

PREFACE

Marine Pollution has become a major issue of International Law in recent years. A number of rules have developed, in particular through international conventions, for the prevention, reduction and control of marine pollution. Although a lot remains to be done, what could be called the Law of Marine Pollution has come into existence. This is the object of the present study. The analysis, although predominantly legal, is not limited to an interpretation of existing rules: it is extended to the whole law-making process, the law formative factors and their interdependence, thus entering the area of international politics.

The study is composed of four parts. The first is general in nature. After a brief review of the conventions concerning marine pollution and a consideration of marine pollution as a legislative problem, some emerging principles of the Law of Marine Pollution are examined, including basic concepts, law-making, enforcement, the problems of responsibility/liability for pollution, settlement of disputes, the role of the individual and certain economic aspects in the Law of Marine Pollution. The first part concludes with a brief review of the results of the UN Conference on the Human Environment on marine pollution, as the basis for all subsequent developments.

The second and third parts form the main body of the study. They include a detailed analysis of the Oslo and London Conventions on Dumping at Sea and the IMCO Convention on Marine Pollution, 1973. The analysis takes into account the preparatory works and provides an interpretation of the Conventions. In this connection some more general conclusions are drawn, useful for an understanding of the law on marine pollution and the Law of the Sea in general. The analysis of all three Conventions follows the same basic pattern (scope of application - area, form of pollution, substances - main rules, enforcement, jurisdictional aspects, procedural matters) as a general pattern in the development of environmental law on marine pollution.

The fourth part of the study is dedicated to a brief review of the negotiations in and the results of the Third United Nations Conference on the Law of the Sea to date.

The study is concerned with conventional law on marine pollution, in particular from dumping and ships where conventional law is more developed. At the same time, however, the relevant conventions are viewed in the context of a wider law-making process. Although earlier conventions are taken into account, the analysis focuses on the developments from 1972 to 1979, a period in which the Law of the Sea has undergone revolutionary changes and the Law of the Environment, in the contemporary sense of the term, was literally born.

The work is extensively based on diplomatic documents and on experience acquired during the major environmental conferences I had the opportunity to attend (UN Conference on the Human Environment 1972, London Conference on Dumping at Sea 1972, IMCO Conference on Marine Pollution 1973, UN Conference on the Law of the Sea 1974-1979). The research into the extensive literature on the subject was carried out at the Libraries of the Universities of London and Athens, at the United Nations Libraries (New York and Geneva), and at the Institute of Advanced Legal Studies in London. Among the publications issued at a time when they could not be taken into account in this study, special reference should be made to the important work of R.M. M'Gonigle & M.W. Zacher, *Pollution, Politics, and International Law*, Berkeley - Los Angeles - London (Univ. of California Press) 1979.

I wish to express my deep gratitude to my teacher and friend Professor E.D. Brown, Centre for Marine Law and Policy, UWIST, Cardiff, for his invaluable encouragement in the preparation of this study. I am also indebted to Professor K.R. Simmonds, who recommended the publication of the study. My effort to collect the relevant documents was considerably facilitated by the kind assistance of many friends in the appropriate ministries of various countries, the United Nations, IMCO and UNEP; my thanks are due to them. Finally, it should be acknowledged the patient assistance of Mrs. A. Kissonas in typing both the original and the camera-ready typescripts.

Piraeus,
January 1980

G.J.T.