



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND

ASSEMBLY  
18th session  
Agenda item 16

FUND/A.18/13/14  
25 July 1995

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## **PREPARATIONS FOR THE ENTRY INTO FORCE OF THE 1992 PROTOCOL AMENDING THE 1971 FUND CONVENTION**

### **AGREEMENTS WITH THE INTERNATIONAL MARITIME ORGANIZATION**

Note by the Director

#### **1 Agreement for Co-operation**

1.1 At its 2nd session, in March 1979, the Assembly of the 1971 Fund approved an Agreement for Co-operation between the IOPC Fund and the International Maritime Organization (IMO), at that time known as the Inter-governmental Maritime Consultative Organization (IMCO). This Agreement was concluded in the light of the close relationship between the responsibilities and activities of the two Organisations in the field of the prevention and control of marine pollution by oil and of remedying damage caused by such pollution, and with a view to facilitating the attainment of their common objectives in this field through the maximum possible co-ordination of their efforts (cf preamble to the Agreement, documents FUND/A.2/14, Annex and FUND/A.2/16/1, paragraph 18). The Agreement was approved by the IMO Council and Assembly in June 1979 and November 1979, respectively, and was signed by the Director of the 1971 Fund and the Secretary-General of IMO on 11 December 1979 (cf document FUND/A.3/3/Add.1, section B). The text of this Agreement is reproduced at the Annex.

1.2 In the Director's view, it would be appropriate if a corresponding agreement were concluded between IMO and the 1992 Fund. This matter is being discussed with the Secretary-General of IMO.

#### **2 Lease Agreement**

2.1 The premises of the 1971 Fund within the IMO headquarters are the subject of an Agreement, licence to occupy and sublease with IMO. Although a ten-year lease was agreed with IMO with effect from 1 November 1982, the relevant documentation was not signed until September 1986 (cf document FUND/A.9/3, paragraph 9.4). The lease was extended in 1992 for a further period of ten years, and will

expire on 31 October 2002. The terms of the lease have been amended several times (cf documents FUND/A.15/8 and FUND/A.15/28, paragraph 11).

2.2 This Agreement will have to be adjusted in order to cover also the activities of the 1992 Fund carried out by the Secretariat of the 1971 Fund. It appears that this could be done through an exchange of letters between the Secretary-General of IMO and the Director of the 1971 Fund. As instructed by the Assembly, the Director is discussing this matter with the Secretary-General of IMO.

**3      Matters to be addressed**

The Assembly of the 1992 Fund will be invited to consider:

- (a) whether to conclude an Agreement for Co-operation with IMO; and
- (b) adjustments to the Lease Agreement with IMO.

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**ANNEX****Agreement of co-operation between IMCO and the  
International Oil Pollution Compensation Fund**

The Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "IMCO") and the International Oil Pollution Compensation Fund (hereinafter referred to as "the Fund"),

**RECOGNISING** the close relationship between their responsibilities and activities in the field of the prevention and control of marine pollution by oil and the remedying of damage caused by such pollution,

**DESIRING** to facilitate the attainment of their common objectives in this field through the maximum possible co-ordination of their efforts,

**HAVE AGREED AS FOLLOWS:****Maintenance of Co-operation**

- 1 IMCO and the Fund agree to establish and maintain co-operation in respect of matters of common interest to the two Organizations. In particular, IMCO and the Fund agree to consult on all matters arising in the exercise by IMCO and its Secretary-General of depositary and other functions in respect of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 and, as appropriate, the International Convention on Civil Liability for Oil Pollution Damage, 1969.

**Exchange of Information and Documentation**

- 2 IMCO and the Fund agree to exchange information and documentation and to keep each other fully informed of their activities and programmes of work in the field of the prevention and control of marine pollution, subject always to such arrangements as may be necessary for safeguarding or withholding information of a confidential nature.

**Consultation on Matters of Common Interest**

- 3 IMCO agrees to consult with the Fund in connexion with IMCO programmes or activities in which the Fund may have a substantial interest; and the Fund agrees to consult with IMCO in connexion with the Fund's programmes or activities in which IMCO may have a substantial interest.

**Proposals for Consideration**

- 4 IMCO may propose matters for consideration by the organs of the Fund. Such suggestions will be submitted by the Secretary-General of IMCO to the Director of the Fund who will, if he deems it appropriate, include any such matters on the agenda of the Fund organ concerned in accordance with the applicable rules of procedure. Similarly, the Fund may propose subjects for consideration by the organs of IMCO. Such suggestions will be submitted by the Director of the Fund to the Secretary-General of IMCO who will, if he deems it appropriate, include such matters on the agenda of the IMCO organ concerned in accordance with the applicable rules of procedure.

**Reciprocal Representation**

- 5 (a) IMCO shall be invited to send representatives to sessions of the Assembly of the Fund, meetings of the Executive Committee and any subsidiary bodies. Such representatives shall participate as observers in respect of items on the agenda which are of interest to IMCO, in accordance with the applicable rules of procedure.

- (b) The Fund shall be invited to send representatives to sessions of the organs of IMCO and to conferences convened by IMCO. Such representatives shall participate as observers in the deliberation of these bodies or conferences with regard to items on the agenda which are of interest to the Fund, in accordance with the applicable rules of procedure.

Administrative Arrangements

- 6 The Secretary-General of IMCO and the Director of the Fund may enter into such administrative arrangements for the implementation of this Agreement, including arrangements for the provision of assistance and the payment or reimbursement of expenditure in connexion with any such assistance, as may be necessary or desirable.

Revision

- 7 This Agreement may be revised by agreement between IMCO and the Fund.

Denunciation

- 8 IMCO or the Fund may, at any time, denounce this Agreement by giving six months' notice to the other party.

Entry into Force

- 9 This Agreement shall enter into force upon signature on behalf of IMCO and the Fund.

Done at London this 11th day of December, 1979

For the Inter-Governmental Maritime  
Consultative Organization

For the International Oil Pollution  
Compensation Fund

*[Signed: C P Srivastava]*

*[Signed: R H Ganten]*

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Secretary-General

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Director

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