



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

THIRD INTERSESSIONAL
WORKING GROUP
Agenda item 2

92FUND/WGR.3/19/6
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REVIEW OF THE INTERNATIONAL COMPENSATION REGIME

AMENDMENT OF ARTICLE VIII OF THE 1992 CIVIL LIABILITY CONVENTION AND ARTICLE 6 OF THE 1992 FUND CONVENTION

Document presented by Friends of the Earth International

Summary: This document sets out the reasons why Friends of the Earth International is proposing that the second and third sentences of Article VIII of the 1992 Civil Liability Convention and the second sentence of Article 6 of the 1992 Fund Convention should be deleted.

Action to be taken: The Working Group is invited to consider this proposal.

- 1 Friends of the Earth International proposes the deletion of the second and third sentences of Article VIII of the 1992 Civil Liability Convention, according to which no action shall be brought after six years from the date of the incident which caused the damage.
- 2 The provision referred to above clearly encourages the shipowner not to remove the oil remaining in the wreck. In most cases it will take at least 15 years, if not longer, for corrosion to take effect and for the trapped oil to start leaking.
- 3 The victims of this new pollution will, thanks to Article VIII of the 1992 Civil Liability Convention, have no remedy, even though the shipowner is known.
- 4 The 5 000 tonnes of oil contained in the *Haven* will soon provide a demonstration of this.
- 5 The oil was pumped out of the *Erika* owing to the pressure of public opinion. Everyone is aware of the Spanish attempts concerning the *Prestige*.
- 6 This provision of the 1992 Civil Liability Convention serves only to encourage those responsible for an oil spill to do the minimum, until the six-year period releases them from any obligation.

- 7 For reasons of consistency between the 1992 Civil Liability Convention and the 1992 Fund Convention, Friends of the Earth International at the same time proposes that the second sentence of Article 6 of the 1992 Fund Convention be deleted.

Measures that the Working Group is invited to take

- 8 The Intersessional Working Group is invited to consider the proposed amendment of Article VIII of the 1992 Civil Liability Convention and Article 6 of the 1992 Fund Convention.
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