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ENTRY INTO FORCE OF THE 1992 PROTOCOLS AMENDING THE 1969 CIVIL LIABILITY CONVENTION AND THE 1971 FUND CONVENTION

Note by the Director

Introduction

1 Since the 17th session of the Assembly in October 1994, important developments have taken place in respect of the entry into force of the 1992 Protocols amending the 1969 Civil Liability Convention and the 1971 Fund Convention. The situation as at 31 July 1995 is set out below. Updated information will be presented to the Assembly in an addendum to this document.

Entry into force of the 1992 Protocols

2 The 1992 Protocol to the Civil Liability Convention requires for its entry into force that it be ratified by ten States, including four States each with not less than one million units of gross tanker tonnage.

3 The 1992 Protocol to the Fund Convention requires for its entry into force ratification by eight States representing together at least 450 million tonnes of contributing oil, provided, however, that the Protocol to the Fund Convention shall not enter into force before the 1992 Protocol to the Civil Liability Convention has entered into force.

4 On 30 May 1995, Denmark deposited its instrument of ratification of the 1992 Protocols to the Civil Liability Convention and the Fund Convention. As a result, the conditions for the entry into force of these Protocols were fulfilled, and they will therefore enter into force on 30 May 1996 in respect of the following nine States which have deposited instruments of ratification, acceptance, approval or accession relating to both Protocols: Denmark, France, Germany, Japan, Mexico, Norway, Oman, Sweden and the United Kingdom. The Protocol to the Civil Liability Convention will also enter into force on that day in respect of Egypt.

5 Spain deposited instruments of ratification in respect of both Protocols on 6 July 1995. The Protocol to the Civil Liability Convention will enter into force for Spain on 6 July 1996. In its instrument of ratification relating to the Protocol to the Fund Convention, Spain made a declaration pursuant to Article 30.4 of that Protocol, so that the instrument relating to the latter will not take effect until the end of the six-month period referred to in Article 31, ie six months after the total quantity of contributing oil has reached 750 million tonnes. The Protocol to the Fund Convention will therefore not enter into force for Spain until 18 months after the total quantity of contributing oil has reached 750 million tonnes. No corresponding declaration was made pursuant to Article 13.2 of the Protocol to the Civil Liability Convention.

Progress towards ratification in other States

6 Legislation implementing the 1992 Protocol to the Fund Convention has been approved by Parliament in Australia, and legislation implementing the 1992 Protocol to the Civil Liability Convention has been submitted to Parliament. Legislation implementing the 1992 Protocols has been submitted to Parliament in Finland, Liberia and the Marshall Islands. It is expected that ratification by these four States will take place during the summer or autumn of 1995.

7 Greece has indicated that ratification of the 1992 Protocols is expected to take place later in 1995. Legislation implementing the 1992 Protocols will soon be presented to the Cabinet in the Netherlands, prior to submission to Parliament. It is envisaged that ratification by the Netherlands will take place in the summer of 1996. The legislation required for the ratification of the 1992 Protocols will be presented to the Canadian Cabinet in the near future, prior to submission to Parliament. It is expected that ratification by Canada will take place during 1996.

8 The issue of ratification is being studied in other States, for example Malta, Mauritius, Poland, Qatar, Republic of Korea, Singapore, Tunisia and Vanuatu.

Action to be taken by the Assembly

9 The Assembly is invited to take note of the information contained in this document.
