



Nairobi Convention on the Removal of Wrecks

The Nairobi Convention on the Removal of Wrecks (WRC) enters into force today, 14 April 2015.

Published 14 April 2015

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.

Members and clients are reminded about the entry into force of the WRC which, in brief:

- provides for strict liability of the registered owner for the costs of locating, marking, and removing the hazard represented by a wreck of a vessel, following a lawful order of a competent authority;
- applies regardless of flag or register of wrecks located within the Exclusive Economic Zone (EEZ)¹ of a state party;
- allows a state party to extend the geographical application of the WRC to its territorial waters² by notification to the IMO;
- makes the registered owner liable up to a limit equal to the tonnage-based limit for property claims under the 1976 Limitation Convention as amended;
- obliges the registered owner to maintain insurance or other financial security in respect of the liabilities under the WRC;
- requires a certificate to be obtained from a WRC state party attesting that the insurance or other financial security is in place; and
- allows claims for compensation for wreck removal under the WRC to be brought directly against the registered owners' insurer.

Worth noting is that the WRC requirement to maintain insurance or other financial security applies to ships of **300 gross tonnage and above**, calling at ports or terminals within the scope of the WRC. Furthermore, the compulsory insurance certificate should be issued by the appropriate authority of the ship's flag state (if a party to the WRC), otherwise of any WRC party.

As at 14 April 2015 there are a total of 17 Contracting States: Antigua and Barbuda, Bulgaria, Congo, Cook Islands, Denmark, Germany, India, Iran, Liberia, Malaysia, Malta, Marshall Islands, Morocco, Nigeria, Palau, Tuvalu and the United Kingdom.

For further information, please see the IMO website and our previous Updates:

- IMO Press Briefing 11 dated 13 April 2015:
[The Nairobi Wreck Removal Convention enters into force](#)
- Member Circular No. 8/2014: [Entry into Force of the Nairobi International Convention on the Removal of Wrecks](#)
- Member Circular No.16/2014: [Entry into Force of the Nairobi International Convention on the Removal of Wrecks](#)
- Gard Insight: [Wreck Removal Convention will enter into force on 14 April 2015](#)

1 Article 57 of the United Nations Convention on the Law of the Sea defines the EEZ as follows: “ *The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.*”² As at 14 April 2015, the following States have extended the scope of the WRC to their territorial seas: Antigua & Barbuda; Bulgaria; Cook Islands; Congo; Denmark ; Liberia; Malta ; Marshall Islands; Palau and the UK.

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.