



From: IALA ANM Committee
Reference: ANM15/output/10
15 October 2010

Legal Advisory Panel
8th Session
Agenda item 4/1

LAP 8/4/1/1
May 4-5, 2011

Liaison Note to LAP

Legal requirements surrounding the IMO Wreck Removal Convention

1 Introduction

The ANM committee have been tasked to:

‘Consider the IMO Wreck Removal Convention and its implications for AtoN Authorities and States. Develop a Recommendation for IALA Members including guidance on marking ‘floating wreckage’, taking into account existing IALA guidance.’

The IMO wreck convention when implemented will include changes to the definition of wreck, to include ‘*any object that is lost at sea from a ship and that is stranded, sunken or adrift at sea*’.

2 Details

There are various ways in which a drifting object may be marked which will include consideration of physical floating marks, synthetic or virtual AtoN and several other possibilities, which will be assessed by the ANM committee.

Together with the actual marking considerations, however, there are several points which require legal comment:

- The marking of wreckage is likely to require mobile AtoN, which is in stark contrast to their conventional usage, in that AtoN are traditionally moored to the seabed or permanently affixed in some other manner. Can a mobile or drifting marker be determined to be an AtoN?
- Responsibilities and impacts associated with jurisdictional boundaries, particularly in areas where a common boundary line between two Authorities is recognised, be it economic or territorial in nature.
- Once an AtoN or marker is deployed the obligation and liability of an Authority to track, pursue, update, and report positions (as they move) and validate the continued need to mark the wreckage.
- The inherent disposable nature of an AtoN deployed that is not affixed or moored.

3 Action requested

The LAP Committee is requested to consider the above comments and questions and offer advice to the ANM Committee on the legal implications in time for ANM16 (4-8 April 2011).