



# COMITÉ MARITIME INTERNATIONAL, AISBL

## Comite Maritime International Beijing Conference 2012 Report of the Review of the Salvage Convention

The Review of the Salvage Convention sessions, which took place on Monday and Tuesday afternoon opened with the Chairman making some introductory remarks. These referred to the genesis of the work being a request by the ISU to the CMI to review the Convention in 2008; the setting up of an IWG; the two questionnaires which had been sent to NMLAs; an ISC meeting and Colloquium in Buenos Aires in 2010.

In his opening the Chairman also referred to changes made in 2011 to publication of awards under LOF and Lloyds Standard Salvage and Arbitration Clause (LSSA), as well as in relation to container vessel provisions under the LSSA clauses. The Chairman also referred to reported comments of delegates at IUMI's recent conference in which concerns were expressed as to the ability of salvors to respond to major casualties.

In a departure from the usual procedure followed at CMI conferences 10 minute presentations were made by Robert Wallis, (the legal advisor to the ISU), Kiran Khosla, the secretary of the Maritime Law Committee of the ICS, and Charles Hume, the Chairman of the International Group of P&I Clubs' Salvage Committee. Robert Wallis urged delegates to support the ISU proposals for change to the Convention and Kiran Khosla and Charles Hume identified their objections to any changes being made to the Convention, in particular in relation to environmental salvage. (Position papers had been circulated previously to delegates on behalf of the ISU and the ICS. These papers are available on the CMI website.)

The ISU had proposed changes to the definitions concerning the geographical scope of the Convention (Article 1(d)); the availability of the right by Public Authorities to claim salvage award (Article 5); the strengthening of the provision relating to Places of Refuge (Article 11); the channelling of liability to and provision of security by shipowners in relation to container ship cases (Articles 13 and 21); a new environmental salvage award (Article 14); changing the responsibility for life salvage claims to property interests rather than the salvor (Article 16); and the publication of awards (Article 27).

In addition, the meeting considered the Brice Protocol which had been prepared by the late Geoffrey Brice QC, which had been discussed at earlier CMI conferences. These provisions were designed to ameliorate the position for salvors under the UNESCO Convention on Underwater Cultural Heritage.



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The result of the deliberation this week has been that only one of the proposed amendments achieved the support of the meeting. The only change which has been approved is the deletion of the words “in coastal or inland waters or areas adjacent thereto” in Article 1(d) of the Salvage Convention 1999 and their replacement by the provisions of Article II(a)(i)(ii) of the CLC 1992, but not including the words “to pollution damage caused”, so as to extend the definition under Article 1(d) to the territorial sea and the exclusive economic zone, in common with the CLC, the Bunkers Convention (2004) and the HNS Convention (1996).

The meeting encouraged the industry, salvors, shipowners and their insurers, to seek resolution of the issues discussed at the Conference in relation to environmental salvage, and security for container casualties, as well as the other matters which were debated.