ASSEMBLY
30th session
Agenda item 10

Resolution A.1123(30)
Adopted on 6 December 2017
(Agenda item 10)

IMPLEMENTATION AND ENTRY INTO FORCE OF THE 2010 HAZARDOUS AND NOXIOUS SUBSTANCES PROTOCOL

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization regarding the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment,

NOTING with concern that the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (2010 HNS Protocol) has not yet entered into force,

RECOGNIZING the dangers posed by the worldwide carriage by sea of hazardous and noxious substances (HNS) and the need to ensure that adequate, prompt and effective compensation is available to persons who suffer damage caused by incidents in connection with such carriage,

BEING AWARE that the transport of HNS by sea facilitates global trade; however, HNS incidents may happen where consequences can be significant and costly to individuals as well as to coastal States,

CONSIDERING that the entry into force of the 2010 HNS Protocol would result in filling a critical gap in the global regulatory framework of liability and compensation and that eight States are already signatories to the 2010 HNS Protocol,

RECOGNIZING the importance for States to coordinate if possible their implementation,

CONSCIOUS that the ultimate effectiveness and application of any instrument depends, inter alia, upon the support of all States:

(a) to become a Party to the instrument,

(b) to promote widespread ratification,

(c) to implement it fully and effectively and ensure compliance,
HAVING CONSIDERED the recommendations made by the Legal Committee at its 104th session,

1 CALLS ON States to consider ratifying, or acceding to, the 2010 HNS Protocol and implement it in a timely manner;

2 URGES all States to work together towards the implementation and entry into force of the 2010 HNS Protocol by sharing best practices, and in resolving any practical difficulties in setting up the new regime;

3 ENCOURAGES States to work with industry to assist in the implementation process by using the tools that are made available on identifying receivers, contributing cargo and other relevant information; and

4 REQUESTS that the Legal Committee specifically address the progress made and practical issues encountered in facilitating the acceptance and implementation of the HNS Protocol when reporting to the Assembly.