



INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)

5th Floor, North Tower New Pier Takeshiba
1-11-1 Kaigan, Minato-ku, Tokyo 105-0022, Japan
Tel: +81-3-5403-2770 Fax: +81-3-5403-7651
E-mail: info@iaphworldports.org Web site: <http://www.iaphworldports.org>

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IAPH adopts a resolution, calling for prompt and early ratification of IMO conventions

The Board of Directors of the International Association of Ports and Harbors (IAPH) convened in Dunkirk, France, for its annual meeting, unanimously adopted a "Resolution on accelerating the ratification process of the HNS, Bunkers and Wreck Removal Conventions and the 1996 Protocols to LLMC 1976" on April 16 2008.

In the resolution, IAPH called for a prompt and early ratification by the states involved of the following three conventions and a protocol that are of immediate concern to the entire maritime world.

- International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996;
- International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
- Nairobi International Convention on the Removal of Wrecks, 2007; and
- 1996 Protocols to the International Convention on LLMC of London 1976.

The resolution was proposed in the background of relatively slow ratification processes with only a small number of states having ratified them to date.

Mr. Frans van Zoelen, Chairman of Legal Committee, mentioned the significance of the resolution by saying that "These IMO conventions are essential for reinforcing the liability and compensation framework concerning maritime and environmental damages resulting from maritime accidents. These subjects are of importance for coastal states and ports. The said conventions also play a significant role to assist coastal states and ports to cope with ships in distress."

Secretary General Dr. Satoshi Inoue said, "Earliest entry into force of these conventions would no doubt help coastal states and ports to more effectively cope with physical and/or environmental damages caused by maritime accidents. We will urge all IAPH members to press harder their respective governments to ratify them as early as possible. We also will reiterate to IMO our strong support for these conventions."

The full text of the resolution reads as follows:

RESOLUTION ON ACCELERATING THE RATIFICATION PROCESSES OF THE HNS, BUNKERS AND WRECK REMOVAL CONVENTIONS, AND THE 1996 PROTOCOLS TO LLMC 1976 ADOPTED ON 16 APRIL 2008

THE BOARD OF DIRECTORS OF THE INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH) IN DUNKIRK, FRANCE

BEING AWARE of the slow ratification processes of the Hazardous & Noxious Substances Convention (HNS C) 1996 and the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 (Bunkers C) and intending to avoid a similar fate for the Nairobi Wreck Removal Convention 2007 (Wreck Removal C),

APPLAUDING the fact that the Bunkers C is now expected to enter into force on 21 November 2008 after ratifications having been completed by twenty States representing 21.52 % of the world's tonnage,

NOTING that the HNS C needs to be adapted by a Protocol to the HNS C in order to modify the concept of the receiver in this convention, and that it is expected that States which not yet have ratified the



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HNS C might postpone ratification until the HNS C has been adapted by the protocol which might take another two years,

NOTING FURTHER when implementing the Wreck Removal C States should consider to extend its application to wrecks located in its territorial waters in order to let benefit those who are responsible for such waters from the beneficial effects of this convention,

MINDFUL that said conventions make an essential contribution to the preservation of the environment and the adequate, prompt and effective compensation of persons who suffer damage caused by incidents in connection with maritime trade and shipping,

RECOGNIZING that the prompt coming into force of said conventions also plays a key role in the context of Places of Refuge where the being into force of said conventions would facilitate the prompt and accurate decision making process of coastal States and Port Authorities absorb related risks for the community as a whole,

1. URGES States to ensure, as a matter of priority, the ratification of the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, the Nairobi International Convention on the Removal of Wrecks, 2007, and the 1996 Protocols to the Convention on Limitation of Liability for Maritime Claims (LLMC) 1976;
2. URGES States to facilitate, as a matter of priority, the adaptation of the HNS C with a protocol with a view to modify the concept of receiver in this convention;
3. URGES States when implementing the Wreck Removal C to consider to extend its application to wrecks located in its territorial waters in order to let benefit those who are responsible for such waters from the beneficial effects of this convention.

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For inquiry and information, please contact us at info@iaphworldports.org or call us at +81-3-5403-2770.

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The International Association of Ports & Harbors (IAPH) is the global alliance of ports around the world. Established in 1955 as an international Non-Governmental Organization, IAPH represents today some 220 ports and 130 port-related companies and institutes of about 90 countries. Member ports all together handle 90% of the world container traffic and over 60% of the world maritime trade. IAPH tackles through Technical Committees a wide range of key issues facing the world port industry. Granted a Consultative NGO Status from UN agencies, IAPH also plays an active role in developing international frameworks for global issues related to maritime and trade activity.