

On the 10th birthday of a convention not yet in force obstacles for implementing BWM Convention

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Abstract

In 2014, the International Maritime Organization (IMO) chose "IMO Conventions: Effective Implementation" as the World Maritime Day theme in order to deal with obstacles and problems related to effective and appropriate implementation and enforcement of conventions and regulations approved and entered into force so far. The International Convention for the Control and Management of Ships' Ballast Water and Sediments was approved in 2004, as a result of a suitable performance and a strong background with a number of global projects, support from international environmental organizations, and the enthusiasm of some countries representing their respective continents for the dual aim of protecting the marine environment and human health against dangers resulting from transfer of harmful and pathogenic aquatic organisms through ballast water. After 10 years, and ratification of 43 countries, however, this convention has not reached the required tonnage to enter into force, since developed industrial countries with high tonnage of shipping have shown no interest in ratifying the convention due to obstacles in correct and proper implementation or the challenging nature of the provisions themselves! Threats of invasive species for biodiversity and communities have been widely recognized at the global level. According to Article 8 of the Convention on Biological Diversity (CBD), Parties shall take measures to prevent, control and eliminate transfer of invasive species that threaten indigenous species, habitats and ecosystems. Other legal frameworks dealing with this issue are International Plant Protection Convention (IPPC), Ballast Water Management Convention, ICAO Resolution on Aerial Transfer of Invasive Species, and Transfer of Invasive Species under Convention on International Trade in Endangered Species of Wild Flora and Fauna. The main challenge here would relate to gaps in the chain for successful implementation of the convention requirements. This paper deals with major issues blunting the interest of countries for ratifying and implementing this convention.

Keywords: Ballast Water Management Convention, Effective Implementation, BWM Requirements