



NATURAL RESOURCES JOURNAL

Volume 14
Issue 2 *Spring 1974*

Spring 1974

Marine Pollution and Sea Life, edited by Mario Ruivo

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Recommended Citation

Albert E. Utton, *Marine Pollution and Sea Life, edited by Mario Ruivo*, 14 Nat. Resources J. 300 (1974).
Available at: <https://digitalrepository.unm.edu/nrj/vol14/iss2/13>

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Marine Pollution and Sea Life

General Editor: Mario Ruivo

London: Fishing News (Books) Ltd., 1973, L 17 75p. Pp. 624

This book is an important contribution to the international attempt to understand and regulate marine pollution, since it is a comprehensive effort at bringing many disciplines together with the ultimate goal in the words of the dust cover of achieving "an authoritative factual survey, with a view to control and remedy. The ultimate remedy . . . lies in legislative control. . . ."

This book contains a wealth of scientific information and research studies from around the globe and presents regional studies from the North Sea to the Straits of Georgia. Particularly helpful are the sections on the behavior and fate of pollutants and their effects on the biology and life cycle of marine organisms. Studies deal with everything from the effect of oil pollution on flora and fauna to the effects of detergents on mollusks. The hazards of pesticides, radioactivity, and mercury are discussed, as well as the toxicity of oil-spill dispersants on marine life.

Section 4 deals with ecosystem modification and effects on marine communities and has a great variety of contributions stretching from the biological effects of oil pollution in the Santa Barbara Channel to the effect of various types of pollution on coral reefs. In spite of this comprehensive treatment, the book, of course, cannot touch on all aspects of marine pollution; but one rather obvious and curious void is the absence of any thorough discussion of the effects of pollutants on marine ecosystems in arctic climates. With the pioneering voyage of the *S. S. Manhattan*, one would have appreciated some treatment of the subject in this book.

However, the collection of scientific information relating to marine pollution is substantial and is gathered with a focused goal in mind. That goal is to provide a scientific basis for international legislative control of marine pollution. Thus, the last section is devoted to a survey of international and national legal controls for regulating and administering the marine environment, along with a discussion of the needs for scientific advice on pollution legislation. The book is testimony to the fact that environmental decision-making at the international level must be done on a multi-disciplinary basis. Lawyers and policy makers cannot act alone, but must act in "concert with marine scientists, economists, and other specialists concerned". (p. 613).

G. Moore, of the F.A.O., in his paper on the control of marine

pollution, makes the valuable point that whatever international machinery is designed, flexibility will be of fundamental importance. Change is going to be a key word; designers of international regulatory institutions are going to have to take a leaf out of Alvin Toffler's *Future Shock* and develop machinery which can accommodate the most frequent constant, that of change. As G. Moore says, "the classical method of treaty making, relying on the one-time formulation of permanent and inflexible norms . . ." (p. 613) is not likely to be adequate. Whatever international regulatory machinery that is created and put into operation, "whether at the regional or the global level, will need to be flexible enough to allow for the continuous input into its decision-making processes of the rapidly increasing and changing scientific information, and flexible enough to act on that information" (p. 613).

The point is correctly and of necessity made that international efforts cannot be divorced from the "paramount importance of adequate national water-pollution control machinery" (p. 613). It is impossible to separate inland water pollution from the pollution of estuaries and coastal waters. Estuaries and coastal waters may provide a greater capacity than inland waters for the dilution and dispersal of wastes, but pollutants, whether dumped into inland waters or coastal waters, end in the ultimate receptacle, the ocean, along with pollution from the high seas and seabed exploration.

In answering questions of what sort of international machinery is needed to control pollution of the marine environment, one has to conclude that uniform policies are desirable and that in many cases, global institutions are imperative; but at the same time, one cannot and should not underestimate the role that must be played by national and regional initiatives. It does have to be recognized that the states most directly affected by particular pollutants have the most direct interest in controlling those pollutants, and, therefore, are going to be reluctant to relinquish that control to those who are less directly affected. The prime case in point is Canada, which as a coastal state enacted comprehensive legislation (Canadian Arctic Waters Pollution Prevention Act [R.S.C. 1970, 1st Supp., c. 2]) providing for control of shipping in the fragile arctic environment.

Coastal states are going to require considerable control over activities off their coasts which pose significant threats to their national interests. Also, adequate national legislation regulating the dumping of wastes within the internal waters and coastal waters and the high seas is essential to protecting the marine environment. In addition, regional efforts such as those that may be taken in the

North Sea, the Baltic, the Mediterranean, or the Caribbean, may often be more effective than global efforts, and in many cases, regional resource-oriented institutional arrangements will be needed to act in concert with or to supplement global arrangements.

Whatever the mix of national, regional and global jurisdictions, if we are to design effective institutions to manage and protect the international environment, lawyers and policy-makers are going to have to work closely with the scientific community. We will have to work on the bases of sound scientific and ecological knowledge. This book will play an important role in consummating that marriage between policy-maker and scientific knowledge in the interest of protecting the marine environment.

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