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Protecting the Malacca and Singapore Straits from Ships' Atmospheric Emissions through the Implementation of MARPOL ANNEX VI

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Abstract

The International Maritime Organization (IMO) adopted legally binding regulations for the control of ships' atmospheric emissions under Annex VI of the International Convention for the Prevention of Marine Pollution from Ships, 1973/78. With Singapore, Malaysia and Indonesia being States Parties thereto, consequently, one of the effects in the Malacca and Singapore Straits is that it enables the Straits States, together with the IMO, to designate emission control areas for the approximately 75,000 ships transiting annually. This article examines the robust provisions of Annex VI for the marine environmental protection of the Straits and the contentious debates preceding an otherwise dead-locked technology-transfer resolution for implementing Annex VI. If implemented, Annex VI provisions will represent a unique milestone in the protection of the marine environment of the Straits which is regulated by the restrictive provisions of Part III of the 1982 United Nations Convention on the Law of the Sea.

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Keywords

Straits of Malacca and Singapore – Law of the Sea Convention – MARPOL Annex VI – sustainable global shipping – technical resolution debates

Introduction

Atmospheric shipping emissions¹ are regulated by the International Maritime Organization (IMO)² through Annex VI of the International Convention for the Prevention of Marine Pollution from Ships 1973, as amended by the Protocol of 1978 (MARPOL 73/78).³ To address global and local air pollution from ships, the IMO adopted MARPOL Annex VI by the “1997 Protocol”. This Protocol sets out specific detailed technical regulations⁴ which are frequently⁵ improved

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- 1 IMO, Technical and Operational Measures, available at <http://www.imo.org/OurWork/Environment/PollutionPrevention/AirPollution/Pages/Technical-and-Operational-Measures.aspx>, accessed 30 August 2013. These are oxides of nitrogen and sulphur, volatile organic compounds and ozone-depleting substances. See Y Shi, “Greenhouse Gas Emissions from International Shipping: The Response from China’s Shipping Industry to the Regulatory Initiatives of the IMO” (2014) 29 *International Journal of Marine and Coastal Law* 77–115.
 - 2 Introduction to IMO: History of IMO, available at <http://www.imo.org/About/Pages/Default.aspx>, accessed 28 August 2013.
 - 3 Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (London, 17 February 1978, in force 2 October 1983) 1340 *UNTS* 61; E. Louka, *International Environmental Law: Fairness, Effectiveness and World Order* (Cambridge University Press, Cambridge, 2006) 93. Before MARPOL 73/78, a specialized convention, there was the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 (London, 12 May 1954, in force 26 July 1958) 327 *UNTS* 3; and the 1958 Geneva Convention on the High Seas (Geneva, 29 April 1958, in force 30 September 1962) 450 *UNTS* 11, one of the predecessors of the 1982 United Nations Convention on the Law of the Sea (Montego Bay, 10 December 1982, in force 16 November 1994) 1833 *UNTS* 396.
 - 4 Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (Including Annex VI (Revised Version as of 2011)) (MARPOL PROT 1997/ANNEX VI) (London, 26 September 1997, in force 19 May 2005) [2007] *ATS* 37.
 - 5 For instance, IMO Marine Environment Protection Committee (MEPC) 68 considered more than 44 documents on air pollution and energy efficiency; Report of the MEPC on its 68th Session; MEPC 68/21; 29 May 2015; available at http://www.mpa.gov.sg/sites/pdf/mepc68_21_report_68session.pdf, accessed 28 December 2015.