



COMPENDIUM OF CANADA'S ENGAGEMENT IN INTERNATIONAL ENVIRONMENTAL AGREEMENTS AND INSTRUMENTS

Nairobi International Convention on the Removal of Wrecks, 2007

SUBJECT CATEGORY:

Marine/Oceans.

TYPE OF AGREEMENT / INSTRUMENT:

Multilateral.

FORM:

Legally-binding treaty.

STATUS:

- Accession by Canada on April 30, 2019
- Entered into force in Canada on July 30, 2019
- Entered into force internationally on April 14, 2015
- 57 state parties

LEAD & PARTNER DEPARTMENTS:

Lead: Transport Canada

FOR FURTHER INFORMATION:**Web Links:**

[Nairobi International Convention on the Removal of Wrecks, 2007](#)

[Marine liability and compensation: Wreck removal](#)

Contacts:

[TC Inquiry Centre](#)

COMPENDIUM EDITION:

February 2022

PLAIN LANGUAGE SUMMARY

The *Nairobi International Convention on the Removal of Wrecks, 2007* (Wreck Removal Convention), was adopted by the International Marine Organization (IMO) in 2007 and came into force internationally in 2015. The Convention provides the legal basis to remove, or have removed, shipwrecks that may have the potential to affect adversely the safety of lives, goods and property at sea, as well as the marine environment.

OBJECTIVE

The objective of this Convention is to provide a set of uniform international rules aimed at ensuring the prompt and effective removal of wrecks that may have caused a hazard to safety, navigation, property, communities and the marine environment.

KEY ELEMENTS

The Wreck Removal Convention provides a legal framework setting out the rights and obligations of shipowners or operators, flag states and coastal states when dealing with shipwrecks. The Convention includes articles on the reporting of wrecks, the determination of whether a wreck poses a hazard, the locating, marking and removal of wrecks, the liability of the ship owner, and compulsory insurance or other financial security requirements.

The Convention defines a 'wreck' as a sunken or stranded ship or any part or any object from a sunken or stranded ship that is the result of a maritime casualty. The definition includes any object from a ship that is stranded, sunken or adrift at sea, such as lost containers. It also includes ships that may reasonably be expected to sink or strand.

A 'hazard' is determined when a wreck poses a danger or impediment to navigation or is likely to result in harmful consequences to the marine environment, or damage to the coastline or "related interests" of one or more States.

Subject to certain defences (e.g., due to a force majeure), the shipowner's liability is strict. The Wreck Removal Convention also allows a shipowner to limit their liability based on limits set out in the *International Convention on the Limitation for Liability for Maritime Claims (LLMC)*, which are tied to the tonnage of the ship, however Canada has taken a reservation on the application of the LLMC to claims related to wreck removal. Shipowners are not able to limit their liability for claims related to the raising, removal, destruction or rendering



harmless of a ship that is sunk, wrecked, stranded or abandoned. Ships are required to maintain adequate insurance or other financial security in sums equivalent to the limits set out in the LLMC Convention. State parties issue certificates attesting that insurance or financial security is in place.

The Wreck Removal Convention applies to all seagoing vessels of any type or size, including fixed or floating platforms except when such platforms are engaged in the exploration, exploitation or production of seabed mineral resources. Canada extended the application of the Wreck Removal Convention domestically to non-seagoing vessels.

The Convention does not apply to warships and state owned or operated ships. Only ships of 300 gross tonnes or more are required to maintain adequate insurance or other financial security. The Convention also applies only to wrecks in a State's Exclusive Economic Zone, unless the State party has extended its application to its territory and territorial waters. Upon accession, Canada made a declaration that the Convention also applies to wrecks in its territory and territorial sea.

EXPECTED RESULTS

The Wreck Removal Convention sets out a legal framework for addressing hazardous wrecks, establishes the liability of the owner and providing for the financial means through compulsory insurance or other financial security.

CANADA'S INVOLVEMENT

Maritime shipping is an important part of trade and the Canadian economy. Through international agreements, Canada can ensure losses and damage from hazardous wrecks are addressed.

The Wreck Removal Convention was incorporated into domestic law through the *Wrecked, Abandoned or Hazardous Vessels Act*, which received Royal Assent on February 28, 2019. This allowed Canada to subsequently accede to the Convention on April 30, 2019.

RESULTS / PROGRESS

Activities

Canada remains active in the international discourse on the implementation of the Wreck Removal Convention at the Legal Committee of the International Maritime Organization

Reports

Under the Wreck Removal Convention, Canada issues certificates of financial security to ship owners who require them in accordance with the Convention's requirements.

Results

The results of being party to the Wreck Removal Convention is that Canada promotes global uniformity and ensures that a liability regime is in place for hazardous ship wrecks in its waters.