

IMO Legal Committee to shore up HNS Convention

Hopes rise that hazards draft will be approved to end ongoing debate

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HAZARDOUS and noxious substances will be on the agenda when the Legal Committee meets at the International Maritime Organization this week. The committee will try to finalise a protocol drawing a line under long-running negotiations on implementation of the HNS Convention.

If the legal committee deliberations are successful and a draft is approved, it will move forward to a diplomatic conference, hopefully early next year, IMO legal director Rosalie Balkin said last week.

Given the absence of submissions from country delegations, it is hoped that the committee can move forward with a view to introducing the final element of the compensation regime.

Legal issues for discussion this week include updating the definitions section of the HNS Convention 1996 as original definitions of HNS were in reference to codes that have since been superseded.

Another issue to be discussed is the legal position of those states that have signed the 1996 convention, which has never come into force, if they sign the protocol.

The approach suggested is that those states which have already signed the HNS Convention 1996, and which sign the protocol, will automatically be deemed to have repudiated the original treaty.

Also on the agenda for discussion this week is the abandonment of seafarers.

Following discussions between the IMO and the International Labour Organisation, a submission has been made proposing that the Maritime Labour Convention be amended, when it comes into force, to establish who pays in the event of an owner abandoning the crew.

One proposal is for a compulsory insurance scheme to be put in place to cover all the costs associated with crew abandon-

ment. Ms Balkin said the legal committee would be encourage states to abide by guidelines on abandonment. There was concern that the current economic conditions may make abandonment more prevalent.

The legal committee will also be considering the development of a single model compulsory insurance certificate that covers all compensation treaties.

These include the Athens Convention covering passenger liability, the Civil Liability Convention, the HNS Convention, the Bunker Spill Convention, the Wreck Removal Convention and the Fund Convention.

There is an obligation for owners to carry certificates on board vessels to satisfy the requirements of the different conventions, and one certificate that covered all the relevant conventions would have obvious practical advantages.

Should the HNS convention, as amended by the protocol, come into force, it will be administered by the International Oil Pollution Compensation Funds.

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