

The Nairobi International Convention on the Removal of Wrecks, 2007

2008 Edition



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Removal of Wrecks, 2007
2008 Edition



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Foreword

The Nairobi International Convention on the Removal of Wrecks, 2007 was adopted on 18 May 2007 by the International Conference on the Removal of Wrecks convened by the International Maritime Organization (IMO) at the Headquarters of the United Nations Office at Nairobi (UNON), from 14 to 18 May 2007.

The Convention provides the legal basis to enable States to remove, or have removed, from their coastlines and waters around their coasts, wrecks posing a hazard to the safety of shipping or to the marine environment. To achieve these objectives, the new treaty includes provisions on the reporting and locating of ships and wrecks and criteria for determining the hazard posed by wrecks, including assessment of damage to the marine environment. It also regulates measures to facilitate the removal of wrecks, as well as the liability of the owner for the costs of locating, marking and removing of ships and wrecks. The registered shipowner is required to maintain compulsory insurance or other financial security to cover liability under the Convention.

The Convention will enter into force twelve months following the date on which ten States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the IMO Secretary-General.

The Conference also adopted the following resolutions:

1. Resolution on expressions of appreciation;
2. Resolution on compulsory insurance certificates under existing maritime liability conventions, including the Nairobi International Convention on the Removal of Wrecks, 2007; and
3. Resolution on promotion of technical co-operation and assistance.

This publication reproduces the texts of the Final Act of the International Conference on the Removal of Wrecks, the Nairobi International Convention on the Removal of Wrecks, 2007 and the three resolutions adopted by the Conference.





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FINAL ACT OF THE INTERNATIONAL CONFERENCE ON THE REMOVAL OF WRECKS, 2007

1 In accordance with Article 2(b) of the Convention on the International Maritime Organization, and pursuant to a decision of the Assembly of the Organization at its twenty-third regular session, as reflected in resolution A.942(23) of 5 December 2003, and subsequently endorsed by the Assembly at its twenty-fourth regular session, as reflected in resolution A.969(24) of 28 November 2005, the Council of the Organization decided at its ninety-sixth session, in June 2006, to convene a diplomatic conference to consider the adoption of a convention on the removal of wrecks in Nairobi, Kenya, in May 2007.

2 The Conference was held at the Headquarters of the United Nations Office at Nairobi (UNON), Kenya, from 14 to 18 May 2007.

3 Representatives of 64 States participated in the Conference, namely the representatives of:

ALGERIA	GHANA
ANTIGUA AND BARBUDA	GREECE
ARGENTINA	INDIA
AUSTRALIA	INDONESIA
BAHAMAS	IRAN (ISLAMIC
BANGLADESH	REPUBLIC OF)
BELGIUM	IRELAND
BENIN	ITALY
BRAZIL	JAPAN
BULGARIA	KENYA
BURUNDI	KUWAIT
CANADA	LATVIA
CHILE	LIBERIA
CHINA	LITHUANIA
CUBA	MADAGASCAR
CYPRUS	MALAYSIA
DENMARK	MALTA
EGYPT	MAURITIUS
ESTONIA	MEXICO
FINLAND	MOROCCO
FRANCE	NETHERLANDS
GERMANY	NIGERIA

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NORWAY	SWEDEN
PAPUA NEW GUINEA	TURKEY
PHILIPPINES	UKRAINE
POLAND	UNITED KINGDOM OF
PORTUGAL	GREAT BRITAIN AND
QATAR	NORTHERN IRELAND
REPUBLIC OF KOREA	UNITED REPUBLIC OF
RUSSIAN FEDERATION	TANZANIA
SAUDI ARABIA	UNITED STATES OF
SINGAPORE	AMERICA
SOMALIA	VANUATU
SOUTH AFRICA	VENEZUELA
SPAIN	

4 Hong Kong, China, an Associate Member of the Organization, sent observers to the Conference.

5 The International Tribunal for the Law of the Sea (ITLOS) sent an observer to the Conference.

6 The following intergovernmental organizations sent observers to the Conference:

INTERNATIONAL OIL POLLUTION COMPENSATION
FUNDS (IOPC FUNDS)
REGIONAL ORGANIZATION FOR THE
CONSERVATION OF THE ENVIRONMENT OF THE
RED SEA AND GULF OF ADEN (PERSGA)
PORT MANAGEMENT ASSOCIATION OF EASTERN AND
SOUTHERN AFRICA (PMAESA)

7 The following non-governmental international organizations sent observers to the Conference:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ASSOCIATION OF PORTS AND
HARBORS (IAPH)
INTERNATIONAL SALVAGE UNION (ISU)
INTERNATIONAL GROUP OF P & I ASSOCIATIONS
(P & I CLUBS)

8 The Honourable Chirau Ali Mwakwere, Head of the delegation of Kenya, was elected President of the Conference.

- 9 The Vice-Presidents elected by the Conference were:
 Admiral Miguel Angelo Davena (Brazil)
 Mr. Eddy Pratomo (Indonesia)
 H.E. Mr. Rafal Wiechecki (Poland)
 Mr. Jassim Mohamed Al-Manai (Qatar)
 Prof. Lee-Sik Chai (Republic of Korea)
- 10 The Secretariat of the Conference consisted of the following officers:
- | | |
|--------------------------------|---|
| Secretary-General: | Mr. E.E. Mitropoulos
Secretary-General of the Organization |
| Executive Secretary: | Dr. R.P. Balkin
Director, Legal Affairs and
External Relations Division |
| Deputy Executive
Secretary: | Mr. A. Blanco-Bazán
Senior Deputy Director/Head,
Sub-Division for Legal Affairs
Legal Affairs and External Relations
Division |
- 11 The Conference established a Committee of the Whole with the mandate to consider a draft convention on the removal of wrecks.
- 12 A Drafting Committee established by the Conference was composed of representatives of the following eight States:
- CANADA
 CHINA
 EGYPT
 FRANCE
 MEXICO
 RUSSIAN FEDERATION
 SPAIN
 UNITED KINGDOM
- 13 A Credentials Committee was appointed to examine the credentials of representatives attending the Conference. The Committee was composed of representatives of the following five States:
- BELGIUM
 LIBERIA
 MADAGASCAR
 MALAYSIA
 VENEZUELA



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14 The officers elected for the Committees were as follows:

Committee of the Whole:

Chairman: Mr. Jan Engel de Boer (Netherlands)
 First Vice-Chairman: Mr. Kofi Mbiah (Ghana)
 Second Vice-Chairman: H.E. Mr. Julio César González
 Marchante (Cuba)

Drafting Committee:

Chairman: Mr. Marc Gauthier (Canada)
 Vice-Chairperson: Mrs. Tang Guomei (China)

Credentials Committee:

Chairman: Mr. George M. Arku (Liberia)

15 The Conference used, as the basis of its work, a draft convention on the removal of wrecks prepared by the IMO Legal Committee.

16 Also before the Conference were a number of documents containing proposals and comments submitted by Governments and interested organizations on the above-mentioned draft text.

17 As a result of its deliberations, the Conference adopted the following instrument:

NAIROBI INTERNATIONAL CONVENTION ON THE
 REMOVAL OF WRECKS, 2007

18 The Conference also adopted the following resolutions contained in the Attachment to this Final Act:

- 1 RESOLUTION ON EXPRESSIONS OF APPRECIATION
- 2 RESOLUTION ON COMPULSORY INSURANCE
 CERTIFICATES UNDER EXISTING MARITIME
 LIABILITY CONVENTIONS, INCLUDING THE
 NAIROBI INTERNATIONAL CONVENTION ON
 THE REMOVAL OF WRECKS, 2007
- 3 RESOLUTION ON PROMOTION OF TECHNICAL
 CO-OPERATION AND ASSISTANCE

Final Act

19 This Final Act is established in a single original text in the Arabic, Chinese, English, French, Russian and Spanish languages, which is to be deposited with the Secretary-General of the Organization.

20 The Secretary-General shall send certified 33copies of this Final Act with its Attachment, and certified copies of the authentic text of the instrument referred to in paragraph 17 above, to the Governments of the States invited to be represented at the Conference.

IN WITNESS WHEREOF the undersigned* have affixed their signatures to this Final Act.

DONE IN NAIROBI this eighteenth day of May, two thousand and seven.

* Signatures omitted.

