

Preface

While it has been known for some time that “No man is an island, entire of itself,”¹ the same is apparently not self evident in respect of ships. But one has gained understanding. Perhaps the most significant traits in shipping policy after 1900 is the recognition that flag state safety regulation is inadequate when it is coasts, ports and the environment that needs protection. The ship interacts with its surrounding for good and – more significant for lawmakers – for bad. The need for port and coastal states to exercise their jurisdiction has become pressing.

As the flag state monopoly for safety regulation of shipping has been challenged, an interest for harmonization of rules emerges, or at least an interest in confronting the exercise of coastal jurisdiction in one state with that of another:

First of all, harmonization and harmonization attempts create foreseeability; a *ship should know what to expect* even if not solely subject to the legislation of its flag state.

Secondly, harmonized rules eliminate the need for – if at all possible – *changing parts of the vessel and routines between ports*.

Thirdly, harmonization provides justification for rules. If other port states need them – so do we.

Fourthly, harmonization of rules creates a *level playing field*, not least important for costly rules relating to safety and protection of the environment.

Fifthly, the harmonization process is a great international colloquium, in which terms and concepts are developed to ease communication, and in which representatives of all states gains knowledge of the state of the art.

Luckily, then, there is no obvious or general race against the bottom amongst coastal and port state legislators. Apparently, the interest in protecting the ports, coast and the environment has been stronger than the possible gains for the national users of transport by slacking the rope.

In this context, *Dr. Iliana Christodoulou-Varotsi* tells us a most fascinating story on the perhaps two greatest antagonists in the generally quite harmonized world of ship safety legislation: USA and Europe. The European story is a story of the emergence of Community competence and in exercise since the 1990ies. The US story is inevitably linked to the Exxon Valdez incident and the Oil Pollution Act, 1990, although this is only part of it.

¹ John Donne (1572-1631): *Devotions Upon Emergent Occasions, Meditation XVII*.

I do not think *Dr. Christodoulou-Varotsi* dares to conclude clearly whether or not the relationship between the US and Europe is synergy or antagonism in this respect. But that is in any event not the main point. We owe her thanks for having accounted for the rules in a manageable format, focusing on the non harmonized features.

One may dislike unilateralism and regionalism; one may dislike government intervention. But the fact remains that if none of those having the opportunity takes an initiative, safety will not develop. Perhaps are the synergetic and the antagonistic effects of such initiatives not so different after all?

This project has been a part of a greater Maritime Safety Project at the Scandinavian Institute of Maritime Law.² The work with *Dr. Christodoulou-Varotsi* on safety has certainly made me look forward to further work in this field.

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² See <http://www.jus.uio.no/nifs/nifs/forskning/sjosikkerhet/>.

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Synergy?

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