

The Evolution of International Legal Regime for the Protection of Marine Environment against Land-Based Pollutants; from Montego Bay to Cartagena

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Abstract

There are broad and diverse sources for marine pollution. In addition to oil pollution, atmospheric pollution, ship traffic and exploration activities on the sea floor, there are other pollution sources. Although, originating from the land, they are among the most important sources of marine pollution. Waste discharge and disposal of such waste in the sea, creating artificial islands, entering brackish water from desalination devices and ... are examples of these sources. Despite the article 207 of the UNCLOS convention regarding the land-based pollution and due to an increasing extent and intensity of these emissions, dealing with this issue became a concern for the international community. In fact, general predictions of the UNCLOS were unable to cope with the diversity of the problem, and the rules of general international law were not effective enough. In view of the shortcomings discussed, and with regard to the insistence of international instruments, including the aforementioned Convention on the regional cooperation, we have faced a proliferation of instruments at the regional level, most of which have specifically dealt with the land-based pollution, so that the international environmental law of the seas has experienced a fundamental evolution. This paper aims at reviewing the existing mechanisms in this field, measuring their effectiveness, identifying their possible defects, and providing recommendations on how best to legally protect the marine environment.

Keywords: *1982 Convention on the Law of the Seas, Marine environment, International law of the seas, International environmental law, Regional instruments, Land-based sources of pollution.*
