

QUINCY WRIGHT, 1890-1970

On October 17, 1970, the Board of Editors of this JOURNAL lost its senior member in length of service, Quincy Wright, who became a member of the Board in 1923 and served for nearly half a century. Readers of the JOURNAL over the years are well aware of the extent of Professor Wright's contributions to its pages on subjects ranging over the whole field of international law. Professor Wright was a widely known scholar, teacher and writer who devoted his activities to the study of war and the exposition of the means to preserve and restore peace in the world. He was a constant contributor to the JOURNAL, and its pages carry his articles and comments on the rules of law involved not only in the major wars but also in the lesser international disputes and conflicts of this century, from the bombardment of Damascus and the Mosul dispute in the early 1920's to the Middle East conflict of today.

Professor Wright had a long career as a teacher, first as an instructor in international law at Harvard University, then as Professor of Political Science at the University of Minnesota from 1919 to 1923, at the University of Chicago from 1923 to 1931, and subsequently as Professor of International Law at the University of Chicago, where he became professor emeritus in 1956. He taught at the University of Virginia as Professor of International Law from 1958 to 1961, when he became professor emeritus. After his retirement from the Universities of Chicago and Virginia, Professor Wright was visiting professor at the Indian School of International Studies at New Delhi, American University at Cairo, Egypt, Ankara University, Turkey, Makerere University, Uganda, and Columbia, Cornell, Syracuse and Rice Universities in the United States.

During World War II Professor Wright served as consultant to the Department of State, and, during the Nuremberg Trials, was technical adviser to the U. S. member of the International Military Tribunal. He was later consultant to the U. S. High Commissioner for Germany.

Professor Wright was active in many professional and scholarly organizations and served as president of several of them, including the American Association of University Professors, the American Political Science Association, the International Political Science Association and the United Nations Association of Greater Chicago. He was President of the American Society of International Law from 1955 to 1956. He was an Associate Member of the *Institut de Droit International*. In 1953 he shared with Professor William F. Cottrell of the University of Miami the Norwegian Science Prize for research in peace, and had recently been proposed for the Nobel Peace Prize.

Professor Wright's presence and views will be sorely missed both in the pages of the JOURNAL and in the gatherings of its editors, as well as in the annual meetings of the American Society of International Law, where he contributed so much to the discussions. He joined the Society in December, 1916, and was a member emeritus.

He was the author of several books dealing with questions of war and peace and international law. There will be published in a later issue of

the JOURNAL a full critique of Professor Wright's contributions to the promotion of the Society's purpose, as expressed in the motto on its seal, "*Inter gentes jus et pax*," which appears on the cover of the JOURNAL. His colleagues can presently express only their deep sense of loss of a genial friend and inspiring scholar and teacher.

ELEANOR H. FINCH

ARCTIC ANTI-POLLUTION: DOES CANADA MAKE—
OR BREAK—INTERNATIONAL LAW?

The seas continue to be fertile for international law and for international controversy garbed as controversy about law. Canada's recent actions with respect to the Arctic Sea and United States reactions to them might have been couched in the favored lawyer's latinisms: *mare liberum* and *res communis omnium*, *pacta sunt servanda* and *rebus sic stantibus*, *lex lata* and *de lege ferenda*, *non liquet*, *consensus omnium* and *opinio iuris*, as well as that classic of legal as of other human argument, *tu quoque*.¹

The story to date has been widely told. Briefly, last spring Canada enacted two statutes: one extended Canada's territorial sea to twelve miles and authorized the establishment of exclusive fishing zones beyond twelve miles; the other declared an "anti-pollution" zone up to 100 nautical miles from Canada's Arctic coast,² forbade pollution in that zone, imposed penalties and civil liability for violations (including unintentional violations), and authorized comprehensive regulation and inspection of vessels to prevent pollution.³ At the same time, Canada modified its declaration under Article 36 of the Statute of the International Court of Justice to decline compulsory jurisdiction as regards issues arising out of its anti-pollution measures.

The United States reacted publicly and sharply, criticizing Canada for acting unilaterally instead of pursuing change by international agreement, challenging the legality of her actions, and offering to have them litigated before the International Court of Justice. Canada replied, equally tartly, that repeated efforts to obtain satisfactory international agreement had failed and that it "cannot accept in particular the view that international

¹ Not irrelevant were some renowned latinate derivatives: *laissez-faire* and *fait accompli* and classic manifestations of Georges Scelle's *dédoublement fonctionnel*.

² The legislation on pollution discussed here appears as Bill C-202, 2nd Sess., 28th Parliament, 18-19 Elizabeth II, c. 47 (1969-70). It is reprinted in 9 Int. Legal Materials 543 (1970). Canada's declaration concerning the compulsory jurisdiction of the I.C.J. is there at p. 598.

³ *E.g.*, any deposit of waste must be reported (Sec. 5). The Governor in Council can require evidence of financial responsibility as a condition of passage (Sec. 8). He is authorized to prescribe shipping safety control zones, establish regulations for ships navigating in those zones and prohibit navigation by vessels that do not comply; regulations may include requirements for hull and fuel tank construction, navigation and safety equipment, pilotage and ice-breaker escort (Secs. 11, 12). He may order the removal or destruction of ships or cargo which threaten pollution (Sec. 13), and may appoint officers with comprehensive powers to inspect vessels (Secs. 14-17). Many of the provisions apply as well to other activities which threaten pollution, *e.g.*, the exploration and exploitation of natural resources.