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2007, Nairobi International Convention on the removal of Wrecks

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1. The Convention was adopted by a five-day International Conference at the United Nations Office at Nairobi (UNON), Kenya, in 2007. The Nairobi International Convention on the Removal Wrecks will enter into force on 14 April 2015.
2. Denmark is one of the latest Countries, which has ratified the legislative instrument, with the International Maritime Organization (IMO).
3. Wreck includes any object which is or has been on board the ship.
4. Among several provisions, the Convention will place financial responsibility for the removal of certain hazardous wrecks on shipowners, making insurance, or some other form of financial security, compulsory.
5. According to the UK P&I Club, Denmark became the 10th country to ratify the convention.

Contracting States	Entry into force date
Bulgaria* (accession) 18 February 2012	14 April 2015
Congo (accession) 19 May 2014	14 April 2015
Denmark* (ratification) 14 April 2014	14 April 2015
Germany (ratification) 20 June 2013	14 April 2015
India (accession) 23 March 2011	14 April 2015
Iran (accession) 19 April 2011	14 April 2015
Malaysia (accession) 28 November 2013	14 April 2015
Marshall Islands* 27 October 2014	14 April 2015
Morocco (accession) 13 June 2013	14 April 2015
Nigeria (accession) 23 July 2009	14 April 2015
Palau (accession) 29 September 2011	14 April 2015
UK* (accession) 30 November 2012	14 April 2015

*denotes that the State Party has, pursuant to Article 3.2 of the Convention, extended the application of the Convention to wrecks located within its territory, including the territorial sea.

Source: UK P&I Club

6. UK P&I Club further states that the Convention will fill a gap in the existing international legal framework by providing the first set of uniform international rules aimed at ensuring the prompt and effective removal of wrecks located beyond a country's territorial sea.
7. The Convention also contains a clause that enables States Parties to 'opt in' to apply certain provisions to their territory, including their territorial sea.
8. According to the UK P&I Club, the Convention will provide a sound legal basis for States to remove, or have removed, shipwrecks that may have the potential to affect adversely the safety of lives, goods and property at sea, as well as the marine and coastal environment. It will make shipowners financially liable and require them to take out insurance or provide other financial security to cover the costs of wreck removal. It will also provide States with a right of direct action against insurers.
9. Furthermore the Articles in the Convention cover:
 - ✓ 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; and action by the coastal State to locate the ship or wreck;
 - ✓ Setting a 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 into the marine environment of cargo or oil are also included;
 - ✓ Measures to facilitate the removal of wrecks, including rights and obligations to remove hazardous ships and wrecks - which sets out when the shipowner is responsible for removing the wreck and when a State may intervene;
 - ✓ Liability of the owner for the costs of locating, marking and removing ships and wrecks - the registered shipowner is required to maintain compulsory insurance or other financial security to cover liability under the convention; and settlement of disputes.
10. Liability is strict and subject only to three limited defences applicable, namely that the casualty
 - ✓ Resulted from act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable and irresistible character;
 - ✓ Was wholly caused by an act or omission done with intent to cause damage by a third party; or

- ✓ And that was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids
11. UK P&I Club, acknowledges that the incidence of marine casualties has decreased in recent years, attributing that to the work of the International Maritime Organisation, including contribution of many government and the general industry to enhance safety in shipping operations.
12. However the number of abandoned wrecks has reportedly increased and thus has a potential to create problems to coastal States and shipping.
13. Number of problems identified are as follows: (UK P&I Club)
- ✓ Depending on its location, a wreck may constitute a hazard to navigation, potentially endangering other vessels and their crews;
 - ✓ Another concern, depending on the nature of the cargo, is the potential for a wreck to cause substantial damage to the marine and coastal environments;
 - ✓ Furthermore it has become increasingly expensive to marking and removal of hazardous wrecks;
 - ✓ Most of the dangerous wrecks lie in shallow coastal waters, within the territorial sea, where coastal States have unrestricted rights to remove them, without engagement of the shipowner. The convention attempts to resolve all of these and other, related, issues.