



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND

SIXTH INTERSESSIONAL  
WORKING GROUP  
Agenda item 3

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**FUTURE DEVELOPMENT OF THE INTERGOVERNMENTAL OIL POLLUTION  
LIABILITY AND COMPENSATION SYSTEM BASED ON THE 1969 CIVIL  
LIABILITY CONVENTION AND THE 1971 FUND CONVENTION**

Submissions by Governments

**1** In addition to the observations submitted by certain Governments and presented in document FUND/WGR.6/2, a submission has been received from the Government of the United Kingdom of Great Britain and Northern Ireland. This submission is reproduced in the Annex to this document.

**Action to be Taken by the Intersessional Working Group**

**2** The Intersessional Working Group is invited to consider the information contained in the Annex to this document.

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**ANNEX****Submission by the Government of the United Kingdom  
of Great Britain and Northern Ireland****United Kingdom Attitude to the 1984 Protocols**

1 Legislation enacting the 1984 Protocols in United Kingdom Law is contained in Part III of the Merchant Shipping Act 1988. Though since the passage of that Act the United Kingdom has been in a position to ratify the Protocols, the United Kingdom has not yet done so. Initially there were delays associated with the extension of the Protocols to the United Kingdom's dependent territories and Crown dependencies. Latterly the possibility that the Protocols may be amended in some significant way and that this could require the United Kingdom to renounce them if we had ratified them, has led us to postpone our formal ratification.

2 Should the discussions in the IOPC Fund Intersessional Working Group indicate that the Protocols could enter into force without amendment to their substantive provisions, or that the United Kingdom ratification of the Protocols could assist that process in any way, we are prepared to recommend to our Ministers that we should ratify them.

3 The United Kingdom therefore continues to support the 1984 Protocols. We have no substantive difficulties with the Protocols as they are currently drafted and, as most recently stated at last November's International Conference on International Co-operation on Oil Pollution Preparedness and Response, see them as the most effective way forward for any intergovernmental liability and compensation system for oil pollution which is intended to meet the legitimate needs, concerns and financial capacities of both developed and developing countries.

**Amendment of the Protocols' Entry into Force Provisions**

4 Though the International Conference on Liability and Compensation for Damage in Connection with the Carriage of Certain Substances by Sea, 1984 set two initial limits for the maximum compensation payable per incident, 135 million SDR or 200 million SDR when there are three Parties who between them receive more than 600 million tonnes of contributing oil, the 1984 Protocol amending the 1971 Fund Convention has as its entry into force provisions (Article 30) eight or more States who between them receive 600 million tonnes of contributing oil.

5 On the basis of the information on contributing oil in 1988 contained in Annex VI of the IOPC Fund's Annual Report for 1989, it is clearly possible for the entry into force provisions in Article 30 to be met by States Members of the existing intergovernmental system. Indeed, taking the 1988 figures for France and Germany, who have ratified the 1984 Protocols, and the United Kingdom together, the three States could already provide over 200 million tonnes, or one third, of the required 600 million tonnes.

6 However the possibility of the 1984 Fund Protocol entering into force with its existing entry into force provisions depends on the attitude taken to the Protocols by the largest contributor to the existing intergovernmental system. If the largest contributor decides not to ratify the 1984 Protocols, there is no realistic possibility of their entering into force given the 600 million tonnes requirement.

7 If it emerges that the 600 million tonnes entry into force provision cannot be met in the foreseeable future, the United Kingdom would recommend that urgent consideration be given to the possibility of amending the entry into force provisions by setting a lower figure for the amount of contributing oil required. The United Kingdom is prepared to consider accepting the financial burden that a lower entry into force figure could place on us if that is necessary to protect and ensure the continuing relevance of the intergovernmental liability and compensation system.

#### **Obstacles to the Protocols' Continuing Relevance**

8 Other than the possible difficulty of achieving the entry into force provisions for the 1984 Fund Protocol, the United Kingdom has no substantive concerns over the provisions in the Protocols.

9 If the Protocols, and the intergovernmental system, are to remain relevant, the problems which the Protocols currently face will have to be answered by the States who are Members of the existing system. We cannot hope or expect, as we did in 1984, that non Members will secure the system's future.

10 The United Kingdom accepts that Member States may have difficulties with specific provisions in the Protocols or the burden that the Protocols may place upon them. The United Kingdom delegation to the Sixth Intersessional Working Group will be willing to discuss such concerns and to examine ways in which they could best be answered.

11 In such discussions the United Kingdom hopes other delegations will bear in mind the success of, and balance found in, the existing system as recently reflected in the confidence in the intergovernmental liability and compensation system for oil pollution, and indeed in the 1984 Protocols, expressed by November's International Conference on International Co-operation on Oil Preparedness and Response.

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