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INTERNATIONAL LEGAL AND OPERATIONAL FRAMEWORK

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INTERNATIONAL LEGAL AND OPERATIONAL FRAMEWORK

History and background

- **1967 Torrey Canyon at coastline Great-Britain and France**
- **First major oil pollution incident, urgent international action required**



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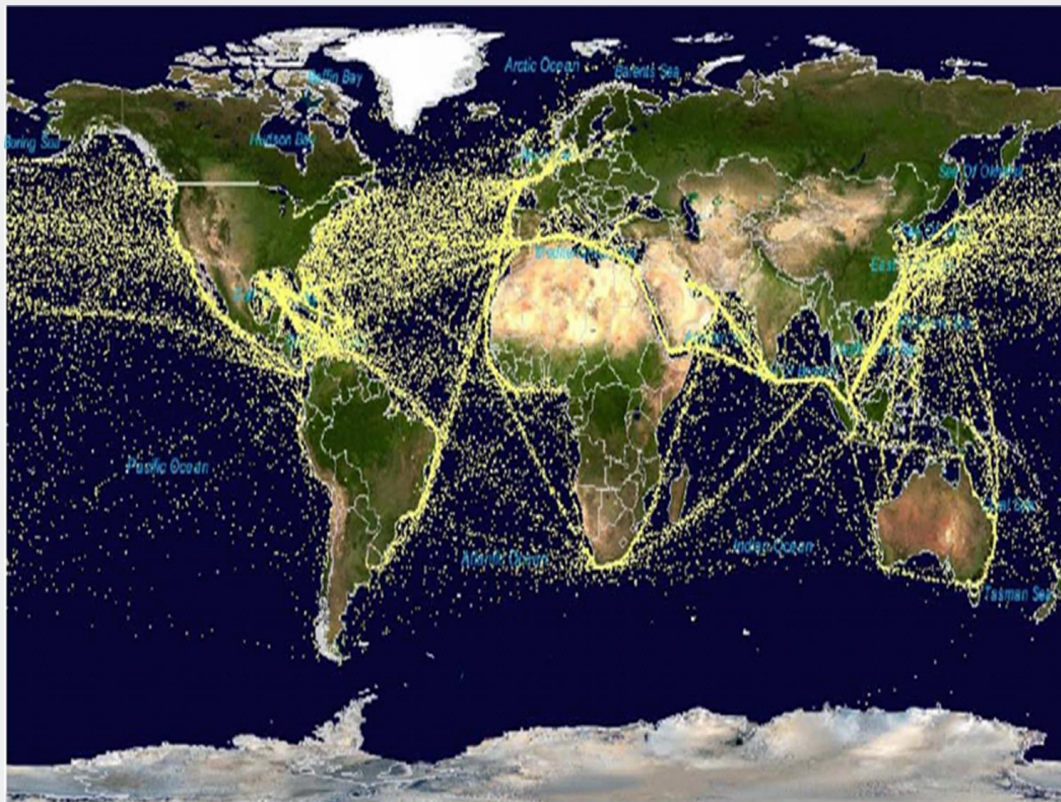
History and background

- **1969 Civil liability Convention on oil pollution by ships (CLC)** with supplementary **1971 Fund Convention**;
- **1969 Intervention Convention**; **1973 Intervention Protocol** (substances other than oil: **HNS**);
- **1984 and 1992 Protocols to CLC and Fund Convention** (increased limits of liability);
- **1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention)**;
- **2001 International Convention on Civil Liability for Bunker Oil Pollution Damage**;
- **Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992**
- **2007 Nairobi International Convention on the Removal of Wrecks** (liability and coastal state powers)

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The role of IMO

Safe, Secure and Efficient Shipping on Clean Oceans



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The role of IMO

United Nations specialized agency for the safety and security of shipping and the prevention of marine pollution by ships



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Preparedness and Response Issues

Legal basis for Government Intervention:

- **Sovereignty over Territorial Sea;**
- **1969 Intervention Convention** and **1973 Intervention Protocol:** measures to prevent, mitigate or eliminate **grave and imminent** danger from pollution of the sea;
- **1982 United Nations Convention on the Law of the Sea (UNCLOS), Article 221:** provides for a **lower intervention threshold** in case of pollution of the sea;
- **Safety of navigation:** protection of security and vital interests;
- **1990 International Convention on Oil Pollution Preparedness, response and co-operation (OPRC); 2000 OPRC-HNS Protocol;**
- **2007 Nairobi International Convention on the Removal of Wrecks**

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Preparedness and Response Issues

Nairobi International Convention on the Removal of Wrecks, 2007

- Primary aim: **clarify rights, duties and responsibilities** relating to the removal of wrecks beyond the territorial sea;

- How does the Convention work?

Scope of application:

- geographical areas
- safety/environment
- wrecks/ships

Limitation of liability/compulsory insurance

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Preparedness and Response Issues

How will the Nairobi Convention work?

- **primary responsibility shipowner** for the removal of a hazardous wreck;
- **deadline** by State in whose Convention area the wreck is located;
- State may **remove** the wreck at the **shipowner's expense**;
- State responsible for **determining** whether a hazard exists and for the **marking** of the wreck;
- Shipowner **report** and **strictly liable** for the costs of **location, marking and removal**

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Preparedness and Response Issues

Nairobi International Convention on the Removal of Wrecks, 2007:

Limitation of liability/compulsory insurance

- **status quo** limitation of liability of the shipowner;
- **1976** or **1996 LLMC** applicable;
- **CLC, HNS Convention** and **Bunkers Convention** continue to apply to liability issues wreckremoval;
- **compulsory insurance**

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Preparedness and Response Issues

Nairobi International Convention on the Removal of Wrecks, 2007

Conclusions:

- **Avoid** difficult legal disputes and **lengthy** legal proceedings;
- **Rights, duties** and **liabilities** clarified;
- Supplement to **CLC**, **HNS Convention** and **Bunkers Convention**;
- Nairobi Convention attractive to **both authorities and industry**;
- Entry into force on **14 April 2015**;
- At present the **number of Contracting States is 11**;
- The IMO Legal Committee **urges States to ratify** the Nairobi Convention at earliest possible opportunity

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United Nations Convention on the Law of the Sea (UNCLOS)

- **UNCLOS art.198:** notification to other States likely to be affected by damage of the marine environment and to the competent international organizations
- **UNCLOS art.199:** international cooperation; States are required to jointly develop and promote contingency plans



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OPRC and OPRC-HNS 2000

- **OPRC 1990**: global framework for international cooperation:
 - **shipboard oil pollution emergency plan**;
 - **all States concerned and IMO** informed in case of oil pollution;
 - international cooperation: **legal and administrative measures**
 - **IMO coordinating role** on information, education and training services, technical services and technical assistance
- **Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS 2000)**
This Protocol entered into force on 14 June 2007

Questions and answers?



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