



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1971

ASSEMBLY
4th extraordinary session
Agenda item 13

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STATUS OF THE 1971 FUND CONVENTION

Note by the Director

Summary:	24 of the present 76 States which have acceded to the 1971 Fund Convention will cease to be Parties with effect from 16 May 1998. States which accede to the 1992 Fund Protocol are urged to denounce the 1969 Civil Liability Convention and the 1971 Fund Convention at the same time.
Action to be taken:	Adoption of Resolution regarding denunciation of the 1969 Civil Liability Convention and the 1971 Fund Convention by States which accede to the 1992 Fund Protocol.

1 As at 6 April 1998, 76 States had deposited instruments of ratification, acceptance, approval or accession in respect of the 1971 Fund Convention. A list of the present 76 Contracting States, including the 24 States which have deposited instruments of denunciation, appears in Annex I.

2 Twenty four States have deposited instruments of denunciation of the 1969 Civil Liability Convention and of the 1971 Fund Convention which will take effect on 15 May 1998. Accordingly, these 24 States will cease to be Parties to the Convention on that day, reducing the number of 1971 Fund Member States from 76 to 52 from 16 May 1998.

3 The Director is continuing his efforts to encourage States - both those which are Members of the 1971 Fund and those which are not - to accede to the 1992 Fund Protocol and thereby become Members of the 1992 Fund.

4 The 1992 Protocols provide much higher limits of compensation than the Conventions in their original versions. In addition, the 1992 Protocols have a wider scope of application on several points. Therefore, to remain a Member of the 1971 Fund would provide no advantages for a State which has acceded to the 1992 Protocols.

5 From 16 May 1998, the total quantity of contributing oil received in 1971 Fund Member States will be reduced considerably. This could result in a significantly increased costs for the oil industry in those States which remain Members of the 1971 Fund, since the financial burden will be spread among fewer contributors. For those States which remain Members of the 1971 Fund, there will be a four-fold increase in their respective share of the total contributions levied. It is expected that many more States will soon ratify the 1992 Protocol to the 1971 Fund Convention and simultaneously denounce the 1971 Fund Convention, which will result in a further increase in the respective shares of the total contributions levied on those States which remain Members of that Organisation.

6 Since there are no benefits in remaining a Member of the 1971 Fund, and in the light of the financial disadvantages of remaining in the 1971 Fund on becoming a Member of the 1992 Fund, it would be in the interests of States which are already Members of the 1971 Fund to deposit instruments of denunciation of the 1969 Civil Liability Convention and the 1971 Fund Convention on the same date as they deposit instruments of accession to the 1992 Protocols. Such States would thus leave the 1971 Fund and become Members of the 1992 Fund on the same day one year after such instruments were deposited with the Secretary-General of the International Maritime Organization.

7 Two 1971 Fund Member States (Croatia and United Arab Emirates) have acceded to the 1992 Fund Protocol since 15 May 1997. However, these States have so far not deposited instruments of denunciation of the 1969 Civil Liability Convention and 1971 Fund Convention.

8 In view of the considerations set out in paragraphs 4 and 5 above, and bearing in mind the complex legal situation which would arise if an incident occurred after 15 May 1998 in a State which was a Member of both the 1971 Fund and the 1992 Fund, the Assembly might wish to consider adopting a Resolution to the effect that Governments of 1971 Fund Member States who accede to the 1992 Protocols are urged at the same time to denounce the 1969 Civil Liability Convention and the 1971 Fund Convention. A draft Resolution is contained in Annex II for consideration.

9 **Action to be taken by the Assembly**

The Assembly is invited:

- (a) to take note of the information contained in this document; and
- (b) to consider adopting a resolution on the denunciation of the 1969 Civil Liability Convention and the 1971 Fund Convention by 1971 Fund Member States which accede to the 1992 Fund Protocol.

ANNEX I

1971 Fund Member States

as at 6 April 1998

<i>States which have ratified the 1971 Fund Convention</i>		
Albania	Ghana	Poland
Algeria	Guyana	Portugal
Antigua and Barbuda	Iceland	Qatar
Barbados	India	Russian Federation
Belgium	Indonesia	Saint Kitts and Nevis
Benin	Italy	Seychelles
Brunei Darussalam	Kenya	Sierra Leone
Cameroon	Kuwait	Slovenia
Canada	Malaysia	Sri Lanka
China ^{<1>}	Maldives	Syrian Arab Republic
Colombia	Malta	Tonga
Côte d'Ivoire	Mauritania	Tuvalu
Croatia	Mauritius	United Arab Emirates
Djibouti	Morocco	Vanuatu
Estonia	Mozambique	Venezuela
Fiji	New Zealand	Yugoslavia
Gabon	Nigeria	
Gambia	Papua New Guinea	
<i>States which have ratified the 1971 Fund Convention, but which have also deposited instruments of denunciation which take effect on 15 May 1998</i>		
Australia	Greece	Norway
Bahamas	Ireland	Oman
Bahrain	Japan	Republic of Korea
Cyprus	Liberia	Spain
Denmark	Marshall Islands	Sweden
Finland	Mexico	Switzerland
France	Monaco	Tunisia
Germany	Netherlands ^{<2>}	United Kingdom ^{<3>}

<1> Applies only to the Hong Kong Special Administrative Region.

<2> The Kingdom of the Netherlands declared its denunciation to be effective in respect of the Kingdom in Europe.

<3> The United Kingdom declared its denunciation to be effective in respect of the United Kingdom of Great Britain and Northern Ireland, the Bailiwick of Jersey, the Isle of Man, Falkland Islands^{<1>}, Montserrat and South Georgia and the South Sandwich Islands.

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<1> A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

ANNEX II

**Draft Resolution on denunciation of the 1971 Fund Convention by
1971 Fund Member States which accede to the 1992 Fund Protocol**

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1971 (1971 FUND),

AWARE that the 1992 Protocols to the 1969 Civil Liability Convention and the 1971 Fund Convention (1992 Protocols) were intended to replace the Conventions in their original versions,

NOTING that many States have acceded to the 1992 Protocols and denounced the 1969 Civil Liability Convention and 1971 Fund Convention,

MINDFUL that the transitional period referred to in the 1992 Protocols, during which there is a mechanism so that the 1992 Protocols and the original Conventions operate together, will come to an end on 15 May 1998,

CONSCIOUS of the complex legal situation which would arise if an incident were to occur after 16 May 1998 in a State which was a Member of both the 1971 Fund and the 1992 Fund,

RECOGNISING that to remain a Member of the 1971 Fund would provide no advantages for a State which has acceded to the 1992 Protocols, since the 1992 Protocols provide much higher limits of compensation than the Conventions in their original versions and have a wider scope of application on several points,

CONCERNED that some States have acceded to the 1992 Protocols without having deposited instruments of denunciation of the 1969 Civil Liability Convention and 1971 Fund Convention,

URGES the Governments of 1971 Fund Member States which deposit instruments of accession to the 1992 Protocols to deposit simultaneously instruments of denunciation of the 1969 Civil Liability Convention and 1971 Fund Convention.
