

# Effect of Climate changes and Globalization on territorial conflict

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**Abstract:** This Paper Focus on the impact of climate changes on territorial water, in way of possible shifting of coastlines and the effect on economical activities of population starting from loss of property, loss of access to certain fishing area i.e. depletion to a commercial fish stock, rich exploration area and the activities in low coastlines, and the loss of coastal infrastructure. With the possible changes in territories and the unavoidable economic disputes, can military action come into picture as an option with an existing example. Explore the availability of an applicable binding dispute settlement, and the possible claim under UNCLOS.

Also discuss the effect of Globalization on Geographical territories from the view of social activities, the intangible attachment to a specific territory by reasons of economic, or ethnics, and the unwillingness of moving towards compromise or conflict resolution. The impact of power related factor in negotiation over territorial issues and disputes between states.

The aim is to bring forward the near future dispute over territories, and the need for finding a new mechanism to settle such disputes based on the development of climatic and political changes we are facing nowadays.

**Keywords:** Border Guards, Globalization, Climate Changes, territorial water, economic dispute, UNCLOS.

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## I. INTRODUCTION

The rise of sea level is a fact nobody can deny nowadays and the agreeable cause is Global warming, the effect has a variable impact on coastal areas, varies from sea level rise to variable and severe weather phenomena, which causes and accelerate erosion and loss of coastal areas.

The estimated total land area at risk throughout the world is on the order of five million square kilometers, roughly three percent of the total land surface of the globe. The submerged areas due to rising sea level will cause nations of refugees (Revkin, Andrew.1988).

Maldives Islands with an average height 1 and 1.5 meters above sea level will be submerged in the near future, leaving 200000 inhabitants homeless, in addition to the highly populated areas like the Canton area in China, Bangladesh, and Alexandria, Egypt with 5 million inhabitants.

The territorial seas of coastal nations were constant and unchallenged fact for centuries and was not easily changed due to political stability and rule of the international law, but this is on the verge of changing due to new factors.

## II. EFFECT OF SEA LEVEL RISE AND POSSIBLE SHIFT OF BASE LINE

Referring to UNCLOS convention, the territorial sea is determined by four zones all measured from the baseline

1. The territorial sea, the sovereignty of a coastal state extends to an adjacent belt of sea called the territorial sea. The territorial sea may not exceed twelve nautical miles in breadth, measured from baseline determined in accordance with this convention (UNCLOS).

2. The continuous zone. In a belt of sea contiguous to the territorial sea, the coastal state may exercise the control necessary to prevent or punish infringement of customs, fiscal, immigration, and sanitary laws in its territory or territorial sea. This contiguous zone may not exceed twenty-four nautical miles in breadth from the baselines from which the breadth of the territorial sea is measured (UNCLOS).

3. The exclusive economic zone. The exclusive economic zone is an area beyond and adjacent to the territorial sea in which the coastal state possesses sovereign rights over the natural resources, whether living or nonliving, of the waters and seabed in the zone, while all other states possess the freedoms of navigation and over-flight, the breadth of the exclusive economic zone shall not exceed 200 nautical miles from the baselines from which the breadth of the territorial sea is measured (UNCLOS).

4. The continental shelf. The coastal state possesses sovereign rights over the continental shelf adjacent to it beyond those rights already recognized in the exclusive economic zone to the degree the shelf extend beyond the outer limit of the exclusive zone, the outer edge of the continental shelf is determined under a complex physical definition, but shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured (UNCLOS).

The possible erosion and rise of sea level will cause the baseline which is used to determine the four zones to shift inward. What used to be belonged to one state today, may not be in the near future, this may have a judiciary and economic impacts of various degrees. The effect will not stop in erosion but will also cause the disappearance of various areas and island which either was used as marking point or inhabited.

The dispute over The New Moore Island between Bangladesh and India which was going for years and due to the rise of sea level, started to disappear and the dispute was resolved with no winning or losing parties even with a different ending than what both countries wanted. (Jennifer Hattam, March 24, 2010).

A rare instance where suspected climate change may contribute to the easing of a conflict, but this can also lead to create an opposite impact, as the case of *Nicaragua v. Honduras*, where Nicaragua was not a member on UNCLOS, both countries agreed to implement the convention since the ongoing dispute over maritime territories since 19<sup>th</sup> century found a new fuel, the sea level rise has a new impact on the cays, the recent conclusion of the court was that the four cays has the status of an island under UNCLOS, (ICJ Reports, 2007).

The dispute concerned whether these cays were only slightly above water or completely submerged at high tide. With the current rising sea level, maritime features that now fall under “islands” or “low-tide elevation” may become permanently submerged. If that happens, a coastal state may potentially lose its territorial and maritime claim over the zones previously generated by that submerged maritime feature (or part of its archipelagic sea, if the submerged feature constitutes an “archipelago” as defined under UNCLOS). The Court’s ruling in *Nicaragua v. Honduras*, which addressed only the status of those islands that “remain above water at high tide,” and not other cays, thus did not clarify the uncertainties surrounding the potential loss of a coastal state’s maritime rights caused by climate change.

### III. UNAVOIDABLE ECONOMIC DISPUTES DUE TO POSSIBLE CHANGES IN TERRITORIES

With global warming the icecaps in the polar region beginning to melt down, the long waiting opening of the Northwest Passage is closer than expected, the concerned states are on maximum gear, preparing for expected future explorations, researchers are on the opinion that the entire Arctic may become ice-free during the summer by the end of the century (J.M. Gregory et al., 2005). Accordingly, the Polar Code was formed by IMO to regulate the relation and regulation of navigation between surrounding states and also innocent passage of ships.

Russia, Canada, the United States, Norway, and Denmark are competing to secure subsurface rights to the Arctic seabed. A successful claim to the seabed would be significant because the Arctic has as much as 25 percent of the world’s undiscovered oil and gas (James Kraska, 2007).

The opening up of the Northwest Passage could save a lot of time to travel between New York and Shanghai instead of the present travel time via Panama Canal. And as a result, states will be looking to secure this new source of trade and exploitation as well, and as a consequences tension will build up. In 2001, Russia submitted documents to the U.N. Commission on the Limits of the Continental Shelf claiming that the Lomonosov Ridge, which underlies the Arctic Ocean, is actually an extension of the Siberian continental shelf and that it should therefore be treated as Russian territory.

In 2002, the U.N. Commission neither rejected nor accepted the Russian proposal, but recommended additional research (U.N. Commission on the Limits of the Continental Shelf (CLCS), 2004).

Russia sent a submarine to plant a Russian flag in the seabed beneath the North Pole to symbolize its claim to the polar territory and its resources. In summer 2007, Canada announced it would spend 3.1 Can\$ billion for the purchase of new patrol ships and 4.3 billion for their maintenance over the 25 years life span of the ships, these ships will be used by the Navy to increase its military presence in the Arctic. (CNN, August 9, 2007)

- Severe cases which will cause more implications and cause a global stir are the cases which concerns low lands and small islands, like the case of Maldives Islands, and Marshall Island, if these Islands disappeared under water and their population needed to be relocated, would it be still a nation!, along the history of mankind, there were various cases of disappearance of nations due to various reasons all related to human economic or strategic reasons, but now the case of disappearance of nations is due to natural reasons, so what will be after relocation?, will the citizens of these nations still called citizens!, would they still have the rights to earn profits of exploitation and natural resources. What will be the situation of the hosting nations, will the hosting nations have shares of these economic explorations? Phillip Muller ambassador of Marshall Islands to the United Nations stated "If the Marshall Islands ceases to exist, are we still going to own the sea resources? Are we still going to be asked for permission to fish? What are the rights that we will have? And we are also mindful that we may need to relocate. We're hoping it will never happen, but we have to be ready. There are a lot of issues we need to know the answer to and be able to tell our citizens what is happening".

Same statement was said more or less in the wording of Edward Cameron, the former senior advisor to the government of the Maldives, the Islands of 305000 inhabitants, "We see at the moment how many people are on the move in Pakistan." While the floods devastating that country have been displacing millions internally, Cameron asked, "What if they were on the move across an international border? They certainly wouldn't have refugee status."

The new nagging issue which was not discussed in depth, what is the difference between migrants and refugees in the scope of climate change. Jane McAdam Professor of New South Wales University said, "there is at present no internationally agreed definition of what it means to be an environmental 'migrant,' 'refugee,' or 'displaced person,' and consequently, no agreed label for those affected", she has looked from the legal side of the problem, whether the disappeared nation could still retain its U.N. seat, when the U.N. was established the idea of deleting a nation because of disappearance never came in the scope of discussions. The mechanism of undoing a state was not even thought. "Certainly, states have ceased to exist in the past, but it's through occupation, war, state secession, the closest thing to an extinct nation would be a government in exile. Yet even that assumes the government will eventually return to its territory, something climate change may make impossible.", "There's precedent for other things that we can draw on, but ... there's no self-executing formula for deciding when a country doesn't exist anymore," she said. The law still considers coastlines are constants and it is not subject to changes; this is how all conventions were drawn. Those areas where countries have exclusive rights to the resources are measured from coastlines or offshore islands. But the laws assume the coastlines won't change or disappear. That's already happening. She continued "Any country with a coastline or offshore islands that are being used to anchor claims need to start thinking about if that coastline or offshore island is affected, and what will that do to the exclusive economic zone claims?" she said. "The core issue is that we have written our laws, regulations, subsidies on the assumption that the environment is a constant, and it isn't."

Moreover, as Paskal (Cleo Paskal, associate fellow at Chatham House and author of "Global Warring: How Environmental, Economic and Political Crises Will Redraw the World Map) noted in a recent blog post, countries that take in climate "refugees" might make a case for governing the former nation's maritime zone something she described as a "very lucrative and geopolitically touchy proposition."

#### IV. BINDING AND UNBINDING DISPUTE SOLUTIONS

Article 33 of the UN resolutions stated "the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.", hence all territorial dispute settlement should be done according to international law. But what if international law did not resolve the dispute or the results were not satisfactory or seen as unjust to one party?

Senkaku islands case and territory dispute between Japan and China is a good example, the delimitation issue brought into picture, Japan demand the application of the equidistance approach while china claiming the natural prolongation of the continental shelf, which allow claiming up to 350 nm instead of the 200 nm. (Sakamoto, 2007).

China considered Okinawa to be sitting on the continental shelf, while Japan insists the EEZ of both sides over lapping. The dispute raised to the level that military confrontation become as an option. When the case reached the International Court of Justice, The decision was based on a recent case where the median line came again into picture in determining the territory limitation, it was the case between South Korea and China to delimit there maritime borders the dispute was over the territorial title to a submerged feature Ieo in Korean on the continental shelf, where Korea has a provisional agreement with Japan, where china objected but without referring to any particular territorial claim of its own, as a result, Japan deferred ratification of the agreements until Jun 1978, when it ratified the agreement without regard to China's continued opposition (Gao & Wu, 2005).

Coming back to the Senkaku Islands and drawing the maritime borders between China and Japan, according the 1982 UN Convention of the Law of the Sea (UNCLOS), Article 121 (3), "rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf" though both countries agreed that the island should granted the right to a 12 nm territorial water zone and a 12 nm contiguous zone, still China relays on Article 121 (3) and denies the islands the rights to an EZZ and continental shelf, where as Japan disagrees (Valencia, 2007) and interpret UNCLOS with a different approach and replaying on Equidistant line with China. However, china did not take an official position on whether the Senkaku Islands are rocks or island, which means that only in the latter case could the islands be entitled to EEZ (Sakamoto, 2007).

With these kinds of disputes and legal Rally, the search for another pressing factors is on the go, one side (China) is trying to get the economic benefit of exploration and the other (Japan) is watching the growing military presence of China in East China Sea.

The various incidents happened between the two states and the breaches of sovereignty of undecided claimed zone still in progress, while it is know that warships have the right of passage through another country's EEZ, Japan government and for the first time since long observation of military activity of Chinese war ships, complained about the entry of a fully submerged Han class nuclear submarine passed submerged through Japanese territorial waters between the

islands of Miyakojima and Ishigakijim, the Japanese Government considered this act as not conducive to trust and friendship since they were suspected as being for intelligence gathering purpose (Yomiuri, Shimbun. 2000. Anami, 2007).

The situation between the two countries went to various stages to settle the dispute from military forces confrontation as already happened in 2005, to maritime border negotiations set into full gear, with bilateral negotiation the territorial dispute went to establishing a joint fishing area.

These negotiations were super-ceded by the `Consultations on the Law of the Sea and the Delimitation of the EEZ' (Buszynski & Sazlan, 2007).

## V. EFFECT OF GLOBALIZATION ON GEOGRAPHICAL TERRITORIES

Globalization in the common understanding means a borderless world, it is totally the counter ideology of borders and territories. Most globalists are in the opinion that if globalization continues on its track, the world will encounter very soon de-territories and borderless world. The existence of ethno-territorial conflicts will continue to be the main reason for preventing the globalization from being implemented as a world theme.

Best example for ethno-territorial conflict can be found in the Palestine/Israel conflict, where Israelis continue, against the will and the acceptance of Palestinians to build and establish unlawful settlements in the purpose of and for the upcoming generations to extend territorial control, and what was in the past doubted to be now disputed but in the future to be granted territories. The purpose of the activity in the West Bank settlements is to delimit the boundaries between Palestinian and Israelis, and by extending maximum territorial control, laying the role for future claims to sovereignty.

This was clear when the first West Bank settlement was established, the settlers who made new families and their new born nowadays and after almost thirty years, they consider these lands as their homeland and will not accept any dispute resolutions under any circumstances even if globalization is the target.

Another stark example of ethno-territorial conflict is the Kosovo's, Serbians, Albanians conflict, whom used to live within same towns and mixed together have been either driven out or where reside with their own areas. Even extending solutions to draw new borders and to stick to it even farther, causing the emergence of new countries and becoming member in the U.N. and having their own sovereignty, through the globalization haywire. In this case not only bordering and boundaries becoming as a solution to avoid conflicting but also to enable one state to control valuable natural resources such as water sources, oil, minerals (Newman, 2004), same the case as of northern and southern Sudan, where same people, same ethnics but different ideology stirring a conflict and a new borders drawn, new nations born out of controlling new resources of wealth, but a new source of conflicts which may cause an occasional confrontation between these two nations. Aside from the above and the reasons of having borders even in the new world order under the umbrella of globalization, looking back to the erosion of border control under the name of globalization, there will be some implications, what countries for ages tried to do by controlling their maritime and inland borders for whatever reasons there is, such as law enforcement, immigration control, public safety and accordingly can trigger collective duties, tolls and fees on passports, visas, traffics of cargoes and commodities passing either in/out or in transit. Stephen E. Flynn, stated "Transportation and logistics firms are embracing new information, communications, and navigational technologies to track the movements of people and goods in near-real time. They are doing this to improve the efficiency of their internal operations and to satisfy their customers that they can deliver goods or passengers on time. But these same technologies could be enlisted to provide border control agents with timely, detailed electronic information on licit cargo and people movements. Such information would have the result of making trans-border flows "transparent" and could serve two purposes. First, it would allow cargo and passenger manifests to be examined well in advance of arrival so that non-suspicious flows could be cleared for entry without delay at the border. Second, for suspicious flows, it would provide the means to pinpoint interdiction efforts".

But this will not always work this way, an illegal migrants and smugglers of contraband that are finding it much easier to reach their final destinations. Under above procedures of border control, a scenario of a commercial container packed with Weapons of mass destruction could be easily smuggled into any country. It becomes more easy and less costly even less suspicious to smuggle weapons with high destructive effects than to try to develop an expensive and time consuming ballistic missiles, simply these type of weapons can be loaded into a container with a tracking device, and off it goes to intended destination without raising any suspicious, with a shipper in a country, freight forwarder in another country and receiver an oversea company total outside the intended destination, and to complicate things, the container can be transited in two or three transit points in the way, even can be discharged in a country then transported by rail to final destination crossing various borders without raising any suspicious as long as documents are in order, since cargo manifest can be check after few days from the container arrival at destination. The container could be diverted or the weapon activated anywhere en-route long before it was officially identified to be in the country. So, the bilateral agreements between countries on border securities are very important to overcome the ambiguity of globalization effect.

Taking example of the United States and surrounding countries Like Canada and Mexico, border control and trafficking between Canada and United States are more flexible than the case between United States and Mexico. A smuggler or terrorist who wants to make a delivery inside United States would find it more suitable to ship the intended smuggle in container via various transit ending in Canada and hence to United states, than to make the delivery to Mexico thence United States. The contradiction is the essence border and territorial control has to be flexible to avoid delays and allow smooth and fast moving of cargo and passenger between borders either by air, land, or sea, the enormous volume of goods and travelers made the need for hubs to handle this volume is a must, to control the hub without delaying the flow is not possible, if one gantry crane in only one berth in a single port along the coast can unload thousands of containers which will go inside the country on trucks, once on trucks can move freely inside a state or cross inland borders to another state and the chance of inspection will be a remote. So, what is to be done? Doing nothing should not be an option-the stakes associated with weak border control are too high. There should be a common co-operation sort of security guidelines, where all parties governmental and non-governmental are participating. Where forwarders, shippers, receivers, and inspection society along with governmental authorities taking parts, in return who committed to these guidelines will have a borderless shipment, or a smooth trans-border activity between any bilateral states, who does not comply will have more in depth checking and border control. The logistic network is coming more and more in the picture and border security will be more and more as a border security on the flow of information.

## VI. CONCLUSIONS

- The use of force is clearly and convincible not the best solution to absolve any disputes and it is clear for all parties to any disputes that the best way to solve disputes is through the international law, such as UNCLOS but there has to be a new binding mechanism to prevent all parties from acting alone without consulting or referring to the other parties, As the case between Japan and China since we have seen that both sides have, at different times, gone ahead without achieving prior consent from the other side. Where, Japan concluded an agreement with South Korea for the exploitation in the north of the Easter China Sea, although the Chinese government considered the agreement as violating its rights in the area. Despite these protests, the Japanese went ahead with exploration and abandoned it only when no commercially viable resources were found.
- Climate changes always causes emigrational shifts of populations as the cases of Maldives Islands and other Pacific Islands which will need an international rules and new laws to govern and arrange the relations between these emigrational populations and the hosting nations.
- Territorial and border barriers in the era of globalization between nations especially states with same ethno cultural origin (i.e. middle east nations), are in need for bilateral and multilateral resolutions, direct negotiation and an agreeable form of facilitation to make the flow of goods and people between these nations more flexible to facilitate future surge in volume of both.
- The need for a new resolution to absolve a territorial conflict between two neighboring states in case an economical dispute arises as a result of delimitation of marine territorial borders. Would a consideration of equal share of benefits be considered as a sort of solution! further research needed to formulate a further developed mechanism for absolving territorial conflicts.

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