

Sands & Peel: Protection of the Marine Environment (342-396)

Caroline Ferguson

Though we live on a “blue planet”, conservation and policy efforts tend toward the terrestrial. The ocean has traditionally been viewed as something of a black box; problematically, a healthy ocean looks exactly the same as an unhealthy one from the surface. It wasn't until that 1990's that the international community began making serious strides in marine protection, and today we still have a long way to go in conserving the oceans' natural resources. However, the ocean can also serve as a gateway to environmental policies in less-developed nations because the international community has a vested interest in preventing trans-boundary harm by encouraging the implementation of marine policies worldwide. Unlike terrestrial pollution and exploitation, the effects of ocean pollution do not remain localized. The ocean is a fluid and shared resource.

In 1990, the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) identified five principle threats to the ocean: (1) overfishing, (2) habitat loss, (3) pollution, (4) introduction of invasive species, and (5) climate change (342). In reality, major efforts have only been made to curb pollution, and this stressor has seen only limited policy improvements. Even if the international protocols and conventions regarding marine pollution were more stringent and had fewer loopholes, I identify two major gaps that would persist: (1) a bias toward coastal protections (2) but not coastal pollutants.

Bias Toward Coastal Protections

It is only natural for international agreements regarding the ocean to focus on the coasts. Beaches and intertidal zones are, after all, where humans interact most frequently with the ocean. This bias in marine policy would make sense if it more often concerned pollutants entering the ocean from the coasts, but in fact it usually appears in terms of protecting the coasts from pollution that occurs at sea. For example, Annex II of MARPOL 73/78 prohibits discharge of noxious substances within twelve miles of the nearest land and categorizes “special areas” (383). What’s essentially missing from this equation is the fact that water moves. A substance dumped twelve miles from land will eventually reach land, though in a more dilute concentration. Conversely, a substance dumped in the middle of the Pacific Ocean can still cause substantial harm not just to marine ecosystems, but also to people that rely on open ocean resources.

Bias Toward Pollutants at Sea

On the flip side, there are very few regulations of land-based pollutants, which comprise the plurality of marine pollution. Nutrient runoff from agriculture and livestock operations is responsible for eutrophication and the proliferation of dead zones like that found at the mouth of the Mississippi River. Plastic debris from land accumulates in the massive North Pacific Garbage Patch, where it kills seabirds and migratory animals like sea turtles. A thorough and effective marine pollution policy must emphasize land-based pollution, rather than ship-based pollution, which is a relatively minor source.