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SOME OBSERVATIONS ON RESOURCES AND ECOLOGY—THE GULF OF CALIFORNIA

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It has become universally recognized that polluted air and polluted waters do not recognize boundaries or national sovereignty. It is clear that the very serious problems of pollution ultimately must be dealt with at the international level if a meaningful and lasting solution is to be achieved. For the foreseeable future, however, it is somewhat idle to look to the international arena for meaningful results. One must learn to walk before one learns to run. Countless international conferences have been held with somewhat dubious results. While it is true that the international meetings on the problems of the sea may have accomplished more than conferences on other international subjects, it is doubtful that any meaningful headway at that level will be achieved until a more substantial base has been built.

The first task at hand is the education of policymakers in each nation to the fact that we are dealing not merely with an academic or esoteric subject, but with an issue of utmost urgency which will determine life and death on this planet. The fact that some may be able to survive longer than others does not change the basic proposition. The biggest mistake any nation can make in addressing this problem is to consider it a problem of the rich nations or of the poor ones or a problem of the industrial rather than the nonindustrial countries. In all of its permutations, it is truly a universal problem.

Since there is the possibility of oil tanker traffic in the northernmost part of the Gulf of California to feed a pipeline which would then go to Yuma, Arizona, we must speculate on the devastation which could arise from a major oil spill. If external factors threaten the environment of the Gulf, reckless operation in or about the Gulf area can have equally serious consequences for others well beyond the Gulf. The dimensions of the problem are not always fully appreciated. In his book entitled *Supership*, Noel Möstert dramatically relates the emergence of the supertankers. In this one factor alone we have an entirely new and unprecedented phenomenon and threat to our oceans. One need only imagine as a graphic parallel the great football stadium of Mexico City floating on the waters brimful of oil. Such is the capacity of a supertanker. The largest cathedral in Europe could

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fit in any one of the three holding tanks of the largest supertankers. Even "normal" spillage from international tanker traffic ends up damaging our shores and our local wildlife in very substantial ways. Consider what a spill of such capacity would do to the commercial fishing, the tourism, and the natural environment of the Gulf.

It is not merely the emergence of the supertankers, but the actual convergence of several serious developments which have created a crisis calling for immediate action. We are witnessing a population explosion with unprecedented demand on natural resources; the exponentially growing danger of industrial wastes; the vast amounts of pesticides proliferated into our air and waters (many of whose aftereffects are still scientifically unknown); the widespread use of non-biodegradable refuse matter, and the public awareness (fueled by the Arab oil embargo two years ago) that we are living in a world of finite and dangerously diminishing resources.

Clearly, action must be taken. And while effective action can be taken sooner at the national and local level, there are many supportive steps which the international community could adopt. To cite but one example, Mexico and the United States could enter into a compact relative to the strict regulation and control of oil tankers operating in their waters. Such an agreement could:

1. Require the presence of an inspector onboard all oil tankers above a certain class or tonnage. It has been established that even in the absence of any accident and while merely engaged in their "normal operations," oil tankers inevitably pollute the oceans and the air. It would be the job of the inspector onboard to insure that such pollution is minimized by adherence to rules and regulations currently not enforced. Perhaps such inspectors could be employed by IMCO or some other international agency, to encourage professional independence.

2. Develop a set of conditions which would entirely exclude tanker traffic above a certain tonnage in certain sensitive areas. Clearly the Gulf is not a place for tanker traffic. It lacks the necessary current to wash out spills into the open seas. In this connection, it should be remembered that where an oil spill does wash out, it does not disappear or disintegrate; it simply creates a terrible situation elsewhere.

3. Impose mandatory training and certification of all personnel working on offshore platforms and on tankers above a certain tonnage. No nation in the world will allow a person to pilot a commercial plane and endanger the lives of its passengers; each nation insists on appropriate certification and training. It should be the same in the

case of operations as hazardous as offshore drilling and oil tanker operations.

4. Since it is now documented that pollution from oil tankers is inevitable, nation-states ought to consider the imposition of a pollution tax on every such ship which passes through its waters. Furthermore, in order for the tax to bear some relation to the actual and potential pollution threat, the tax ought to be graduated so that the bigger tankers will pay a higher tax rate. Until such time as such an approach is adopted by others, there is no reason why it cannot be applied by Mexico alone or bilaterally with the United States.

Mexico unilaterally can undertake other significant new measures of environmental self-protection. As it relates particularly to the Gulf, for example, the Mexican government may wish to consider legislation to limit annual fishing take from the Gulf to avoid the serious depletions which have been experienced elsewhere. In order to implement such a policy, the law would either impose a limit on the catch for any individual or boat, or it would require special licensing for Gulf fishing and would limit the number of such licenses issued in any one year. A by-product of such a policy would be a limitation on vessel activity in the Gulf and thus a corresponding reduction in its attendant pollution.

It has been suggested that those who impinge the most on our environment (for example, hunters, fishermen and tourists) should carry the burden of cleaning it up. Although it is equitable that the primary polluters should be carrying their full share of the burden of cleanup and conservation, the concept cannot be carried very far in practice. For example, where an area of land or water requires intensive conservation and exclusivity, the cost of such a policy may be very great, while the revenue may be very slight due to limited access to the polluting population. In other words, revenues and resultant costs would not have any necessary relationship one to another, and it is not fruitful to rely on this principle to any great extent.

It is important that we remain realistic in considering the question of who shall pay. While it may not be politically popular, the fact is that maintenance of a clean environment should be a general public expense. Moreover, there should be no illusion regarding the negative economic consequences which will flow from some of the actions to be taken. For example, if the government of Mexico is seriously concerned about conservation of a rich fish life in the Gulf for generations to come, it will obviously have to make the difficult decision of reducing the current volume of fish harvests. This in turn is

bound to have some negative effects on current tourist revenue, on current national gross product, and undoubtedly some effect as well on the current employment of many of the fishermen. But these difficult choices will always be there, and the fundamental problem cannot be solved by avoiding a decision.

It would be optimistic to say that the United States of America has demonstrated readiness to assume leadership by example. Certainly, a country with six percent of the world's population which consumes some 40 percent of the world's resources has a special responsibility. Unfortunately even with the great activity of many good environmentalist groups and the correct rhetoric from various political leaders, U.S.A. policymakers are still very slow to move in the right direction. No matter how the problem is analyzed, it turns out invariably that our government's failure is directly related to the overwhelming influence of the private corporations.

This, however, is not an obstacle unique to an economic system such as that of the U.S. More often than not, when the issues of rational energy development and environmental protection are considered, the possible diminution of profits for large-sized multinational corporations are involved. Sometimes these corporations are larger than nation-states in their gross production and in their gross revenues! The problem of regulating and controlling the activities and behavior of these multinationals has emerged as a major challenge because it involves more than a simple unilateral assertion of jurisdiction by any given nation-state.

There are a number of pressing items on any international agenda concerned with energy and environment. But certainly the development of a standard of conduct by which the multinationals could be held accountable for their actions should be considered of high priority.

Another difficult but pressing question is that of defining "compensable damages" resulting from pollution of the environment; that is, classifying and defining environmental crimes and specification of appropriate sanctions. One of the complexities built into this task is the fact that quite often the effects of environmental destruction are not immediately visible or discerned in their entirety; in the case of serious oil spills, scientists even today are divided on the long-range damage to fish life and ocean plants.

Presumably we do not question that posterity has rights. But how may a specific monetary value be placed on such rights, particularly when their full extent is not yet known? And even if it is known that an entire species of a special bird has been fully destroyed and will no

longer be available for the enjoyment of future generations, what value can we place on this?

Since we now know about the disaster we are perpetuating on our environment and since we now know how quickly we are depleting our diminishing natural resources, it is insanity to permit any further environmental despoilation or any major new development of our resources without first developing a rational national policy. Meaningful implementation and enforcement is needed much more than just a beautiful statement of principles. The problem is not one unique to one nation as opposed to another; it is a universal crisis. But each nation can make a significant difference.

RESUMEN

Es del conocimiento universal que el aire contaminado y las aguas contaminadas desconocen de límites o soberanía nacional. Si deseamos lograr un remedio significativo y duradero, los problemas de contaminación deben ser considerados a nivel internacional. La primer etapa es la educación de los que establecen las leyes acerca de este tema sumamente importante que determinará la vida o la muerte de nuestro planeta.

Considerando el hecho de la navegación de buques petroleros tipo tanque en el Golfo de California, se necesita considerar los resultados de un posible derramamiento de petróleo crudo. Un accidente de este tipo podría causar un enorme daño a la pesca, al turismo y al medio ambiente natural del Golfo. Esto hace evidente que la situación requiere de acción inmediata. México y los Estados Unidos pudieran concluir un convenio para la regulación y control de los buques petroleros tipo tanque en sus aguas respectivas. Tal convenio pudiera:

1. Establecer que un inspector viaje en los buques petroleros tipo tanque que excedan cierto tonelaje para asegurar que la contaminación no exceda el máximo permitido.

2. Establecer reglamentos para excluir a los buques petroleros tipo tanque de ciertas áreas susceptibles. Es obvio que el Golfo no está apropiado para el tráfico de buques petroleros tipo tanque. Las corrientes marinas son insuficientes para limpiar el agua de Golfo de ocurrir un accidente de tales proporciones.

3. Imponer la instrucción y certificación de todas aquellas personas que trabajen en buques petroleros tipo tanque y en plataformas costeras.

4. Considerar un impuesto de contaminación en todos los barcos que pasen por aguas territoriales de una nación. Un impuesto

graduado establecería impuestos mayores para las embarcaciones de mayor tamaño. México podría aplicar tal programa unilateralmente o conjuntamente con los Estados Unidos.

México podría también iniciar otras medidas para la protección de su propio medio ambiente. El Gobierno Mexicano para mantener la futura riqueza de la pesca en el Golfo, necesita limitar la pesca en el mismo.

Uno de los obstáculos para el establecimiento de leyes protectoras del ambiente son las corporaciones multinacionales. Entre los muchos temas relacionados con la energía y la ecología, uno de los más importantes es el desarrollo de un sistema que establezca la responsabilidad de estas organizaciones multinacionales. Otro problema es definir "daños compensables." Es difícil asignar un valor monetario a los derechos de generaciones venideras.

No es el problema de una nación u otra, sino una crisis universal, y cada nación puede hacer una contribución significativa.