



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

ASSEMBLY
4th extraordinary session
Agenda item 5

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ANY OTHER BUSINESS

ESTABLISHMENT OF AN INTERSESSIONAL WORKING GROUP TO ASSESS THE ADEQUACY OF THE INTERNATIONAL SYSTEM OF THE CIVIL LIABILITY AND FUND CONVENTIONS

Document submitted by the French delegation

Summary:	The French authorities are anxious that the principles of the Conventions contained in the 1992 Protocols should be re-examined by Fund Member States, in order to strengthen the system of liability and compensation which was developed at the end of the 1960s.
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Action to be taken:	Establish a working group.
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- 1 The mechanism of liability and compensation for oil pollution damage contained in the Civil Liability and Fund Conventions, which was developed in the 1960s and revised in the middle of the 1980s, has been called upon on many occasions and, in recent decades, rather frequently. While, on numerous occasions, the system has indeed been able to live up to the expectations of the international community, experience in recent years, in particular of the most recent incidents (*Nakhodka*, *Braer*, *Sea Empress*, *Erika* ...), has nevertheless highlighted certain inadequacies in the system.
- 2 The French authorities have recently, in a note sent to the Director of the IOPC Fund, set out some guiding principles to which, in their opinion, the international community could give careful consideration, with a view to reforming the system beyond the scope of the amendments permitted under the present texts.

- 3 Whilst believing that new requirements (considerable increase in the maximum compensation, the introduction of operator liability in the choice of ships, compensation for damage to the environment...) should be taken into consideration, France seeks neither to direct future discussions along a predetermined path nor to draw up an exhaustive list of the possible objectives of a revision of the existing Conventions. In fact, the most recent considerations of both the Assembly and Executive Committee have clearly shown the need to examine in greater depth the issues relating to the functioning of the present system (definition of ship, role of national jurisdictions...).
- 4 On the other hand, France considers that the time has come, in the light of the IOPC Fund's experience of handling the incidents which have occurred in recent years, to undertake an assessment in the very near future in order to ensure that the international system still meets the expectations of coastal States in terms of protecting their population and their environment. The views of Member States would be of great assistance in this respect.
- 5 It is with this in mind that the French delegation proposes that the Assembly should establish a working group whose very first task before the next session of the Assembly would be to list all the issues, further study of which could later be entrusted to the Director. The Secretary-General of the International Maritime Organization should of course be associated with this group, as the Conventions which govern the regime of liability and compensation were elaborated under the auspices of that Organization and since, if the expectations of Contracting States were to lead to a revision of the Conventions, it would be incumbent upon IMO to carry it out.

Action to be taken by the Assembly

- 6 The Assembly is invited to establish a working group and to determine its mandate.
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