

Mitropoulos urges swift action on HNS treaties

INTERNATIONAL Maritime Organization secretary-general Efthimios Mitropoulos has warned that the Hazardous and Noxious Substances convention will never come into force unless states ratify it swiftly, *writes Sandra Speares*.

The IMO's Legal Committee is considering a protocol to the convention that aims to solve some of the problems that have prevented states signing up to it.

In an address delivered on Mr Mitropoulos' behalf by IMO legal department head Rosalie Balkin, the secretary-general said many country delegations are of the opinion that obstacles to ratification cannot be overcome within the framework of the existing 1996 HNS Convention.

A number of amendments have been suggested, including whether packaged HNSs should be included as contributing cargo for liability purposes, whether owners' liability limits should be increased and how contributions to the liquefied natural gas account should be handled.

Mr Mitropoulos also noted that a number of other IMO treaties remain to be ratified.

These include the 2005 protocols to the 1998 Convention for the Suppression of Unlawful Acts against the Safety of Mari-

Many country delegations are of the opinion that obstacles to ratification cannot be overcome within the framework of the existing 1996 HNS Convention

LL 21 Oct 08

time Navigation and the protocol relating to fixed platforms on the continental shelf.

While three years have gone by since the protocols were adopted, only eight states out of the necessary 12 have ratified the main instrument, without which the second protocol cannot come into force.

The two protocols were adopted on a 'high priority basis' to provide the legal framework for the capture and prosecution of suspected terrorists.

"The need for both these instruments remains as valid as it was when they were adopted," Mr Mitropoulos said. It is imperative from the political point of view "to show the world that the IMO means business in the fight against terrorism", he added.

States must act to bring the Suppression of Unlawful Acts instruments into force and integrate them into national legislation, he said. "Only then will states be in a position effectively to remove the legal uncertainties regarding the capture, detention, prosecution and extradition of suspected terrorists."

With regard to the protocol of the Athens Convention relating to the carriage of passengers by sea, only four states out of the required 10 have ratified, Mr Mitropoulos said. Failure to ratify the convention potentially sends a "negative mes-

sage" to passengers who have suffered an accident during a voyage through no fault of their own, "especially in an era when we are witnessing the proliferation of megacruiseships".

The Legal Committee is also considering draft revised terms on the joint IMO/International Labour Organisation deliberations on liability and compensation claims for death, injury or abandonment of seafarers, as well as guidelines on the fair treatment of seafarers following maritime accidents. It will also consider a submission on the new Casualty Investigation Code.

Innocent seafarers involved in accidents have repeatedly been confronted with the "terrible reality of misdirected prosecution and wrongful imposition of fines, arrest and incarceration", Mr Mitropoulos said.

He noted that recent cases had shown there might be conflicts between national laws and government policy concerning the safety, welfare and well-being of seafarers.

"These instances point to a potential legal minefield that might arise if a conflict of law were to present itself with respect to such IMO instruments as the Fair Treatment Guidelines and the Safety of Life at Sea Casualty Investigation Code," he said.

This article is copyright Informa plc. and is reproduced with permission.
Reproduction, retrieval, copying or transmission of this article is not permitted without the publisher's prior consent. Informa plc. does not guarantee the accuracy of the information contained in this article nor does it accept responsibility for errors or omissions or their consequences.