
STUDENT CONTRIBUTION

Gigantic Shipbuilders under the IMO Mandate of GHG Emissions: With Special References to China, Japan and Korea

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To address greenhouse gas emissions from international shipping, the International Maritime Organization has adopted technical and operational measures, and discussed the possibility of adopting market-based measures. China, Japan and South Korea are major shipbuilding nations in the world, and have differing responses towards the IMO's regulatory initiatives. This paper conducts a comparative assessment of these three countries' positions on regulatory principles of the greenhouse gas issue, and concludes that their differentiated perspectives on this matter reflect their different regulatory interests. It is significant to take their differentiated interests into account in the developing regulatory regime to avoid disproportionate burdens being placed on certain countries, in particular developing countries.

Keywords

Greenhouse Gas, International Shipping, CBDR Principle, China, Japan, South Korea

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I. Introduction

Climate change is one of the most significant challenges to the mankind of the 21st century. This new phenomenon requires “substantial and sustained reductions of greenhouse gas emissions” (“GHGs”).¹ Climate change is also related to international shipping, the backbone of global trade and a driving force of the economic globalization.² Although often recognized as a relatively environmental sound method of transportation,³ international shipping has been reported to have significant and growing influence on climate change.⁴ Given the urgency of emissions reduction and the global nature of the shipping industry, the international community has responded to this imperative and begun to develop a regulatory framework.

The international regulatory efforts in regulating GHG emissions from international shipping can be traced back to the year 1995 when the United Nations Framework Convention on Climate Change (“UNFCCC”)⁵’s Subsidiary Body on Scientific and Technological Advice (“SBSTA”) and the Subsidiary Body for Implementation (“SBI”) were requested to examine the allocation and control of emissions from international bunker fuels.⁶ In 1996, SBSTA identified five options from the eight options provided by the UNFCCC Secretariat as the basis for future work on the allocation of emissions from aviation and marine bunker fuels.⁷ In

¹ Intergovernmental Panel on Climate Change (“IPCC”), *Fifth Assessment Report: Working Group I Report (2013), Summary for Policymakers*, at 19, available at http://www.climatechange2013.org/images/report/WG1AR5_SPM_FINAL.pdf (last visited on Oct. 10, 2014).

² International shipping generally refers to “shipping between ports of different countries” and excludes military and fishing vessels engaged on such voyages. See ØYVIND BUHAUG ET AL., *SECOND IMO GHG STUDY 2009*, 13 (2009). International shipping carries around 80% of global trade by volume. See United Nations Conference on Trade and Development (“UNCTAD”), *Review of Maritime Transport (2013)*, xi, available at http://unctad.org/en/PublicationsLibrary/rmt2013_en.pdf (last visited on Sept. 28, 2014).

³ See, e.g., C. Pisani, *Fair at Sea: The Design of A Future Legal Instrument on Marine Bunker Fuels Emissions within the Climate Change Regime*, 33 *OCEAN DEV. & INT’L L.* 57 (2002).

⁴ In 2007, CO₂ emissions from international shipping reached 870 million tonnes, which covers 2.7% of the global emissions of CO₂. If left unchecked, CO₂ emissions from international shipping may grow by 150-250% by 2050 compared with 2007 due to projected growth in demand for maritime transport service. For details, see BUHAUG ET AL., *supra* note 2, at 1.

⁵ United Nations Framework Convention on Climate Change, May 9, 1992, 1771 U.N.T.S. 107, *reprinted in* 31 *I.L.M.* 848.

⁶ Methodological Issues, Decision 4/CP.1, Report of the Conference of the Parties on its First Session, art 1(f), at 16, FCCC/CP/1995/7/Add.1 (Apr. 7, 1995).

⁷ These five options are: (1) no allocation; (2) allocation to the country where the bunker fuel is sold; (3) allocation to the country of the transporting company, the country of registration of registration of the aircraft/vessel, or the country