



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1971

EXECUTIVE COMMITTEE
58th session
Agenda item 3

71FUND/EXC.58/2
6 April 1998

Original: ENGLISH

INCIDENTS INVOLVING THE 1971 FUND

HAVEN

Note by the Director

Summary: Developments in respect of the *Haven* incident are presented to the Assembly in document 71A/ES.4/7.

Action to be taken: Information to be noted.

1 At its 19th session, the Assembly instructed the Director to explore, with the Italian Government and the United Kingdom Mutual Steamship Assurance Association (Bermuda) Ltd (UK Club), the possibility of arriving at a global settlement in the *Haven* case which, as regards the 1971 Fund, fell within the maximum amount of compensation that would be available under the 1971 Fund Convention, ie the difference between 60 million SDR and 14 million SDR, minus the amounts which the 1971 Fund had paid or might have to pay to other claimants. The Assembly emphasised that such discussions were without prejudice to the 1971 Fund's position in respect of the time bar issue (documents 71FUND/A.19/30, paragraph 17.11 and 71FUND/EXC.52/2, paragraph 2.3).

2 At its 20th session, the Assembly took note of a statement by the representative of the UK Club concerning an offer made by the Club to the Italian Government for a contribution to a global settlement. The Assembly noted a statement by the Italian delegation to the effect that the proposal presented by the UK Club, in conjunction with the offer made by the Fund, satisfied the minimum requisites requested by the Italian Government in order to examine the possibility of accepting a global settlement for the *Haven* incident. The delegation also stated that the Italian Government would therefore be in a position to evaluate positively the matter. The Chairman confirmed, on behalf of the Assembly, a statement by Professor H Tanikawa of the Japanese delegation that the 1971 Fund's proposal of a global settlement was still available. The Assembly authorised the Executive Committee to determine, at its 57th session, whether the conditions for the global settlement laid down by the Assembly had been fulfilled, and if so, to approve

it. It was agreed that if this issue could not be decided at that session, the matter would be referred to the Assembly at its 4th extraordinary session, to be held in April 1998 (document 71FUND/A.20/30, paragraph 17.13).

3 At its 57th session, the Executive Committee noted a statement by the Italian delegation that the Italian Cabinet had approved a Bill for submission to Parliament authorising the Prime Minister to sign a transaction with the UK Club and the 1971 Fund. The Committee noted with satisfaction the considerable progress towards a global settlement that the Italian Government's decision represented.

4 As decided by the Assembly, the issue of the global settlement in respect of the *Haven* incident will be referred to the Assembly for consideration at its 4th extraordinary session.

5 **Action to be taken by the Executive Committee**

The Executive Committee is invited to take note of the information contained in this document.
