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Ph.D. THESIS

VESSEL SOURCE POLLUTION
and
KEY INTERNATIONAL CONVENTIONS:
A CASE FOR CHANGE

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ABSTRACT

Pollution from vessels cannot be controlled effectively without the involvement of flag States. They have the primary responsibility for ensuring that the vessels which fly their flags comply with all applicable international rules and standards relating to vessel source pollution. Compliance with such rules and standards involves additional operating costs for ship-owners. Thus, in the highly competitive international maritime transport industry, there are many incentives for flag States not to prejudice their pursuit of comparative advantage by ensuring that their flag vessels comply with the applicable rules and standards. Enforcing their flag vessels to comply is not a rational choice. Accordingly, flag States must be given reasons to ensure that their flag vessels do comply with pollution control rules and standards if the problem of vessel source pollution is to be resolved. Neither of the two international Conventions which regulate the control of vessel source pollution, namely MARPOL and UNCLOS III, gives flag States reasons to ensure the compliant operation of their flag vessels. For that reason, neither Convention can claim to be an effective means for controlling pollution from vessels. There is, however, emerging evidence of flag State commitment to the control of vessel source pollution in response to the application of regional Port State Control measures. From the perspective of flag States, one aspect of the application of the concept of Port State Control is of concern - that is the legal basis of the control measures which are being taken against their flag vessels for violations of MARPOL's rules and standards.