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THE NEW TEAHUPO'O SURF TOWER IS AN OLYMPIC SIZED SETBACK FOR ENVIRONMENTAL PROTECTION AT THE 2024 PARIS GAMES

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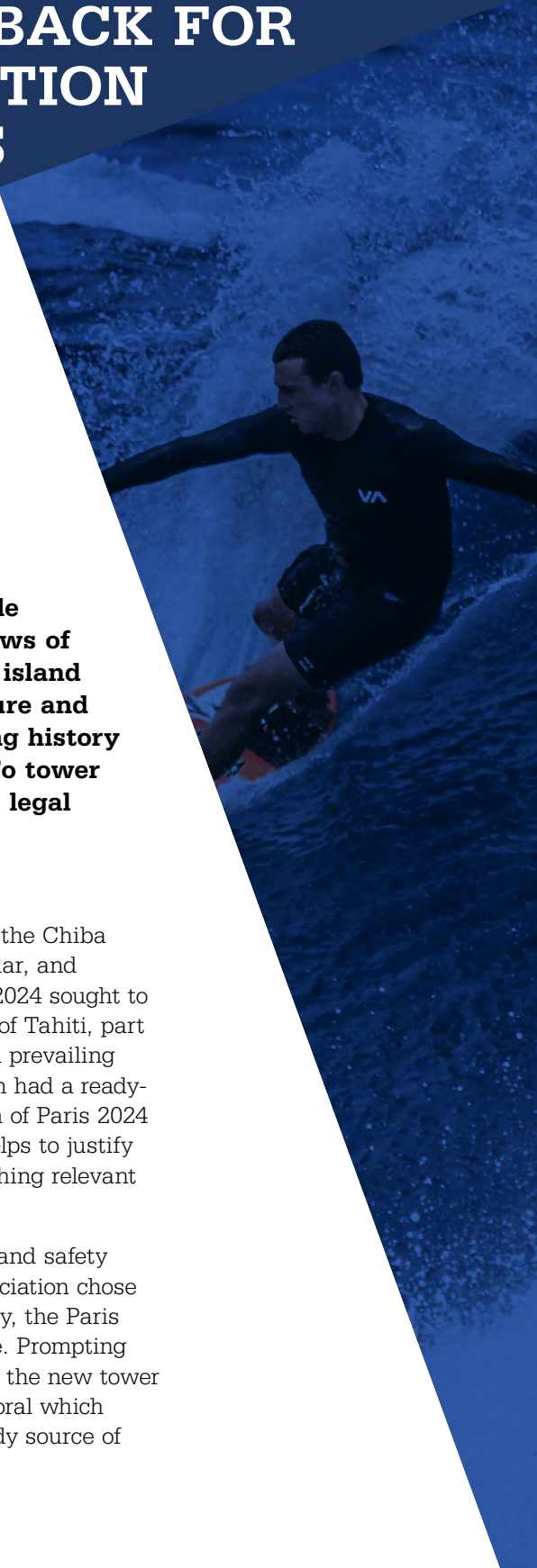
I. Introduction

The following brief concerns the new Teahupo'o surf tower, a construction undertaken for the Paris Olympics 2024 with little regard for the acute environmental issues at stake nor the views of indigenous people. Teahupo'o is a small coastal village on the island of Tahiti, part of French Polynesia, known for its pristine nature and iconic surf. Colonised by France in the 1800's, Tahiti has a long history of exploitation. This short brief will explain why the Teahupo'o tower is controversial, exposing the weaknesses of the international legal framework intended to protect the global environment.

II. Context

The story of Olympic surfing began in Tokyo 2020, at Tsurigasaki Beach in the Chiba region of Japan. Speculation swam that the waves were less than spectacular, and surfing didn't get the triumphant introduction it might have wanted. Paris 2024 sought to dodge this dilemma by selecting Teahupo'o, a coastal village on the island of Tahiti, part of French Polynesia located in the South Pacific. The natural geography and prevailing currents make Teahupo'o the ideal spot for dependable surf. Teahupo'o even had a ready-made viewing tower for judges, aligning with the much publicised ambition of Paris 2024 to use existing infrastructure and '[thus mobilise fewer resources](#)'. Which helps to justify flying surfers halfway around the world at exorbitant emissions cost (something relevant but not examined in this paper).

However, Paris 2024 ruled that the existing surf tower did not meet health and safety standards. This was questionable given that the International Surfing Association chose to use it just months earlier for the [World Surf Championships](#). Consequently, the Paris organisers opted for an Aluminium Tower to replace the former wooden one. Prompting outrage from [local people, surfers and environmentalists](#). Fears swirled that the new tower would cause ecological harm to the lagoon by [damaging the coral reef](#). A coral which is part of the Tahitian culture and helps to provide local people with a steady source of nutrition and income. So what did the law have to say on the matter?



III. Legal Framework

Article 2 of the [United Nations Convention on the Law of the Sea](#) points to the sovereign authority of states over their territorial seas, extending twelve nautical miles from the low water line. [The Stockholm Declaration 1972](#), the cornerstone of international environmental law, makes clear that states have the sovereign right to exploit their own resources. The surf tower being situated about one kilometre from the shore of Teahupo'o is without question inside the legal jurisdiction of the French Polynesian authorities to do as they see fit. However, where the environment is concerned a number of important [internationally recognised principles exist](#), which would give any sovereign authority reason to pause. Some of the most relevant here include: the duty [not to cause harm](#); the duty to act with [precaution](#); the necessity of [impact assessment reports](#) to be carried out; and the requirement of [public participation](#) in decision making. The question is, did these principles have any impact?

Once it became clear that opposition to the new tower existed a carefully choreographed dance began in which the Paris Organisers, the Polynesian Government, and the Haut Commissariat made all the right steps. The old tropes of [dialogue and transparency](#) were rolled out. Meetings were held, stakeholders heard, proposals considered and then [publicised to showcase](#) this was not a one surfer race. And yet, as if pre-ordained, it was the new aluminium tower plan that triumphed.

Outside the official consultation process, a peaceful protest took place with [some several hundred local people](#) in attendance of the 1500 native to Teahupo'o. In addition, a petition attracted in [excess of 250,000 signatures](#). Nonetheless, the construction went ahead with the leader of campaign group Vai Ara O Teahupo'o saying '[we've thrown in the towel](#)' and done '[everything that was possible within the limits of the law](#)'. Herein lies the crux of the issue, the law offers no tangible protection for the environment when matched against big enterprise chasing an agenda. The legal duty to involve local people in the decision making process was fulfilled, and so despite their opposition the first hurdle was overcome.

In the context of the no harm and precautionary principles, it appears the tower fell short of both early on in the building process. One of the construction barges ran aground, colliding with the coral causing irreparable harm and [distress to the local people](#). What processes and precautionary steps were in place to prevent this type of harm is unclear because the impact assessment reports are not readily available. Yet, it is evident that whatever the steps taken they were not nearly strident enough to protect the Teahupo'o coral. A pause in construction followed the harm, but this was [short-lived](#), and work soon began again.

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Arguments will be made that following consultations a [scaled back plan](#) was brought forward with the precautionary intent to have less impression on the marine environment. The Paris Organisers even spoke of minimal impact and all efforts being taken to protect the environment, which seems counterfactual when considering the [133 construction holes drilled into the coral](#). Despite the existence of the precautionary and no harm principles neither had a reach able to protect the coral from both intended and unintended harm. Largely because there is too much ambiguity surrounding what precaution actually means, and as long as impact assessment reports are carried out with risk seemingly negated, the legal hurdles are once more overcome.

French Polynesian President Moetai Brotherson effortlessly moved into propaganda mode suggesting the plans were [accepted by Polynesians](#). The organisers of Paris 2024 echoed this narrative with President Estanguet saying the decision '[was taken almost unanimously at the local level to go ahead with this construction](#)'. Yet, these assertions are misleading with campaign group [Vai Ara O Teahupo'o](#) still opposed and many local and [international surfers](#) publicly against the tower, including the [International Surf Association](#). Yet the project went ahead, showcasing that international environmental law is for the most part permissive, lacking vigour when faced with the momentum of a capitalist agenda.

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IV. Recommendations

Paris 2024 had an opportunity to install sustainability policies with a reach beyond [grand standing on a website](#). But when the choice was between environmental preservation and a flashy new tower the latter won with little consideration beyond legal formalities made of straw. So, what should happen going forward?

Without wishing to undermine the competitors, Olympic surfing should be boycotted. We the consumer should make a point of saying to the organisers of Paris 2024 and all who follow, where you situate unsustainable practices ahead of environmental and cultural preservation, we will not engage. In this instance and all surfing competitions going forward, there should be an environmental protection standard that if not met excludes the sport from the being part of the Olympics. And if this fails to materialise, a consumer led boycott should take place. In the case of Paris 2024 a boycott is the only tangible measure left available, which may also send a powerful message to those organising the 2028 Los Angeles Olympics.

Thinking legally, we urgently need a more robust means of implementing environmental protection. The principles of international environmental law are well intentioned, but barely enforceable. Some appear in the context of specific treaties, but even in such cases it is hard to bring them to bare in a manner that can challenge big business. Environmental law needs to become the pinnacle of legal regulation as opposed to a set of hoops to be cleared in pursuit of development. Impact Assessment reports should become definitive, and if a project is found to cause harm it should be cancelled. Moreover, such reports should be carried out by independent, transparent bodies that publish their findings, allowing the world to adopt an informed decision on the proposed plans and their impact.

Dialogue and consultation phases need to be more democratic in how the local people are involved. In this instance it should have been the ordinary voices of those living in Teahupo'o that mattered most. Once local opposition to a project is formalised it should have at least equal weight to that of proponents allowing a halt to any developments, thereby creating a scenario where genuine protection mechanisms are sought out. Taking such a step will we empower local people to protect their environment and their culture from far off corporate boardrooms.