



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1971

EXECUTIVE COMMITTEE
51st session
Agenda item 8

71FUND/EXC.51/3
25 October 1996

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RECORD OF DECISIONS OF THE FIFTY-FIRST SESSION OF THE EXECUTIVE COMMITTEE

(held on 25 October 1996)

Chairman: Mr W J G Oosterveen (Netherlands)
Vice-Chairman: Miss A N Ogo (Nigeria)

Opening of the Session

The 51st session of the Executive Committee was opened by Mr W Oosterveen (Netherlands), in his capacity as representative of the delegation from which the Chairman of the previous session had been elected.

1 Adoption of the Agenda

The Executive Committee adopted the Agenda as contained in document 71FUND/EXC.51/1.

2 Election of Chairman and Vice-Chairman

2.1 The Executive Committee elected the following delegates to hold office until the next regular session of the Assembly:

Chairman: Mr W J G Oosterveen (Netherlands)
Vice-Chairman: Miss A N Ogo (Nigeria)

2.2 The Chairman and the Vice-Chairman thanked the Executive Committee for the renewed confidence shown in them.

3 Examination of credentials

3.1 The following members of the Executive Committee were present:

Australia	Germany	Nigeria
Belgium	Greece	Republic of Korea
Canada	Malaysia	Russian Federation
Denmark	Morocco	Spain
Finland	Netherlands	United Kingdom

The Executive Committee agreed that the credentials submitted by these delegations to the 19th session of the Assembly should be understood as also covering the 51st session of the Executive Committee.

3.2 The following Member States were represented as observers:

Bahamas	Liberia	Poland
Estonia	Mexico	Qatar
France	Monaco	United Arab Emirates
Italy	Norway	Venezuela

3.3 The following non-Member States were represented as observers:

Argentina	Egypt	Peru
Chile	Panama	Saudi Arabia

3.4 The following intergovernmental organisations and international non-governmental organisations were represented as observers:

Intergovernmental organisations:

International Oil Pollution Compensation Fund 1992 (1992 Fund)
International Maritime Organization (IMO)

International non-governmental organisations:

International Tanker Owners Pollution Federation Limited (ITOPF)
Oil Companies International Marine Forum (OCIMF)

4 1971 Fund's use of experts

4.1 The Executive Committee resumed consideration of the 1971 Fund's use of experts, an item which had been postponed from the Committee's 50th session. The Committee examined a document presented by the Director on this subject and a note by the Spanish delegation on the same subject (documents 71FUND/EXC.50/15 and 71FUND/EXC.51/2).

4.2 The Spanish delegation expressed the view that the current practice of the 1971 Fund in its use of experts could be improved. This delegation stated that there was a need to engage experts at an early stage and not only when the Fund became involved in court proceedings. It also emphasised the importance of using experts who were familiar with the local situation and spoke the language of the country. It was necessary, in this delegation's view, to strike a balance between international and local experts. This delegation stated that the 1971 Fund should establish a more extensive list of experts and in this regard consult the Governments of Member States. It reiterated that the Spanish Government had doubts about the work carried out by some experts in the *Aegean Sea* case. In this delegation's view it would be useful to establish criteria to assess the work done by the experts engaged by the Fund and to develop standard methods to be used by the experts in the assessment of claims.

4.3 A number of delegations stated that they fully supported the policy developed by the 1971 Fund in its choice of experts and the criteria for their selection. It was pointed out that there was only a limited number of experts with the necessary qualifications. It was stressed that it was important that the experts had a good knowledge of the system of compensation established under the Civil Liability Convention and the Fund Convention and of the 1971 Fund's policy in respect of the admissibility and assessment of claims. Some delegations supported the Spanish delegation as regards the advisability of using experts with local knowledge and who were able to speak the language of the country concerned. Other delegations stated that it was not possible to ensure that experts who had the necessary qualifications were able to speak the local language. It was also mentioned that local experts might not always be able to be impartial. A number of delegations stressed the importance of using internationally experienced experts who could contribute to a uniform application of the Conventions. Most delegations did not consider it possible to lay down any firm criteria for the selection of experts and expressed the view that it should be left to the Director to decide on the most appropriate experts to be engaged for a particular incident. Some delegates suggested that the Fund's use of experts should be studied further. Most delegations did not, however, consider that further studies would be useful. It was also stressed that if standard methods were to be developed, this would reduce the scope for flexibility.

4.4 The Executive Committee endorsed the policy used by the 1971 Fund in its use of experts as set out in document 71FUND/EXC.50/15. It agreed that it was not possible to lay down any firm criteria for the selection of experts and that it should be left to the Director to decide on the selection of experts for each incident.

4.5 The Committee did not accept the Spanish delegation's proposal to instruct the Director to study the establishment of criteria to assess the work done by the experts engaged by the 1971 Fund, nor to study the development of standard methods to be used by the experts in the assessment of claims.

4.6 It was recognised that delegations interested in this matter could consider the matter further and revert to this issue at a future session if they so wished.

5 Documentation concerning claims for compensation

5.1 The Director introduced document 71FUND/EXC.50/16 setting out the practice developed over the years in respect of the submission of documentation for the Executive Committee's meetings concerning claims for compensation, the consideration of which had been postponed from the Committee's 50th session.

5.2 The Executive Committee endorsed the practice in respect of the submission of documentation as set out in that document.

6 Date of next session

6.1 The Executive Committee decided to hold its next session during the week of 17-21 February 1997.

6.2 The Committee also decided to hold a session during the week of 14-18 April 1997.

6.3 It was decided that the Committee would hold its normal autumn session during the week of 20-24 October 1997.

7 Any other business

No matters were raised under this agenda item.

8 Adoption of the Record of Decisions

The Executive Committee decided to authorise the Director to prepare, in consultation with the Chairman, the Record of Decisions of this session.
