

Abstract

The issue of prevention of air pollution from ships has risen for many years, but the endeavour to solve this problem has been effective in recent years owing to the fact that several impacts of air pollution have just obviously observed. This, in turn, brings many countries serious aware of air pollution impacts on creatures as well as researching in detail to indicate various kinds of its negative causes and results. Based upon many researches, global warming, one of air pollution critical drawbacks, possibly lead to unpleasant conditions, such as, world's climate change, melting of the South and the North pole's icebergs owing to temperature rising rapidly or decreasing in intensify of ocean, resulting in lack of natural resources, food and habitats or even causing extinction of world's creatures, including human. Therefore, all nations have continually found the best international solution by drafting and issuing international agreements. Finally, in 1997 the Regulation on Prevention of Air Pollution from Ships (as the Annex VI of the International Convention on Prevention of Marine Pollution from Ships 1973/1978 or known as "MARPOL" presented by the Protocol 1997) was issued. This new regulation has constantly received warming responses among international community as obviously notice from the number of convention members, which was up to 49 states accounting for 79.30 of world tonnage (information on May 2008). Moreover there are a lot of familiar trading parties with Thailand accepting the regulation on prevention of air pollution of MARPOL, including but not limited to the United Kingdom, the Republic of China, Japan, Singapore, Australia, France, Italy and Korea. It obviously means that many members of Thai fleet, which would voyage into their ports in order to uploading or downloading cargoes, would be forced indirectly by the implemented law of such port states, even though our country will not approve or accept the regulation. This, in turn, possibly brings various inconvenient situations to Thai carriers, such as repeated survey and inspection at every port or arrest of ships in order to force them to do in accordance with the regulation; resulting in delay of ships and other unnecessary expenses of the carriers.

All things considered, those all situations bring Thai scholars and government many critical academic points nowadays. First of all, they aim to focus and to study on the MARPOL regulation, especially Annex VI relating to prevention of air pollution. Moreover, they also concentrate on the significant role of the regulation, both among international level and in Thailand, and its impacts on Thai fleet before reaching the important question, which is that whether Thailand could approve the regulation of air pollution in Annex VI of MARPOL, as well as inspection on present related Thai laws that they are sufficient to implement or not.

Based upon documentary research on MARPOL regulation and its effects, this thesis focuses and analyses various problems and legal importance about to an occurrence of international regulation on air pollution from ships on Thailand and found that if Thailand decided to approve and accept the MARPOL regulation on air pollution from ships, this would lead to many advantages, particularly for Thai fleet and Thai carriers, which outweigh the drawbacks. By this policy, Thai government should have to amend the internal related Thai law in order to make them in accordance with the MARPOL regulation first. Since none of present Thai laws is not mention about the topic of air pollution from ships at all, even though there are some of them deal with the marine pollution from ships.