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Maritime Transport: The Evolution of International Marine Policy and Shipping

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Professional Reading 85

Gold, Edgar. *Maritime Transport: The Evolution of International Marine Policy and Shipping Law*. Lexington, Mass.: Lexington Books, 1981. 425pp. \$34.95

For good reason, the law of the sea is of growing concern to many nations. Traditional concepts of the law are no longer adequate as they apply to the ever-expanding and legitimate concerns of all nations. Human survival itself may depend on the wise and equitable use of the seas' resources.

Mr. Gold, both a master mariner and a professor of law, shows that maritime law became divided into "private" and "public" areas in the early 19th century. Private laws were influenced by ship-owners and dealt with commercial rules regarding carriage of cargoes, seamen's rights, insurance, and salvage. Public laws continued to be concerned with territorial rights, state jurisdiction on the high seas, coastal and international fisheries, and the rules pertaining to naval warfare. The divergence of private and public maritime law was noted by Maître Louis Franck, president of the Comité Maritime International at the first conference of this organization at Brussels in 1897. This meeting was convened primarily to unify and to codify existing regulations in the private sector. The desirability of bringing the two areas of regulation closer together was noted by Mr. Franck but no further action in this regard was undertaken by the C.M.I.

The establishment of the United Nations and the growing influence of newly independent nations collectively grouped with other less-developed countries have brought wide recognition of the need for appropriate maritime laws combining the private and public areas. Attempts to bring together these two major streams of maritime law have taken place in meetings of the United Nations Conference on the Law of the Sea. During the first gathering, UNCLOS I, in 1958, primary attention

was focused upon the public law and the seas as a resource for food, minerals and energy. Discussions at UNCLOS II centered upon the same topics but with little further progress towards regulations which might be acceptable to all nations represented. The use of the seas for transportation was scarcely mentioned. During UNCLOS III, in 1973, the involvement of marine transportation was recognized, not for the purpose of carriage of cargo but because of the impact of ship-generated pollution and its effect upon the sea as a food resource. Broader consideration of transportation issues may be expected from future conferences.

Maritime transport and laws relating to the carriage of cargoes have received increasing attention at meetings of the United Nations Conferences on Trade and Development. The less-developed countries have been vocal in this arena, and Mr. Gold's book helps the reader understand their point of view. They appear to want to force private marine transportation to come under strict international regulation and to bring about cargo-sharing or other means of obtaining financial benefit from the private carriage of goods to and from their shores.

Mr. Gold states, "Like everything else in the late twentieth century, the uses of the ocean will be complicated and fraught with conflict in search for greater equity for the widely differing interests of people in a very unevenly divided world." This is an appropriate summation of the challenges facing the decision-makers in all areas of marine transportation.

The book combines a comprehensive history of maritime law and public policy in a highly readable volume of great relevance to the problems of the 80s. The completeness of coverage is evident from the headings of various chapters such as: The Evolution of Marine Transport, The Creation of Maritime Power, and the International-

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ization of Marine Transport. Information has been gathered from many sources and these are abundantly quoted and annotated. Its value as a good reference source is enhanced by the inclusion of separate lists of abbreviations, statutes, and law cases. The bibliography is divided into 13 subject categories extending to 33 pages. There is a complete index.

Those interested in marine transportation will find *Maritime Transport: The Evolution of International Marine Policy and Shipping Law* a worthy addition to their libraries. Scholars of maritime history, maritime lawyers, and persons concerned with maritime policy will appreciate its value as a most complete and thoroughly researched reference work.

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Staar, Richard F., ed. *Yearbook on International Communist Affairs, 1981*. Stanford, Calif.: Hoover Institution Press, 1981. 502pp. \$35

As the fifteenth consecutive volume in this outstanding series, the 1981 *Yearbook* covers a wide array of trends and events during the year 1980 among the world's communist parties and the nations they control. Amidst the always lively crosscurrents of international communist affairs, the massive Soviet military intervention in Afghanistan, the acute unrest in Poland, and the continuing Vietnamese military conquest of Cambodia all loomed large. Representing a heightened propensity towards military activism as a major way of solving both domestic and external problems, these further mark the pronounced ideological emptiness of communism as an international political movement. In light of more recent events, particularly in Poland,

this edition again reveals the *Yearbook's* value as a detailed and incisive reference work. While its purchase price of \$35.00 appears high, its combination of high-quality analysis and extensive coverage makes the *Yearbook* a worthwhile investment.

With its country-by-country profiles of communist party organizations, both those in and those out of power, the *Yearbook* series consistently has permitted a broad appreciation of the unity and diversity of Marxism-Leninism as a global political movement over the past two decades. The 1981 edition is no exception. Its coverage for 1980 and early 1981 serves as an excellent prelude to the present. The introductory overview by editor Richard F. Staar, who since has joined the Reagan administration in a key diplomatic assignment, bears witness to that sense of currency. Probably it could stand on its own merits as a solid survey of major cross-currents and events in the communist world that bear watching for the future. That air of timeliness is also readily apparent in the section on communist front organizations and the comprehensive bibliography of recent publications on communist affairs. For its substantive analysis and timeliness, then, the *Yearbook* is perhaps matched only by the International Institute for Strategic Studies' annuals, *The Military Balance* and *Strategic Survey*.

In general, the national profiles on communist parties are high-quality contributions by recognized experts in their respective specialty areas. Students of Asian affairs, for example, will readily recognize the familiar bylines of Justus M. van der Kroef (Indonesia), Douglas Pike (Vietnam), Arthur J. Dommen (Laos) and Peter A. Poole (Kampuchea). Likewise, those familiar with Latin America, the Middle East, or Eastern Europe will find contributions by such authorities as Robert J. Alexander (Argentina, Bolivia and Brazil), William Ratliff (Guayana and Jamaica),