

Nations seek agreement over HNS convention

By Sandra Speares - Wednesday 17 October 2007



HNS training at Milford Haven

AFTER 11 years of negotiations, the maritime nations are trying to hammer out a means to reach agreement on the Hazardous and Noxious Substances Convention at assembly meetings of the International Oil Pollution Compensation Funds.

According to Professor Erik Røsæg of the Scandinavian Institute of Maritime Law the convention could be in force by the end of the decade as delegations agreed to work together to resolve outstanding issues.

Proposals have been put forward to set up a focus group to concentrate on three key areas which have proved particularly contentious for nations seeking to ratify the 1996 convention.

While the majority of member states meeting in London this week have been firm in their support of the convention, there are been a number of outstanding issues that need to be resolved. These include those relating to 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.

The meeting was chaired by Jerry Rysanek of Canada who told members of the IOPC Funds Assembly 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, which has already been ratified by a number of states. The focus group, he suggested, would be open to all delegations, but would be “compulsory for those who work towards solutions”.

So far, while nine states have ratified the convention 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 substances received, prompting arguments over the definition of receiver, how to identify the receiver and non compliance with reporting procedures.

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