum to prohibit offshore exploitation, or at least to prevent it in the most vulnerable areas?

We can certainly hope for unilateral commitment from pioneer States. This is the line taken by France which, through its law of December 2017, committed to ending hydrocarbon exploration and exploitation, including offshore, by 2040. However, it is doubtful whether a contagion effect will lead in the short-term to the adoption of similar initiatives in other countries.

Consequently, given that the multiplication of unilateral initiatives seems unlikely, there is an urgent need to turn to collective bodies that can put the issue on the policy agenda, foremost of which are the environmental organisations.

The States bordering a particular marine region (the Mediterranean, the Gulf of Mexico, West Africa, the Western Indian Ocean) could thus discuss the opportunity, if not of totally prohibiting offshore exploitation, then at least of limiting it to the least vulnerable areas. Some regional organisations have adopted agreements aimed at enhancing the security of these activities; however, to date, none have explicitly banned drilling in specific marine areas, even though scientific inventories are increasingly accurate and more systematically presented to policymakers.

Likewise, the States party to the Convention on Biological Diversity, which are currently debating the post-2020 strategic framework, could make a useful contribution: establishing specific commitments aimed at the offshore

sector or extending the political and legal scope of certain instruments, among which the “Ecologically or Biologically Significant Marine Areas”, are avenues to be explored.

The European Union also has a role to play. In its [Resolution of 16 January 2018](#), the European Parliament thus notes that “the EU must cooperate with international partners in order to achieve a just transition away from offshore drilling and thus contribute to the goal of a low-carbon economy”.

This debate, at the crossroads of climate and environmental issues, now needs to be launched.

[1] United Nations Framework Convention on Climate Change, Conference of the Parties, 21st session, Paris Agreement, Article 2-1a.

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FOSSIL FUELS

OFFSHORE