



International Oil Pollution
Compensation Funds

Agenda item 3	IOPC/NOV25/3/10	
Date	27 August 2025	
Original	English	
1992 Fund Assembly	92A30	
1992 Fund Executive Committee	92EC85	●
Supplementary Fund Assembly	SA22	

INCIDENTS INVOLVING THE IOPC FUNDS — 1992 FUND

MT HARCOURT

Note by the Secretariat

Objective of document:	To inform the 1992 Fund Executive Committee of the developments regarding this incident.
Summary:	<p>On 2 November 2020, the oil storage tanker <i>MT Harcourt</i> (26 218 GRT, built 1997) suffered an explosion in a ballast water tank at Delta State, Nigeria. Approximately 31 barrels (approximately 4.2 tonnes) of crude oil were reported to have spilled.</p> <p>The clean-up operation was organised by the Terminal which used its own barges and crew, and was completed successfully. No trace of the oil cargo was found in the water samples taken by the P&I Club's experts.</p> <p>The owner of the <i>MT Harcourt</i> is a party to the Small Tanker Oil Pollution Indemnification Agreement (STOPIA) 2006 (as amended 2017)^{<1>} whereby the limitation amount applicable to the tanker is increased, on a voluntary basis to SDR 20 million. The 1992 Fund has not be called upon to pay compensation.</p> <p>A representative of 12 riverine communities alleged to have been affected filed a claim against the shipowner and Master in the Federal High Court, Warri, Nigeria. No proceedings were commenced against the 1992 Fund. The shipowner's P&I Club filed a defence and were successful in striking out the claim. The claimants filed an appeal. On 9 May 2024, the Court of Appeal dismissed the case and the claimants did not appeal to the Supreme Court within the given deadline.</p>
Recent developments:	The claimants have not applied for time extension to appeal beyond the deadline. Given the time that has passed and the claim's lack of merit, the P&I Club has closed its file. The 1992 Fund also considers this incident closed.
Action to be taken:	<u>1992 Fund Executive Committee</u> Information to be noted.

<1>

From this point forward, references to 'STOPIA 2006' should be taken to read 'STOPIA 2006 (as amended 2017)'.

1 **Summary of incident**

Ship	<i>MT Harcourt</i>
Date of incident	02.11.2020
Place of incident	Benin river, Delta State, Nigeria
Cause of incident	Explosion from oil leaked into ballast tank
Quantity of oil spilled	Unknown but estimated to be approximately 31 barrels (4.2 tonnes)
Area affected	Oil reportedly contained within side channel where vessel moored
Flag State of ship	Marshall Islands
Gross tonnage	26 218 GT
P&I insurer	West of England P&I Club
CLC limit	SDR 17.9 million (USD 25.2 million) ^{<2>}
STOPIA/TOPIA applicable	STOPIA 2006 limit of SDR 20 million (USD 28.2 million)
CLC + Fund limit	SDR 203 million (USD 286 million)
Legal proceedings	Legal proceedings were commenced against the shipowner and the Master. The case was dismissed in the Federal High Court and the Court of Appeal and there has been no appeal to the Supreme Court. No proceedings have been served upon the 1992 Fund.

2 **Background information**

- 2.1 On 2 November 2020, an explosion occurred within a ballast tank of the oil storage/tanker vessel *MT Harcourt* moored at the Elcrest Terminal in the Gbetiokun oil field, near Koko, Delta State, Nigeria.
- 2.2 The Terminal organised the response using its own tugs and crew, and the oil was immediately contained. The Club's surveyors monitored the boom placement and were satisfied that the clean-up was completed successfully.
- 2.3 After the incident, the P&I Club instructed experts take samples of the Benin River around the spill site and the communities that were alleged to have been affected by pollution. Samples of oil from the ship's cargo tanks were also taken for analysis and comparison purposes. No trace of the oil cargo from the *MT Harcourt* was found in the water samples.
- 2.4 Photographic evidence indicated that the surrounding communities were using the Benin River in their usual manner and were not affected by the incident, either at the time it occurred or subsequently.

3 **Applicability of the Conventions**

- 3.1 Nigeria is Party to the 1992 Civil Liability Convention (CLC) and the 1992 Fund Convention.
- 3.2 The total amount available for compensation under the 1992 Civil Liability and 1992 Fund Convention is SDR 203 million (USD 286 million).

^{<2>} The exchange rate used in this document as at 2 November 2020, i.e. the date of the incident, is SDR 1 = USD 1.409720.

3.3 Since the *MT Harcourt* is 26 218 GT units of tonnage, the limitation amount applicable under the 1992 CLC is SDR 17.9 million (USD 25.2 million). The owner of the *MT Harcourt* is a party to STOPIA 2006 whereby the limitation amount applicable to the tanker is increased, on a voluntary basis, to SDR 20 million.

3.4 The 1992 Fund has not been called upon to pay compensation.

3.5 Insurance details

The *MT Harcourt* was insured with the West of England P&I Club, part of the International Group of P&I Associations.

4 Claims for compensation

One claim has been submitted on behalf of 12 riverine communities claiming compensation for damage to the creeks, mangroves, fish breeding grounds, drinking water and means of livelihood of the fishers within the communities. No evidence other than one photo of some dead fish had been provided to the P&I Club.

5 Civil proceedings

5.1 On 26 February 2021, a claimant representing 12 riverine communities in the Benin River, served legal proceedings upon the shipowner and the ship's Master. The claim value amounts to NGN 11.98 billion. As at 8 August 2025, legal proceedings have not been served upon the 1992 Fund.

5.2 The shipowner and Master filed a defence and were successful in striking out the claim. The claimants, subsequently, appealed the decision.

5.3 On 9 May 2024, the Court of Appeal dismissed the case. The claimants had 90 days to appeal to the Supreme Court, but the deadline passed and the P&I Club did not receive notice of a further appeal. The claimants have an indefinite period to apply for a time extension to lodge an appeal with the Supreme Court.

5.4 As at 8 August 2025, the claimants have not applied for a time extension to lodge an appeal with the Supreme Court. Given the time that has passed and the view that the claim is unfounded, the P&I Club has closed its file.

6 Director's considerations

6.1 The Director notes that the P&I Club has closed its file on this matter.

6.2 The Director is of the view that it remains unlikely that the 1992 Fund will be involved in this case and considers this incident closed.

7 Action to be taken

1992 Fund Executive Committee

The 1992 Fund Executive Committee is invited to take note of the information contained in this document.
