



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS

Agenda item: 1	IOPC/OCT15/1/3		
Original: ENGLISH	17 September 2015		
1992 Fund Assembly	92A20	●	
1992 Fund Executive Committee	92EC65		
Supplementary Fund Assembly	SA11	●	

GRANT OF OBSERVER STATUS

Note by the Director

Summary:	The Iberoamerican Maritime Law Institute (IIDM) has applied to the 1992 Fund for observer status.
Action to be taken:	<p><u>1992 Fund Assembly</u></p> <p>Decide whether to grant observer status to IIDM.</p> <p><u>Supplementary Fund Assembly</u></p> <p>Decide whether to grant observer status to IIDM.</p>

1 Introduction

- 1.1 The Iberoamerican Maritime Law Institute (IIDM) has applied to the 1992 Fund for observer status.
- 1.2 Pursuant to Article 18.10 of the 1992 Fund Convention, the 1992 Fund Assembly shall determine which intergovernmental and international non-governmental organisations shall be admitted to take part, without voting rights, in meetings of the 1992 Fund Assembly and subsidiary bodies. At its 1st session the 1992 Fund Assembly adopted Guidelines on relations between the International Oil Pollution Compensation Fund 1992 (1992 Fund) and intergovernmental organisations and international non-governmental organisations (document [92FUND/A.1/34/1](#)). These guidelines contain the following criteria for the granting of observer status to international non-governmental organisations:

Observer status may be granted by the 1992 Fund Assembly to an international non-governmental organisation, at its request, if:

- (a) the organisation concerned is of truly international character and its objectives are in harmony with those of the 1992 Fund;
- (b) it has aims, responsibilities or activities in the fields related to those of the 1992 Fund or which are of concern or interest to the 1992 Fund, particularly in connection with pollution and environmental matters, maritime and shipping affairs, marine insurance, production or transport of oil or relevant questions of international law; and
- (c) it is able to make a contribution to the work of the 1992 Fund, for example by providing specialised information, advice or expertise, or by identifying or helping to procure the services of experts or consultants, or by otherwise furnishing technical assistance or by making research facilities available.

- 1.3 There are 15 non-governmental organisations which have observer status with the 1992 Fund (BIMCO, CMI, CPMR, CEFIC, IACS, INTERTANKO, ICS, GIIGNL, the International Group of P&I Associations, ISU, ISCO, ITOPF, IUMI, OCIMF and WLPGA).

- 1.4 At its first session, held in March 2005, the Supplementary Fund Assembly decided that intergovernmental organisations and international non-governmental organisations that had been granted observer status in respect of the 1992 Fund should have observer status with the Supplementary Fund, unless the Assembly of the Supplementary Fund decided otherwise in respect of a particular organisation (document [SUPPFUND/A.1/39](#), paragraph 4.2).

2 Iberoamerican Maritime Law Institute (IIDM)

IIDM has provided the following information on its activities and has indicated those areas in which it has interests in common with the 1992 Fund.

2.1 General information

- 2.1.1 The IIDM is a non-profit organization founded in Huelva, Spain, in October 1987. Since then, it has become the first and only maritime law organisation in existence amongst Portuguese and Spanish speaking countries.
- 2.1.2 IIDM members are mainly Maritime Lawyers from 25 Iberoamerican countries (although there are also members from Germany, USA, Canada, UK, France and Italy without, however, the right to vote).
- 2.1.3 IIDM has had consultative status to the International Maritime Organization (IMO) since 1995, and since 1996, it gained observer status with the Comité Maritime International (CMI) and the Maritime Transport Committee for the Andean State, and was also given the status of a non-governmental consultative institution for the United Nations Commission on International Trade Law (UNCITRAL).
- 2.1.4 In June 2007, IIDM signed a technical cooperation agreement with the Organization of American States (OAS) through the offices of the Secretary of the Inter-American Commission on Ports. IIDM has also held various agreements with academic institutions and governments.

2.2 Work of the organisation

Information given at Annex.

2.3 Objectives of the organisation

According to the information that IIDM has provided the Director, IIDM has the following objectives:

- a) to promote the development of maritime law in Iberoamerica, in conjunction with other regional and international organisms, be they private or public entities or international organizations;
- b) to promote the study, research and lecturing of Maritime Law and its history, as well as other aspects of the Law of the Sea and relevant subjects;
- c) to promote the development and use of commercial arbitration in maritime matters, capable of acting, through its committees, as an administrative institution for arbitration;
- d) to act as a consultative entity to international organizations and State governments in Maritime Law related subjects.

3 Director's considerations

Having considered the information provided by IIDM set out in section 2, the Director is of the view that IIDM meets the criteria for the granting of observer status to international non-governmental organisations set out in paragraph 1.2 of this document, and therefore recommends that the organisation be granted observer status to the 1992 Fund.

4 Action to be taken

4.1 1992 Fund Assembly

The 1992 Fund Assembly is invited to decide whether to grant observer status to IIDM.

4.2 Supplementary Fund Assembly

The Supplementary Fund Assembly is invited to take note of the decision of the 1992 Fund Assembly and, if that decision was to grant observer status to IIDM, decide whether or not to follow that decision, as set out in paragraph 1.4.

* * *

ANNEX



IIDM

INSTITUTO IBERO-AMERICANO DE DIREITO MARITIMO

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Circular 001/IOC
16th March, 2015

To: Director of the IOPC Funds

Ref: Observer status application for the Iberoamerican Maritime Law Institute (IIDM)

Dear Sir,

I am writing to formally present this observer status application for the Iberoamerican Maritime Law Institute (IIDM)

The Iberoamerican Maritime Law Institute (IIDM) is a non-profit organization founded in Huelva, Spain, in October 1987. Thenceforth it has become the first and only maritime law organization in existence amongst Portuguese and Spanish speaking countries.

IIDM members are mainly Maritime Lawyers from 25 Iberoamerican countries (although there are also members from Germany, USA, Canada, UK, France and Italy without however the right to vote).

From inception IIDM has been recognized for the promotion and development of maritime law in its regions.

In 1995 IIDM was admitted as a consultative organism to the IMO (International Maritime Organization). In March 1996 it was accepted as an observing entity with the CMI (Comité Maritime International). In June, the same year, the IIDM was invited to be a consultative part of the Maritime Transport Committee for the Andean States. Also in 1996, IIDM was given status as a nongovernmental consultative institution for UNCITRAL. In June 2007 a technical cooperation agreement was signed with the Organization of American States through the offices of the Secretary of the Interamerican Commission on Ports. Various cooperation agreements have been held with academic institutions and governments.

By statute, the main offices of the IIDM are situated together with the Presidency during the two year tenure (currently in Brazil) Thus it has been that since 2004 the IIDM has maintained a Permanent Secretariat in the city of Buenos Aires, Argentina and its by laws are registered in Puerto Rico.

In order to ascertain the diffusion and development of maritime law and conscious of the role the institution has in relation to the analysis, unification and modernization of international maritime law, IIDM has, amongst others, the following objectives:

- a) to promote the development of maritime law in Iberoamerica, in conjunction with other regional and international organisms, be they private or public entities or international organizations;
- b) to promote the study, research and lecturing of Maritime Law and its history, as well as other aspects of the Law of the Sea and relevant subjects;
- c) to promote the development and use of commercial arbitration in maritime matters, capable of acting, through its committees, as an administrative institution for arbitration;
- d) to act as a consultative entity to international organizations and State governments in Maritime Law related subjects.

From IIDM experience, it is very important for Iberoamerican citizens to ascertain that although the most important Maritime Conventions are made in Europe and in non spanish and portuguese languages countries, their culture and peculiarities are taken into consideration, being the International Organizations open to them.

IIDM also noted that a trustful relationship with citizens and Courts are very important to guarantee the enforcement of the Conventions. This is not easily established after an incident involving pollution from ships has occurred.

For this reason, IIDM's proposal is to establish this relationship before the incidents occurrence, by educating, informing and keeping citizens and Courts in Iberoamerica updated with the works and decisions of International Organizations.

On the other hand, IIDM wants to be considered a real option to cooperate with the International Organizations interacting with Iberoamerica and the Civil Law, that rules most of its Countries.

In order to achieve these goals IIDM promote courses, conferences (see last international conference in www.iidm2014lisboa.com), meetings, workshops for the public and for the judges in the Courts (through technical cooperation agreements with the Courts), also publishing books and releases from the International Organizations meetings that are attended, in Portuguese and Spanish.

If given the opportunity, IIDM expects to be an active participant in promotion of discussions related to compensation, assessment of damages and oil spill response in Iberoamerica, not only in the Countries that are part of the Funds Conventions but also in the ones that are not, in order to stimulate the ratification and its mechanisms for compensation.

As from this application, IIDM puts their 25 Vice-Presidencies in Iberoamerican Countries at the entire disposal of IOPC in order to help with the protection of the environment and seek fair compensation of victims within the scope of the Funds Conventions.

IIDM look forward to this application for observer status being granted and to participating in future meetings.

Sincerely Yours

Fabiana Simões Martins
International Organizations Committee (Coordinator)
Vice-President for Brazil
Instituto Ibero-Americano de Direito Marítimo