Editorial Note

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Marine Environmental Protection in Asia
Regional Implementation of IMO Conventions

David Freestone
George Washington University Law School, USA
dfreestone@law.gwu.edu

Moon Sang Kwon
Korea Institute of Ocean Science & Technology (KIOST), Korea
mskwon@kiost.ac.kr

Seokwoo Lee
Inha University Law School, Korea
leeseokwoo@inha.ac.kr

Volume 2, Issue 2 of the Asia-Pacific Journal of Ocean Law and Policy (APJOLP) is a special edition of the Journal that features articles that address key issues related to the regional protection of the marine environment in Asia from ships and offshore facilities, including the implementation of existing International Maritime Organization (IMO) regulations and other obligations, along with discussion of possible additional measures that could be enacted regionally or globally. The articles appearing in this volume are a selection of papers from the 2016 LOSI-KIOST Ocean Law and Policy conference entitled “Marine Environmental Protection in Asia: Regional Implementation of IMO Conventions” that was held in Singapore in August 2016, co-organized by the Centre for International Law (CIL), National University of Singapore, Korea Institute of Ocean Science & Technology (KIOST), and Law of the Sea Institute (LOS1), University of California, Berkeley.
The International Maritime Organization (IMO) is a specialized agency of the United Nations, based in London. It was established in 1948. It was originally known as the Intergovernmental Maritime Consultative Organization (IMCO) but its name was changed in 1982 to the IMO. The purposes of the Organization, as summarized by Article 1(a) of its constitutive Convention – the International Convention on the Maritime Organization – are “to provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships”\(^1\). The IMO is also empowered to deal with administrative and legal matters related to these purposes.

The IMO has sponsored a complex web of international instruments regulating international maritime shipping and vessel-source pollution issues.\(^2\) Over the years it has developed an important role in the prevention and control of marine pollution from vessels. Its primary environmental instrument is the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the 1978 Protocol (MARPOL 73/78), which, through its various substance-based annexes, regulates a wide range of discharges at sea. MARPOL also envisages the establishment of Special Areas where more rigorous discharge restrictions may apply. One of these is in the Southern Ocean, in an area that includes the high seas.

One of the distinctive features of the IMO legal regime is its use of what is called the “tacit amendment procedure.” As with other treaty regimes, amendments to the early IMO conventions came into force only after a percentage of Contracting States, usually two thirds, had accepted them. This often meant that more acceptances were required to amend a convention than were originally required to bring it into force in the first place, especially where the number of States which are Parties to a convention was large. This practice also led to long delays in bringing amendments into force. To remedy the situation an innovative new amendment procedure was devised. This procedure has been

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