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# Private Law of Ship-Source Oil Pollution: The Legal Regimes of Pakistan and China in Comparative Perspective[i]

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**Abstract**

*Ship-source pollution is a maritime menace which continues to harm the marine environment and also cause damage to persons and property, in particular, in the happening of a serious oil spill. The international law governing such pollution is almost entirely contained in conventions addressing both the private and the public maritime law. The primary and the most important intend of this paper is to address the private law side of the ship-source pollution equation focusing on a comparative analysis of the legal regimes of Pakistan, a common law jurisdiction, and China which belongs to the civil law tradition. Incidentally, both states are parties to the Civil Liability Convention, 1992 (CLC) but whereas China is also a party to the Bunkers Convention, 2001, Pakistan is not. Neither of the two states is a party to the Fund Convention, 1992 but Pakistan is looking to enter that convention. China operates its own national fund to provide compensation to pollution victims who remain uncompensated under the CLC 1992 scheme. Also, neither state is a party to the HNS Convention of 1996 modified by its 2010 Protocol. This paper provides an overview of the liability and compensation regimes of both states pursuant to the CLC 1992 and examines the national legislation of both states in comparative perspective. In conclusion, lacunae in the law of both jurisdictions are pointed out and commensurate proposals for improvement and refinement of their legal regimes are made.*

**Keywords:** *Ship Pollution, Marine Environment, Maritime Law, Law of the Sea, China, Pakistan.*

## 1. Introduction

### 1.1 Background of the Subject

Ship-source oil pollution is a maritime menace which continues to harm the marine environment and causes damage to humans and property, particularly, in instances of serious oil spills. The international law governing marine pollution caused by oil carried on board ships as cargo or fuel or other pollutants, is almost entirely contained in conventions addressing the public law and the private law dimensions of the subject. The conventions have received overwhelming support from maritime countries globally. Whereas the Part XII of the United Nations Convention on the Law of the Sea, 1982 (1833 UNTS 3) provides the universal legal framework of public international law for all marine pollution, the regulatory and private law aspects are found predominantly in the conventions of the International Maritime Organization (IMO) with a few exceptions. (Yu, M., Mukherjee, P. K., 2021).

### 1.2 Structure of the Paper

In the discussion following this introduction, first, the Pakistani regime including all relevant legislation will be addressed followed by accounts of ship-source pollution incidents and associated case law. Next, the corresponding legislation of China consisting of substantive and

procedural Laws and Regulations will be presented together with relevant pollution incidents and related judicial cases. In conclusion, suggestions for improvement of both regimes will be made, in particular, drawing attention to deficiencies in accepting or implementing certain ship-source oil pollution conventions with the private law field of the subject matter.

**1.3 Objective**

The central objective of this paper is to address the private law dimension of the ship-source oil pollution equation through a comparative analysis of the legal regimes of Pakistan, a common law jurisdiction characterized by a combination of statute law and case law, and the People's Republic of China (PRC) which follows the civil law tradition of codes and statutes. With some exceptions, both countries subscribe to most of the conventions. But different implementation methodologies are employed by them. These will be explained briefly as the discussion proceeds. Also, the paper will critique the positive and negative aspects of each of the two legal regimes and make suggestions for improvement as and when necessary.

**2. Relevant International Conventions**

The two international conventions dealing with the private law dimension of ship-source oil pollution damage currently applicable are the CLC 1992 (1956 *UNTS* 255) and Fund 1992 Convention. (1973 *UNTS* 3). The original framework of the regime was based on the CLC 1969 and the Fund Convention, 1971. (110 *UNTS* 57). They were amended in 1992 by two protocols resulting in the CLC 1992 and Fund 1992 Convention. The CLC 1992 deals with civil liability and compensation in respect of laden tankers and combination carriers which carried oil on the voyage previous to the casualty. Subject to a number of specific exceptions, liability is strict; in other words, a claimant need not prove any fault on the part of the polluter, but simply prove that pollution did in fact occur and that the pollutant oil emanated from the ship in question. It is the obligation of the owner to prove in each case that an exception is applicable. However, except where the owner can show that it meets the requirements expressed in the complex provisions set out in the convention, it cannot escape or limit its liability. (CLC, 1992). The limitation regime in respect of both conventions is set out below.

Under CLC 1992, compensation is payable as follows:

(i) For a ship not exceeding 5,000 gross tonnages, liability is limited to 4.51 million Special Drawing Rights (SDR) of the IMF, (ii) For a ship 5,000 to 140,000 gross tonnage, liability is limited to 4.51 million SDR plus 631 SDR for each additional gross ton over 5000, (iii) For a ship over 140,000 gross tonnages, liability is limited to 89.77 million SDR. (Pakistan *Merchant Shipping Ordinance*, 2001).

Under the Fund Convention 1992, a maximum of SDR 135,000,000 including the ship-owner's limitation amount under the CLC, is available. It is important to note that whereas a state is at liberty to join the CLC and not join the Fund Convention, it is not possible to become a party to the Fund Convention without first joining the CLC. The IOPC Fund is financed through levies paid by oil importing entities of state parties to the Fund Convention. Notably, the convention package comprising CLC 1992 and the Fund 1992 Convention places the liability for pollution damage as defined, on the registered owner of the ship which causes the polluting oil (dgps.gov.pk).

Apart from the above two conventions, there is also the Bunkers Convention (40 *ILM* 1493) and the HNS Convention (35 *ILM* 1415). The Bunkers Convention deals with liability and compensation in respect of pollution damage caused by oil carried in the bunkers of a non-tanker. Incidentally, damage from bunker oil pollution of an oil tanker is covered by the CLC. The HNS Convention deals with civil liability arising from pollution damage caused by hazardous and

Noxious Substances which was originally adopted in 1996 but materialized only in 2010 due to protracted disagreement among states within the international maritime community. There are a number of other conventions which may have some civil liability implications although they are primarily regulatory conventions. Some have little or nothing to do with oil pollution which is the central theme of this paper. These are UNCLOS, MARPOL, SOLAS, Basel and the Dumping Convention (1833 *UNTS* 3; 673 *UNTS* 5, 28 *ILM* 657; 340 *UNTS* 61; 1341 *UNTS* 3, 1184 *UNTS* 3; 1046 *UNTS* 120; 11 *ILM* 1294).

## 3 Legal Regime 0f Pakistan

### 3.1 Major Ship-Source Pollution Incidents

A catastrophic oil spill was caused by m.t. *Tasman Spirit* on July 27, 2003, after it ran aground in the approach channel and broke into two spilling 30,000 tons crude oil in the harbour which largely polluted the Clifton and Sea View beach (NRDA, Natural Resource Damage Assessment, 2004). It caused severe damage to the health of marine life and coastal inhabitants. According to ports and shipping experts in Pakistan, there was an incident in 1998 of a damaged vessel being abandoned which caused a major oil spill to the Balochistan coast. In 1998 an unidentified oil tanker pumped out oil in waters within the jurisdiction of Port Qasim, which caused major ecological damage to mangroves and also choked the cooling system of the KESC power generation plant situated nearby. In 2002, the m.t. *Golden Gate*, hit and sank a trawler in the Karachi Port area spilling 1,300 tons of oil. However, the perpetrators of these acts, which caused severe damage, were not apprehended and no compensation from them could be claimed (Rubab *et al.,* 2014).

### 3.2 Pakistani Position Regarding the CLC and Fund Convention

After experiencing horrendous pollution damage caused by the *Tasman Spirit* spill to marine life and people living near the coastline, in 2003, (EIEC, 2003). the then Director General of Ports and Shipping took the initiative to have the Government deposit the instrument of accession for CLC 1992 under which compensation for damage resulting from ship-source oil pollution, is payable without any contribution. The instrument of accession was deposited with the International Maritime Organization (IMO) on February 12, 2005. Pakistan had not initially joined the original CLC and Fund Convention and so remained exposed to risks of damage caused by ship-source oil pollution to its coastal waters, coastline and coastal interests. Several incidents of oil pollution mentioned above had occurred which polluted the sea and the coastline and even became hazardous for people living in their vicinities. But no government entity or responsible ministry ventured to join any international convention to alleviate the harm caused by such pollution. Pakistan still has no adequate safeguards against damage caused by ship-source oil pollution to its coastline and coastal waters extending to the outer limits of the exclusive economic zone (EEZ) and also its coastal interests such as fisheries resources (Saifullah, S. M. and Chaghtai, F. 2005).

Accession to CLC 1992 enables the country to apply the international liability regime for payment of compensation in respect of any claims due to pollution caused by the escape of persistent oil from a ship (www.dawn.com/news/402048/). With its accession to CLC 1992, Pakistan has so far become a party to a total of 27 international instruments of IMO. The Ministry of Ports and Shipping, being a focal point for all matters related to IMO, has finally succeeded in acceding to CLC 1992, which was a long-awaited requirement for meeting the liability regime for compensation against any claims due to ship-source pollution (Qayum, & Zhu, 2018).

It would now be in the larger interest of the country to initiate efforts necessary to join the Fund Convention, 1992 which will undoubtedly enhance the compensation aspect of the regime further. However, the accession to the Fund Convention, 1992 is not within the ambit of the Ministry of

Ports and Shipping alone, as all persistent oil importing entities of the country have to agree, since they would be required to contribute towards the levy required by Fund Convention, 1992. The contribution to the IOPC Fund is nominal compared with the benefits and compensation received by victims of oil pollution who remain uncompensated because of the ship-owner's limitation of liability under the CLC 1992 (Sherazi, S., 2022).

### 3.3 Relevant National Legislation

#### 3.3.1 Preliminary Remarks

The fact that more than 90% of the world trade is dependent on shipping needs no reiteration (Lun et al., 2010). Indeed, this statistic is increasing rapidly with the corresponding increase in the population of our over-burdened planet (Wijnolst, *et al*., 2009). Much of seaborne world trade involves transportation of oil which remains the most important source of energy for industrial and consumer use. Another fact is that 50% of the world population lives within the 60 km of the coast. Above all, the need for efficient shipping to sustain global trade and commerce is an indisputable verity (Wijnolst, N. *et al.,* 2009).

#### 3.3.2 Specific Legislation

##### 3.3.2.1. Pakistan Environmental Protection Act, 1999

The Federal Ministry of Environment was constituted in 1975. The Ministry is responsible for promulgation of the Pakistan Environmental Protection Ordinance, 1983 (PEPA, 1983). This is the foremost complete legislation made on the subject in the country. The major aim of the Ordinance of 1983 was to set up the institutions known as the Pakistan Environmental Protection Council (PEPC) and the Federal & Provincial Environmental Protection Agencies. The Government organized the National Conservation Strategy (NCS) the same year, which gives Pakistan a broad structure for addressing environmental concerns. As well, National Environmental Quality Standards (NEQS) were also designed were established in 1993 (http://Environment.gov.pk, Punjab Environmental Quality Standards, 2016).

The Pakistan Environmental Protection Ordinance 1983 was repealed on the enactment of the Pakistan Environmental Protection Act (PEPA) on 6 December 1997. This Act provides the structure for implementation of the strategies on conservation of renewable resources, establishment of tribunals, appointment of Environmental Magistrates NCS, protection and conservation of species, establishment of Provincial Sustainable Development Funds, establishment of the concepts of Environmental Impact Assessment (EIA) and Initial Environmental Examination (IEE).

##### 3.3.2.2. Pakistan Maritime Security Agency Act, 1994

According to this Act, "maritime interests of Pakistan" (Section 2, Sub-section 1, Clause e, PMSAA, 1994) means rights, control, jurisdiction and sovereignty over its maritime zones and includes the sovereign rights of Pakistan to explore, exploit, conserve, manage the living and non-living resources and other activities for economic exploitation, exploration and to safeguard the unauthorized exploitation of resources of Pakistan seas and protection of those seas from damage resulting from pollution. It has legal implications for private law claims made in respect of damage to marine resources caused by ship-source pollution.

##### 3.3.2.3. Pakistan Merchant Shipping Ordinance, 2001

In Pakistan, admiralty and maritime law legislation mainly comprises the Carriage of Goods

By Sea Act, 1925 giving effect to Hague Rules (120 *LNTS* 155) and the Merchant Shipping Ordinance, 2001. Admiralty jurisdiction is conferred on the Sindh and Baluchistan High Court by virtue of the Admiralty Jurisdiction of High Court Ordinance, 1980. This Ordinance is similar to

the corresponding United Kingdom legislation and provides the statutory regime for arresting ships. In order for a claimant who has suffered pollution damage to bring civil liability action against a polluting ship, he must invoke admiralty jurisdiction; to find such jurisdiction, he must arrest the offending ship. Hence the importance of this legislation (Dr. Abid, A. *et al*., 2022).

The Ordinance (Pakistan Merchant Shipping Ordinance, 2001) requires all ships entering Pakistani waters to abide by relevant international laws in conjunction with the Ordinance and prohibits the pollution of the seas in any way. The following are specific provisions in Chapter 43 of Part XIV of the Ordinance relevant to ship-source pollution:

Sections 554 and 555 stipulate that "no oil or oily mixture or harmful substance can be discharged into the sea from any Pakistani or foreign ship". According to subsection (3), "if oil or oily mixture or harmful substance is discharged the master or the owner of the ship shall be liable to imprisonment which shall not be less than two years and fine which shall not be less than $50,000 but may extend to 1 million US dollars. In the case of continuing contravention, an additional fine may be imposed which may extend to $50,000 for every day after the first during which such contravention or failure continues".

Section 556 explains that "no noxious liquid substances shall be discharged into the sea from a Pakistani ship or foreign ship". Subsection (2) provides in particular - "if noxious liquid substances or their residues are discharged the master or the owner of the ship shall be liable to imprisonment which shall not be less than two years and fine which shall not be less than $50,000 but may extend to 1 million US dollars". Section 562 narrates that "a surveyor or any person appointed by the Federal Government may, at any reasonable time, go on board a ship for the purpose of ensuring that the prohibitions, restrictions and obligations imposed by or under the convention are complied with".

Section 568 stipulates that "the dumping of wastes or other matter prescribed as such is prohibited and any person acting in contravention of this section shall be liable to imprisonment which shall not be less than two years and fine which may extend to one million US dollars, and the implementing agency is the Ministry of Ports & Shipping Government of Pakistan". This Ministry is responsible for ensuring that the requirements of all maritime legislation including those involving ship-source pollution, are properly implemented in all areas falling within its jurisdiction.

All the above-mentioned provisions have implications for private law claims in respect of ship-source pollution damage apart from the obvious regulatory and penal provisions included in this legislation.

**3.3.2.4. The Gwadar Port Authority Ordinance, 2002**

This Ordinance (The Gwadar Port Authority Ordinance, 2002) extends to the whole of the Port area of Pakistan. The Authority may with the prior approval of the Federal Government, make regulations for carrying out the purposes of the Ordinance including matters pertaining to ship-source pollution, and extending to private law claims.

**3.3.2.5. The Sindh Environmental Protection Act, 2014**

After the implementation of the 18$^{th}$ amendment made to the constitution of Pakistan, 1973 in 2010, the Sindh Environmental Protection Act, 2014 and relevant EIA/IEE rules and environmental quality standards entered into force for the improvement of the environment. Before the 18$^{th}$ amendment, PEPA had recommended the following:

(a) The Marine Pollution Control Board may be revised with legal authority to direct any organization to take necessary measures with regard to pollution control.

(b) Standards of sea water quality should be announced.

(c) A Harbour Management Plan be prepared and implemented considering the relevant areas & and precise tasks and targets be assigned to relevant authorities.

The two above-noted legislative instruments are obviously regulatory in nature but can have legal implications for private law claims involving pollution damage cases caused by ship-source pollution.

### 3.4 Legal Regime of Liability and Compensation for Ship-Source Pollution: Challenges Ahead

The maritime sector of any country holds pronounced benefits for its inhabitants and directly contributes in national development (Sajjid *et al*., 2014). Yet, there is little public awareness about the gravity of the maritime sector in Pakistan. Added to that, the public perception of ship-source pollution dame is limited to say the least. A recent positive development is the popularity of CPEC (China-Pakistan Economic Corridor) which has exposed legal standing of the maritime sector of the country and its associated rights and obligations. This phenomenon must operate through international and domestic legal bodies and instruments (Humayun *et al.,* 2014). In the context of the theme of this paper, the relevant international body is the IMO and the instruments are the CLC 1992 and Fund Convention 1992. The corresponding implementing national legislation completes the picture. A major step forward in this direction has been achieved by way of accession to the CLC 1992. What remains to be done in the short run is accession to the Fund 1992 Convention. Hopefully, due attention will also be paid to other civil liability conventions in the field of ship-source pollution in due course. These would be the Bunkers and HNS Conventions.

## 4. Legal Regime of China

### 4.1 Introductory Remarks

At the outset, it is expedient to make an introductory commentary on the document issued by the Supreme People's Court (SPC) of the PRC entitled "Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Cases of Disputes over Compensation for Vessel-induced Oil Pollution Damage" promulgated in July 2011. Such documents are generally known as "Interpretations" or "Guidelines" of the SPC and are binding on all courts before which any proceedings on the stated subject matter are litigated (Zhang, 2012). A preliminary point to be noted with respect to this particular document is the use of the expression "vessel-induced oil pollution damage". In essence, it is no different from the well-known phrase "ship-source pollution" commonly used in the international sphere. Secondly, it applies to "oil pollution damage" only and not to damage caused by other types of pollutants generated from ships such as chemicals or noxious substances that are not oil (Tan, 2019).

Perhaps the most important initial aspect of this document is the statement mentioned in the preamble signifying that its Provisions are formulated pursuant to the general principles of the mentioned Laws (specific term for principal legislation). These are the Tort Law (Tort Law, 2009), Marine Environment Protection Law (MEPL, 1982), the Maritime Law (otherwise known as the Chinese Maritime Code or CMC), Civil Procedure Law (CPL, 1991), Special Maritime Procedure Law (2000), other relevant laws and regulations, and international treaties which the PRC "has concluded or acceded to". The last item, it is submitted, is somewhat ambiguous or equivocal. It may mean in treaty law terms, a convention which has been signed but no ratification or accession has been taken place. This brings us to the next point of observation.

### 4.2 Relevant Conventions

The People's Republic of China is a State party to the CLC 1992 and the Bunkers Convention, 2001 but is not a party to the Fund Convention, 1992. The CLC 1992 was ratified in 1997 and the Bunkers Convention, in 2008. Application of the Fund Convention, 1992 is limited to the Hong

Kong Special Administrative Region. It is noteworthy, in this context, that China established a national fund in 2012, known as the China Oil Pollution Compensation (COPC) Fund, to provide additional compensation over and above what is provided under CLC 1992 for damage caused by ship-source pollution in the rest of China in the event of an oil spill (Shu 2020).

**4.3 Regulations of the People's Republic of China on the Prevention and Control of Marine Pollution from Ships**

Referring back to the phrase "other relevant laws and regulations" in the Supreme People's Court document given in the preamble concerning vessel-induced pollution, it is important to note that in 2010, the Regulations on the Prevention and Control of Marine Pollution from Ships, herein referred to as "the Regulations", were adopted. The object is to establish comprehensive rules governing prevention of and responding to oil pollution incidents including clean-up operations within PRC waters.

There are liability provisions in the Regulations largely reflecting those contained in the Conventions. They provide for strict liability of the ship-owner for pollution damage caused by persistent oil carried by tankers giving effect to CLC 1992, and also for pollution damage caused by spills of bunker oil from non-oil tankers giving effect to the Bunkers Convention, 2001(Finder, 1993). The "polluter pays" principle applies in that the party which inflicts pollution damage to the marine environment is liable. If the pollution damage is found to have been wholly caused intentionally or by the fault of a third party, then pursuant to Article 50 of the Regulations, that third party is liable. The Regulations require operators of any ship carrying pollutants or any hazardous cargo in bulk, or any other vessel above 10,000 gross tons to enter into a pollution clean-up contract with a pollution response entity such as a salvor approved by the Maritime Safety Administration (MSA), before it can enter a port in China (Sadeleer, N., de., 2002)

Under Article 51 of the Regulations, a party which would otherwise be liable, may be exempt from liability if the pollution damage was wholly caused by (1) war; (2) natural disaster of an irresistible nature; or (3) negligence or the wrongful act of a government authority in exercising its responsibility for the maintenance of lights or other navigational aids, and if in carrying out that function, pollution could not be prevented even though timely action was taken and proper measures adopted (Arness, 1972).

In accordance with Article 5 of the Supreme People's Court document, the limits of liability are to be calculated as provided in the Chinese Maritime Code. In respect of international ships of 300 GT or above, the limitation regime is that which is provided in the Convention on Limitation of Liability for Maritime Claims, 1976 as amended in 1996. However, pursuant to Article 52 of the Regulations, which is consistent with Article 21 of the SPC document, with respect to pollution within the territorial seas of China caused by ships carrying persistent oil in bulk (including persistent hydrocarbon mineral oil), the limitation of liability is in accordance with the relevant international conventions to which the People's republic of China is a party, namely, CLC 1992 and the Bunkers Convention of 2001(Gutiérrez, 2016).

All vessels trading within the territorial seas of China, except those under 1,000 GT carrying cargo other than oil, must maintain insurance or other form of financial security in compliance with the requirements of the CMC or the CLC 1992 or Bunkers Convention, 2001, as may be applicable, thus ostensibly giving effect to the insurance provisions of those two conventions. The MSA is to determine and publish a list of approved insurance providers qualified to provide the necessary insurance cover. (Ibid.) Article 56 of the Regulations provides for the establishment of a domestic fund to which receivers (and their agents) of persistent oil cargoes transported by sea to a Chinese port must contribute. But it is silent on how that fund, the COPC

*is to be administered and used. However, it states that* detailed rules are to be jointly formulated by the Finance Department and the Administrative Department of Communications of the State Council regarding how the money is to be collected and how the fund is to be used and administered **(**https://www.gard.no/web/updates/content/1342977/new-pollution-regulations-in-china-faqs**d).**

**4.3 Other Aspects of the Supreme People's Court Document**

Apart from the provisions in the SPC document referred to above, there are a number of other provisions that do not seem to be addressed expressly in the Regulations, but those matters could possibly be dealt with by the other Laws mentioned or legislation of another kind. The most important ones are as follows:

Article 1 of the SPC is the application provision which confirms that it applies to pollution damage occurring in the territory and territorial sea of the PRC. Article 2 speaks to jurisdiction of the court. It provides that the maritime court at the place where the pollution incident occurred will, in the first instance have jurisdiction over the lawsuit brought by the claimant. Where pollution damage is caused or preventive measures are taken in another place within the territory or territorial seas of China, other than the place of the incident, the maritime court of that place will have jurisdiction to hear the case. Article 3 provides that where there are two or more polluting ships, liability shall be borne by their owners proportionately according to the damage caused by them, and where the damage is not reasonably separable, liability will joint and several unless they are exonerated by law. Article 4 which deals with pollution resulting from a collision provides that the vessel from which the oil escaped will be liable for all pollution. Under Article 6, the owner will be deprived of his right to limit liability if it is proved that the pollution damage resulted from his act or omission done with intent to cause damage or with knowledge that such damage would probably occur. Under Article 7, in the circumstances described in Article 6, a claim for compensation against the liability insurer by the person who suffered damage will not be upheld by the court. Article 8 provides that in a direct action lawsuit against the insurer by the party suffering pollution damage, the insurer may defend the claim but unless the damage was caused by the owner of the ship intentionally, the defence of the insurer will not be upheld by the court.

Under Article 9, the compensation payable will cover costs of preventive measures, property damage caused outside the vessel, loss of earnings caused by environmental damage and costs of reasonable measures taken to restore the environment. Under Article 10, costs of reasonable preventive measures for further loss or damage are compensable. Under Article 11, salvage expenses are compensable if the major purpose of the salvage was to take preventive measures to minimize pollution damage. If there is a duality of purpose, namely, prevention of pollution damage as well as salvage of property, the costs attributable to the two purposes, characterized as major and minor, will be apportioned. If it is not possible to determine which purpose is major, the expenses will be distributed evenly (IOPC Fund Annual Report, 1988).

Pursuant to Article 18, no maritime lien can be exercisable by a claimant in respect of a vessel insured against civil liability.

**4.4 Environmental Damage**

Given that the CLC 1992 applies in China, it is necessary to delve into the issue of compensability of environmental damage claims. Importantly notable is the absence of a definition for "environmental damage" in CLC 1992 although incidentally there is a vague definition of "damage to the environment" in the International Convention on Salvage, 1989 (1953 *UNTS* 165). In the first instance it is necessary to examine the definition of "pollution damage" in the convention, which arguably is fraught with convolution and confusion. While it is not intended in this paper to

explore the complexities of the law involving compensability for damage done to the marine environment, there are serious issues concerning such matters as the constituent elements of the marine environment, *locus standi* of the claimant and the intensity of the damage and of the corresponding compensation that is payable. It is trite that much of these lies outside the perimeter of CLC 1992 (Mukherjee, 2010).

Be that as it may, to bring Chinese law into the fold of legislative standards internationally recognized, it would be useful for researchers in this branch of law to carefully examine the prevailing commonalities and variants for the sake of completeness of the private law regime governing ship-source pollution. This is particularly important in view of China's experience with the *Sanchi* incident.

This incident involved a collision between the Hong Kong-registered bulk carrier CF *Crystal en route* to China, and the Iranian oil tanker MT *Sanchi*, which was proceeding to South Korea. The *Sanchi* caught fire on January 6, 2018, at a location around 162 nautical miles off Shanghai. Natural gas condensates emanating from the spill of the *Sanchi* were hugely harmful to the marine environment of the place where the collision occurred. The most important fishing grounds in China are situated there. In those circumstances, obviously the question arose as to what types of claims for environmental damage are compensable under Chinese law and the grounds for the damage claims. Without going into further details, it is simply to be noted that in that case the claims were quantified and eventually settled (Li Y., 2021).

**5. Conclusion**

In this paper, an attempt has been made to carry out a concentrated comparative analysis albeit on a selective basis, addressing the respective legal regimes of Pakistan and China relating to the private law aspects of ship-source pollution. The subject matter primarily pertains to liability and compensation in respect of pollution damage. The salient features of the legislation governing the private law dimension of ship-source pollution in both states are identified and discussed contextually. Incidentally, the legislation in both these jurisdictions is fragmented and in some respects inchoate needing the attention of the states' policy and law makers. The discussion centres exclusively on oil pollution even though it is recognized that there are other types of pollutants carried on ships including varieties of hazardous and noxious substances. Incidentally, such pollutants are addressed in the HNS Convention at the international level, but neither Pakistan nor China is a party to it. Indeed, Pakistan is not even a party to the Bunkers Convention, 2001 whereas China is. It is recommended that both these states take necessary steps to enter into all of the international conventions addressing the private law aspects of ship-source marine pollution.

It can be stated in conclusion that on the whole, both Pakistan and China are at least partially deficient in terms of joining ship-source pollution conventions and adopting corresponding legislation to address all aspects of the private law of ship-source pollution. Hopefully, this paper will provide a sufficient incentive to academics, practitioners and law makers in both the states which are partners in several contemporary endeavours including the Belt and Road initiative of China in which Pakistan is a major participant and beneficiary, and China's global reach through it is enhanced considerably.

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