

## (PRE-) ENFORCEMENT OF INTERNATIONAL CONVENTIONS BY CONTRACT: THE CASE OF SHIP'S RECYCLING

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**S**afe recycling, or scrapping, of vessels has attracted attention for a long time. In later years, it has apart from unfortunate headlines for shipping companies that otherwise proud themselves of a decent CSR policy resulted in the Hong Kong Convention 2009 on the safe and environmentally sound recycling of vessels. The convention, however, is unlikely to be adopted any time soon and remains a dead letter. Still, the framework of the convention has been used as a bench mark for shipping companies, which have introduced clauses that the convention should be adhered to into their contracts when selling vessels that are at the end of their life circle. Some of these contracts offer little more than lip service to the Convention, however, from the perspective of legal sociology it is interesting that as regards recycling of vessels the acceptable environmental norm in the trade has been more advanced than the reigning legal norm. The (suspected) ineffectiveness of the Hong Kong Convention is also part of the real background for the Regulation (EU) No 1257/2013 of on ship recycling. It will enter into force by the end of 2018, and sets out to ensure that vessels flagged in an EU state are only recycled under acceptable conditions in regards to particularly environmental concerns and human health. As severe reactions to transgression of the regulation are indicated, even more pressing questions of how to contractually ensure compliance in case of (unexpected) resale of vessels for scrapping arise. The paper will investigate the interaction between the trade norm and the legal norm as well as the aptness of contractual provisions in contracts for the sale and purchase of used ship's tonnage in this context.

### Biography

Kristina Siig has obtained her Degree of Dr. Juris from the Scandinavian Institute of Maritime Law in Oslo in 2003. She holds the Chair of International Trade Law and Maritime Law at the University of Southern Denmark. She is the Author of numerous international articles and a much-used speaker at conferences and seminars. She is presently involved in a multidisciplinary research project on (obstacles to) law enforcement at sea, funded by the Danish Research Council (Polsea), focusing especially on how public and private initiatives may supplement each other in ensuring a level playing field for the actors in the market. She has on several occasions acted for one of the major Danish recycling companies in international arbitration and mediation procedures. In her spare time she is on the Board of Directors of the Danish Liberal Democrat Party.

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