China’s Law and Practice as a Coastal State for the Prevention of Vessel-Source Pollution

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Introduction

China is a major maritime nation with 18,000 km of mainland coastline. The marine environment is of fundamental importance for China's economic development and environmental protection. According to the National Report on Social and Economic Development, in 2010, China imported 239.31 million tonnes of crude oil and 36.88 million tonnes of refined oil. Approximately 95 percent of oil imports are carried by maritime transportation. This creates significant risk of marine pollution such as oil, oily wastes and invasive species from ballast water. Globally, maritime transport is responsible for 12 percent of total marine pollution. The United Nations Convention on the Law of the Sea (UNCLOS) deals with vessel-source pollution through Part XII on Protection and Preservation of the Marine Environment, Part II on the Territorial Sea and Contiguous Zone, and Part V on the Exclusive Economic Zone. Under UNCLOS, the legislative or enforcement jurisdiction that a State may exercise in respect of a particular vessel varies according to whether it is a flag, coastal or port State. UNCLOS creates a jurisdictional regime for the prevention of

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1 As of 1 January 2013, Chinese ownership of vessels was ranked third in the world. Chinese shipowners control 11.78 percent of the total world deadweight tonnage. See United Nations Conference on Trade and Development (UNCTAD), Review of Maritime Transport 2013 (Geneva: UNCTAD, 2013), p. 43.


5 R. Churchill and A. Lowe, The Law of the Sea, 3rd ed. (Manchester: Manchester University Press, 1999), p. 344. Flag State is the State whose nationality a particular vessel has. The UNCLOS
vessel-source pollution. Furthermore, UNCLOS has designated the International Maritime Organization (IMO) as the competent international organization to deal with vessel-source pollution. Under the auspices of the IMO, a number of conventions have been adopted to tackle the aforementioned problems such as the International Convention for the Prevention of Pollution from Ships (MARPOL) and the International Convention for the Safety of Life at Sea (SOLAS).\textsuperscript{6}


However, in practice, how China implements and enforces UNCLOS and the IMO's conventions is to a large extent unknown. There is also limited public information that can be collected from desk-based research alone. In China, the prevention of vessel-source pollution has attracted little interest from academics to date. In addition, government decision-making processes are not widely available to the public. Although more may currently be known about China's policy deliberations and governmental administration than at any previous time, it remains difficult to find sufficient information for analysis. Without a comprehensive understanding of China's social system and culture, it can be challenging for outsiders to fully understand the complex structure of Chinese legislation and how it is implemented.\textsuperscript{8}

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