

B-8: NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS, 2007

Name of the Convention: Nairobi International Convention on the Removal of Wrecks, 2007

Acronym or short name: Nairobi WRC 2007

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

Summary description: The Convention provides the first set of uniform international rules aimed at ensuring the prompt and effective removal of wrecks located beyond the territorial sea. The Convention also has an optional clause enabling States Parties to apply certain provisions to their territory, including their territorial sea.(art.3) The Convention provides a sound legal basis for coastal States to remove, or have removed, from their coastlines, wrecks which pose a hazard to the safety of navigation or to the marine and coastal environments, or both. It will make ship owners financially liable and require them to have insurance or provide other financial security to cover the costs of wreck removal. It also provides States with a right of direct action against insurers.

The Convention covers:

- Reporting and locating ships and wrecks** ; covering the reporting of casualties to the nearest coastal State; warnings to mariners and coastal States about the wreck; action by the coastal State to locate the ship or wreck.(art.5)
- Criteria for determining the hazard posed by wrecks**; including depth of water above the wreck, proximity of shipping routes, traffic density and frequency, type of traffic and vulnerability of port facilities. Environmental criteria such as damage likely to result from the release of cargo or oil into marine environment are also included. (art.6)

-Measures to facilitate the removal of wrecks; including rights and obligations to remove hazardous ships and wrecks – which set out when the ship owner is responsible for removing the wrecks and when a State may intervene.(art.9)

-Liability of the owner for the costs of locating, marking and removing ships and wrecks; the registered owner of a ship of 300 grt and above is required to maintain compulsory insurance or other financial security to cover liability under the Convention. The amount to cover liability of a ship owner under this Convention is subject to the limit of liability under the applicable national or international limitation regime. A certificate of compulsory insurance or other financial security shall be issued to each ship of 300 grt and above by the State of ship's registry and it shall be carried on board the ship.(art.10 & 12)

-Time limits for claims for compensation; rights to recover costs under this Convention shall be extinguished unless an action is brought within three(3) years from the date when the hazard has been determined in accordance with this Convention.(art.13)

Date of signature: 18 May, 2007

Date of coming into force: not yet in force

Dates of revision: Not applicable

Reasons of revisions: Not applicable

Applicability : The Convention shall enter into force 12 months after the date on which not less than 10 States have either signed it or deposited instruments of ratification, acceptance, approval or accession with the IMO Secretary General. (Art. 18) .

Situation of Ratification: (as at 2 December 2013) 9 States

Stakes for ports:

Port activities are stated as one of “Related interests” which means the interests of a coastal State directly affected or threatened by a wreck.(Art.1-6) .Ports are included in the good offices of States and organizations which shall be used as one of practical means of the Affected State to warn mariners and the States concerned of the nature and location of the wreck.(Art. 7-1)

The Convention is appreciated as an epoch making legislative instrument which enables Affected States to take prompt and practical measures to remove wrecks located in States’ coast including EEZ caused by wrecked ships. As the Convention clearly stipulates necessary steps to be taken by parties concerned and liability to be borne by ship owner, it is highly expected the Convention will work for prompt removal of wrecks which might cause severe damage to port operation and maritime trade.

Links with other conventions: [INTERVENTION 69](#), [PROT INTERVENTION 73](#), [CLC](#), [HNS](#), [BUNKERS](#)

Key-words: wreck, removal, EEZ, related interests, maritime casualty

Internet hyperlink with other website: <http://www.imo.org/>

(full text)

<http://www.steamshipmutual.com/Downloads/Articles/Wreck%20Removal%20Convention.pdf>