

**MARINE ENVIRONMENTAL DISPUTE  
RESOLUTION, CHALLENGES AND LESSONS FOR  
PAKISTAN**



**Mian Jamal Nasar  
01-278191-005**

*Supervised by: Miss Amina Saadia*

Department of law  
**Bahria University Islamabad Campus**

**January 2021**

## **THESIS COMPLETION CERTIFICATE**

Scholar's Name: Mian Jamal Nasar

Registration No. 01-278191-005

Programme of Study Master of Law

Thesis Title: “MARINE ENVIRONMENTAL DISPUTE RESOLUTION, CHALLENGES AND LESSONS FOR PAKISTAN”

It is to certify that the above student's thesis has been completed to my satisfaction and, to my belief, its standard is appropriate for submission for Evaluation. I have also conducted plagiarism test of this thesis using HEC prescribed software and found similarity index is within the permissible limit set by the HEC for the MS/MPhil degree thesis. I have also found the thesis in a format recognized by the BU for the MS/MPhil thesis.

Principal Supervisor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Ma'am Amina Saadia

## **AUTHOR'S DECLARATION**

I, Mian Jamal Nasar hereby state that my LLM thesis titled “MARINE ENVIRONMENTAL DISPUTE RESOLUTION, CHALLENGES AND LESSONS FOR PAKISTAN” is my own effort and has not been submitted previously by me for taking any degree from this university Bahria University Islamabad Campus, Islamabad or anywhere else in the country/world. At any time if my statement is found to be incorrect even after my Graduation the university has the right to withdraw/cancel my LLM degree

Name of student: Mian Jamal Nasar

Date: \_\_\_\_\_

## **PLAGIARISM UNDERTAKING**

I, solemnly declare that research work presented in the thesis titled “MARINE ENVIRONMENTAL DISPUTE RESOLUTION, CHALLENGES AND LESSONS FOR PAKISTAN” is solely my research work with no significant contribution from any other person. Small contribution / help wherever taken has been duly acknowledged and that complete thesis has been written by me. I understand the zero tolerance policy of the HEC and Bahria University towards plagiarism. Therefore, I as an Author of the above titled thesis declare that no portion of my thesis has been plagiarized and any material used as reference is properly referred / cited.

I undertake that if I am found guilty of any formal plagiarism in the above titled thesis even after award of LLM degree, the university reserves the right to withdraw / revoke my LLM degree and that HEC and the University has the right to publish my name on the HEC / University website on which names of students are placed who submitted plagiarized thesis.

Student / Author’s Sign: \_\_\_\_\_

Name of the Student: Mian Jamal Nasar

## **DEDICATION**

Dedicated to my Supervisor Ma'am Amina Saadia and then to

My Mother,

My Father

And my Brothers And

Specially dedicated to My Friend Mr. Shamsheer Ali

## **ACKNOWLEDGMENT**

I would like to thank Allah Almighty for His endless blessings and due to Him; I was able to accomplish this work. This work would not have been possible without the support of my supervisor. I am thankful to her for supporting and guiding me at every step of my research, her motivation meant a lot to me. I am very grateful to Library staff and office staff of Bahria University Islamabad for guiding me at every step.

I want to thank my family and I would like to thank Mr. Muhammad Hadi Hamdani for always cheering and supporting me up during research work. I want to thank my all dear friends and class fellows who always support me academically and emotionally throughout my research.

## TABLE OF CONTENTS

THESIS COMPLETION CERTIFICATE.....	ii
AUTHOR’S DECLARATION.....	iii
PLAGIARISM UNDERTAKING .....	iv
DEDICATION.....	v
ACKNOWLEDGMENT.....	vi
ABSTRACT.....	x
INTRODUCTION .....	1
LITERATURE REVIEW .....	1
RESEARCH QUESTIONS .....	3
OBJECTIVES OF THE RESEARCH .....	4
RESEARCH METHODOLOGY.....	4
Chapter 1.....	6
MARITIME LAW ON ENVIRONMENT.....	6
1.1 Introduction.....	6
1.1.1 United Nation Conference on The Law of Seas .....	6
1.1.2 Convention on Biological Diversity 1992 .....	7
1.1.3 Stockholm Declaration 1972.....	8
1.1.4 Rio Declaration on Environment 1992 .....	8
1.2 Marine Environment in light of case laws .....	8
1.3 History and Background of Environmental Laws .....	9
1.3.1 Traditional Phase .....	10

1.3.2 Modern Era .....	11
1.3.3 Post Modern Era .....	11
1.4 Maritime Pollution and IMO .....	11
1.5 Dispute Resolution in Maritime Cases .....	13
1.5.1. Interim Measures in Dispute Resolution.....	13
1.6 Arbitration as an approach for maritime dispute resolution .....	14
CHAPTER 2 .....	15
PAKISTAN LEGAL FRAMEWORK.....	15
2.1. Domestic Laws on Maritime Environment .....	16
2.1.1. Pakistan Environment Protection Act 1997 .....	17
2.1.2. Constitution of Pakistan .....	17
2.1.3. Environmental Divisions.....	18
2.1.4. Pakistan Environmental Protection Council .....	18
2.1.5. Pakistan Environmental Protection Ordinance 1983 .....	18
2.2. Loopholes in Domestic Laws .....	19
2.3. Pros and Cons of Legislative Approach on Marine Conservation .....	20
2.4. Sea Environment and Blue Economy of Pakistan .....	21
2.5. Sea Blindness in Pakistan .....	24
CHAPTER 3 .....	25
SHIPPING AND ITS EFFECT ON GLOBAL ENVIRONMENT .....	25
3.1. Effects on Global Environment .....	25
3.1.1. Ballast Water.....	26
3.1.2. Sound Pollution.....	26
3.1.3. Wildlife Collisions .....	27
3.1.4. Atmospheric Pollution .....	28



3.1.5. Oil Spills .....	28
3.1.6. Wastewater.....	29
3.1.7. Solid Waste .....	29
3.1.8. Bilge Waste.....	30
3.2. International Law of Marine Conservation.....	30
3.3. Maritime Dispute Resolution and Commercial Law Challenges .....	36
RECOMMENDATIONS AND CONCLUSION .....	42
RECOMMENDATIONS .....	42
CONCLUSIONS.....	46
BIBLIOGRAPHY .....	51

## **ABSTRACT**

Natural resources management has been an important issue remained throughout the subject of International law for more than 500 years. Maritime law is not a new field as throughout the past of our lives, trade route has been through sea. All the countries are highly dependent on Sea trade. But the question arose when disputes appear between states or companies in the course of trade. Arbitration is one of the important means of peaceful resolution between the parties. Pakistan is also involve in trade through sea and ship breaking and the disputes are related to maritime law. Arbitration is one of the important aspects to be focused. But Pakistan has not done enough legislation to secure the profit ends to boost economy. As we can see that these matters are of a few millions but are of potentially billions of dollars. It is greatly undermined what potential maritime affairs usually carry and it is greatly undermined the benefits that can be reaped from a strong maritime arbitration foundation.