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REPORT OF THE THIRD INTERSESSIONAL WORKING GROUP

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION (OPRC) 1990 AND THE PROTOCOL ON PREPAREDNESS, RESPONSE AND CO-OPERATION TO POLLUTION INCIDENTS BY HAZARDOUS AND NOXIOUS SUBSTANCES, 2000 – THE OPRC (HNS) PROTOCOL

Submitted by the United Kingdom

Summary:

This document deals with the importance of marine pollution contingency planning and proposes that a Resolution be adopted encouraging Contracting States to 1992 Protocols to become parties to OPRC 1990 and the 2000 OPRC (HNS) Protocol.

Action to be taken:

The Assembly is invited to consider and adopt the annexed Resolution.

- 1 At its third meeting in June 2001, the Third Intersessional Working Group discussed a document on the merits of all States being parties to the OPRC 1990 and the 2000 OPRC (HNS) Protocol (document 92FUND/WGR.3/8/12). The document suggested that it would be of benefit to the IOPC Fund, to contributors and to potential oil spill victims if contracting states made contingency plans to respond to actual or threatened oil pollution from tankers. The Working Group decided to recommend the Assembly consider a draft Resolution on this issue.
- 2 The United Kingdom believes it imperative that effective measures are in place to deal with major incidents wherever such an incident may occur: this is in the best interests of contracting states and contributors as well as the shipping and insurance industries. One way of encouraging this may be for Contracting States to the CLC and 1992 Fund Convention to ratify the OPRC 1990. In the light of the IOPC Fund's remit to encourage States to ratify the 1996 HNS Convention, the Working Group also encouraged States to become parties to the 2000 OPRC (HNS) Protocol.
- 3 OPRC 1990 sets out a framework for international co-operation for combating major oil pollution incidents. Among other things this framework requires ships, ports and oil handling facilities to have oil pollution emergency and contingency plans in place. Some States have gone beyond the specific requirements of OPRC 1990 to further limit the damage which may be caused by a major oil spill through national contingency planning to protect all parts of their coastlines from all

forms of marine pollution from ships. This too is to be greatly encouraged. If a greater emphasis were placed by States on ratifying the OPRC 1990 and the OPRC (HNS) Protocol the overall financial impact of oil spills on the IOPC Fund, on contributors and on potential oil spill victims is likely to be greatly reduced. Co-operative research, development and the sharing of equipment between States are also crucial elements of the Convention. All States are therefore urged to work towards the speedy ratification of both the OPRC 1990 and the 2000 OPRC (HNS) Protocol.

- 4 The Assembly is invited endorse the conclusion of the Working Group and to consider the attached draft Resolution, if it is agreed that this is an effective way of addressing this issue. The Resolution urges States that have not yet done so to become party to the OPRC 1990 and also to become party to the 2000 OPRC (HNS) Protocol. In particular it urges States to ensure that effective contingency planning is carried out in all Contracting States to the 1992 Protocols to CLC and the Fund Convention.

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ANNEX

DRAFT RESOLUTION ON THE INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION (OPRC) 1990 AND THE PROTOCOL ON PREPAREDNESS, RESPONSE AND CO-OPERATION TO POLLUTION INCIDENTS BY HAZARDOUS AND NOXIOUS SUBSTANCES, 2000 OPRC (HNS) PROTOCOL

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1992,
NOTING that the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 ("OPRC") came into force in 1995, and that 59 States have ratified or acceded to the Convention,

ALSO NOTING that the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 OPRC (HNS) Protocol will not come into force until 12 months after ratification by not less than 15 States,

NOTING FURTHER that no States are yet party to the 2000 OPRC (HNS) Protocol,

RECOGNIZING that some States not party to the OPRC do, nevertheless, already have in place oil spill response arrangements,

RECOGNIZING FURTHER that some States may not have the resources to fully implement the OPRC and 2000 OPRC (HNS) Protocol ,

BELIEVING it important that all coastal States have effective measures in place to deal with major oil spill incidents wherever they may occur,

FURTHER BELIEVING that the speedy implementation of both the 1990 OPRC and the 2000 OPRC (HNS) Protocol benefits contributors, potential oil spill victims and the IOPC Fund in helping to reduce the financial impact of oil spills,

1. URGES all Contracting States to the 1992 Fund Protocol that have not yet done so to ratify, or to accede to, the 1990 OPRC;
2. ENCOURAGES States Parties to the OPRC to also become party to the 2000 OPRC (HNS) Protocol, with the aim of promoting speedy implementation;
3. FURTHER ENCOURAGES States not parties to the 1990 OPRC to put in place effective contingency plans for oil pollution prevention and response to the best of their abilities.