

## **Governments clash over HNS convention**

Sandra Speares - Friday 19 October 2007

DELEGATIONS from countries meeting at the International Oil Pollution Compensation Funds clashed yesterday during discussions on the Hazardous and Noxious Substances convention.

The Netherlands, in particular, was accused of trying to restrict debate on the underlying causes of the failure to reach agreement on HNS after 11 years of negotiations.

Members of the IOPC assembly have been trying to agree terms of reference for a HNS Focus Group to consider issues which have been identified as inhibiting the entry into force of the convention by many member states. These include contributions to the liquefied natural gas account, the concept of receiver and non-submission of contributing cargo reports.

The Netherlands had proposed an amendment to a draft terms of reference text prepared by assembly chairman Jerry Rysanek to add the phrase “without changing the concept of shared liability” to a clause related to the consideration of the three main underlying causes of disagreement — a move rejected by many delegations as restricting debate in particular on the issue of packaged HNS products as opposed to goods carried in bulk.

While the majority of member states meeting in London this week have been firm in their support of the convention, payments to the LNG accounts of the HNS Convention for contributors that are not subject to the jurisdiction of any state party, a uniform interpretation of the definition of receiver and a solution to the problem of ratification of the convention submitted without contributing cargo reports have been bones of contention.

Mr Rysanek, of Canada, told members of the IOPC Funds Assembly this week that the HNS convention “won’t come into force by powerpoint presentation and speeches at conferences”.

The decisions before the assembly were either to agree that an impasse had been reached on the convention, and that further work on it should be suspended, or that a focus group should be set up to work towards resolving outstanding problems with the convention. Delegations opted for the focus group.

While nine states have ratified the convention to date, only two have submitted reports on contributing cargo, and some countries are experiencing difficulty or need guidance on how to deal with the issue.

As is the case with other conventions dealing with compensation for spills, levels of participation in the HNS Fund, which would compensate victims in the event of an HNS spill, are calculated on the volume of HNS products received, prompting arguments over the definition of receiver, how to identify the receiver and non-compliance with reporting procedures.

Some delegations expressed fears that unless the group is tightly focused on considering the three main areas of disagreement, the debate could widen out into a wholesale revision of the convention, where terms that had already been agreed would be up for debate.

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