

A-14: INTERNATIONAL CONVENTION ON SALVAGE

Name of the convention: International Convention on Salvage

Acronym or short name: SALVAGE

International organisation in charge of it: International Maritime Organization (IMO)

Summary description (in plain language): The Convention replaced a convention on the law of salvage adopted in Brussels in 1910 which incorporated the "no cure, no pay" principle under which a salvor is only rewarded for services if the operation is successful. Although this basic philosophy worked well in most cases, it did not take pollution into account. A salvor who prevented a major pollution incident (for example, by towing a damaged tanker away from an environmentally sensitive area) but did not manage to save the ship or the cargo got nothing. There was therefore little incentive to a salvor to undertake an operation which has only a slim chance of success.

The 1989 Convention seeks to remedy this deficiency by making provision for an enhanced salvage award taking into account the skill and efforts of the salvors in preventing or minimizing damage to the environment.

The 1989 Convention introduced a "special compensation" to be paid to salvors who have failed to earn a reward in the normal way (i.e. by salvaging the ship and cargo) ([art.14](#)). Damage to the environment is defined as "substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents" ([art.1](#)). The compensation consists of the salvor's expenses, plus up to 30% of these expenses if, thanks to the efforts of the salvor, environmental damage has been minimized or prevented. The salvor's expenses are defined as "out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used". The tribunal or arbitrator assessing the reward may increase the amount of compensation to a maximum of 100% of the salvor's expenses, "if it deems it fair and just to do so". If, on the other hand, the salvor is negligent and has consequently failed to prevent or minimize environmental damage, special compensation may be denied or reduced. Payment of the reward is to be made by the vessel and other property interests in proportion to their respective salvaged values.

Date of first approval: 28 april 1989

Date of coming into force: 14 July 1996

Dates of revision: no

Reasons of revisions: no

Applicability (situation of ratification): This convention shall enter into force one year after the date on which 15 states have expressed their consent to be bound by it ([art.29](#)). States may at the time of signature, ratification, acceptance, approval or accession reserve the right not to apply the provisions of the convention: when the salvage operation takes place in inland waters and all vessels involved are of inland navigation; when the salvage operation takes place in inland waters and no vessel is involved; when all interested parties are nationals of that states; when the property involved is maritime cultural property of prehistoric, archaeological or historic interest and is situated on the sea-bed ([art.30](#)).

Stakes for ports: Ports are concerned in salvage operations, Port State Authority enshrine their right of coastal state to protect its coastline or related interests from pollution or the threat of pollution upon a maritime casualty ([art.9](#)).

Port State Authority and salvors have to co-operate to ensure the performance of salvage operations such as admittance to ports of vessels in distress ([art.11](#)).

Links with other conventions: [Convention on the Law of the Salvage, Brussels, 1910](#)

Key-words: salvage operation, damage to environment, payment, assistance, reward, compensation, claims

Internet hyperlink with other website:

<http://www.imo.org/>

<http://www.comitemaritime.org/>

(full text) <http://www.admiraltylawguide.com/conven/salvage1989.html>