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ANY OTHER BUSINESS

GRANT OF OBSERVER STATUS

Note by the Director

Summary:	The Conference of Peripheral Maritime Regions (CPMR) has applied for observer status with the 1992 Fund.
Action to be taken:	Decide whether to grant observer status to the CPMR.

1 Introduction

- 1.1 Article 18.10 of the 1992 Fund Convention provides that the Assembly determines which intergovernmental and international non-governmental organisations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies. The Assembly adopted at its 1st session "Guidelines on Relations between the International Oil Pollution Compensation Fund 1992 (1992 Fund) and Intergovernmental Organisations and International Non-Governmental Organisations" (document 92FUND/A.1/34/1). These guidelines contain the following criteria for the granting of observer status to international non-governmental organisations:

Observer status may be granted by the Assembly to an international non-governmental organisation, at its request, if:

- (a) the organisation concerned is of truly international character and its objectives are in harmony with those of the 1992 Fund;
- (b) it has aims, responsibilities or activities in the fields related to those of the 1992 Fund or which are of concern or interest to the 1992 Fund, particularly in connection with pollution and environmental matters, maritime and shipping affairs, marine insurance, production or transport of oil or relevant questions of international law; and

- (c) it is able to make a contribution to the work of the 1992 Fund, for example by providing specialised information, advice or expertise, or by identifying or helping to procure the services of experts or consultants, or by otherwise furnishing technical assistance or by making research facilities available.

1.2 The 1992 Fund has granted observer status to 14 non-governmental organisations (ACOPS, BIMCO, CEFIC, CMI, Cristal Limited, FETSA, FOEI, INTERTANKO, ICS, the International Group of P & I Clubs, ISU, ITOPF, IUCN and OCIMF).

1.3 The Conference of Peripheral Maritime Regions (CPMR) has requested observer status with the 1992 Fund.

2 Conference of Peripheral Maritime Regions (CPMR)

2.1 The CPMR has informed the 1992 Fund that the aims and purposes of the organisation, as set forth in its constitution, are as follows:

The purpose of the CPMR is to implement the resolutions adopted by the regions that are members of the Conference (Peripheral Maritime Regions of Europe) and which endeavour to promote the common interests of all the regions concerned in the framework of the European economy.

The objective that the member regions have set themselves is to work together to promote a more balanced development of the European Union, exploiting all of its areas, so as to strengthen its economic, social and territorial cohesion.

2.2 The CPMR has submitted the following information about its structure and has indicated the areas in which it has common interests with the 1992 Fund.

The CPMR, which was set up in 1973, brings together 145 regions (defined as the tier of government directly below State level) from 26 European States, and represents almost 70% of the European Union's coastline. The CPMR regions are subdivided into Geographical Commissions that correspond to Europe's main sea basins (Baltic, North Sea, Atlantic, Mediterranean, Black Sea, Balkans, Islands) and have developed partnerships with a number of regions worldwide, eg applicant states from northern and eastern Europe, as well as countries from around the Mediterranean basin and South America. It has been granted non-governmental organisation (NGO) status with the Council of Europe and the UN for the Summit on Sustainable Development in Johannesburg.

The general objectives pursued by the CPMR are focused on creating a greater balance in terms of the capacity to generate wealth, which is currently concentrated in the centre of Europe, in order to benefit its seaboards. In order to achieve this, it advocates a greater enhancement of maritime assets in the economic, ecological and cultural fields. The CPMR bases its actions on four pillars: a policy of economic, social and territorial cohesion, a mode of governance that allows regional authorities to assume their full role, a shift in modes of transport in favour of maritime transport and a development model based on the principles of sustainable development.

It is in this framework that the CPMR is responsible for initiating interregional projects in close collaboration with the European Commissioner in charge of transport and her services. These projects concern maritime transport and the marine economy, increasing the regions' capacities in maritime safety, coastal

zone protection through the implementation of integrated coastal zone management projects and the transfer of experiences and exchanges of good practices in the fields of environmental protection, fisheries, coastal development, transport and maritime safety.

These programmes are designed in accordance with a two-pronged approach,

- i) to implement policies for a more balanced territorial and sectoral allocation of means of transport (this applies to promoting short sea shipping or providing ports with facilities for managing ships' waste) and
- ii) to implement a preventive approach, which includes stepping up the capacity to apply existing regulations. On this issue, the debate initiated within the European Union on the evolution of forms of governance, and especially the expected changes regarding environmental issues, show that the role of the territorial authorities is set to increase. This should be done through framework directives and a system of co-regulation for the application of regulations, in which the regions are called to play a major role as the organisations most suitably placed to organise partnerships and cooperation between the relevant players. This coordinating role should also be considered with regard to implementing the principles of sustainable development through the adoption of the regional Agenda 21.

The means by which the CPMR strives to achieve these objectives and implement these actions are:

- i) regional networks of politicians, and administrative, technical and scientific officers (including its Scientific Council),
- ii) its working method which is decentralised and based on specialised working groups covering all the geographical areas (these include groups on maritime safety, the environment and transport),
- iii) its experience, unique in Europe, in managing interregional cooperation programmes,
- iv) its democratic representativeness which makes the CPMR one of the main interlocutors of the States and European institutions.

2.3 As regards the contributions which the CPMR could make to the work of the 1992 Fund the application makes the following observations:

One of the major concerns of the CPMR concerns the capacity of the maritime regions affected by accidents at sea to instigate a constructive dialogue with the organisations responsible for repairing the damage and paying compensation. In some cases, as happened, for example, after the *Erika* spillage – the regional structures find themselves in conflict with the bodies responsible for paying compensation, and these conflicts sometimes go as far as the courts. In analysing these conflicts, the regions have come to the conclusion that they arise largely from misunderstandings, nourished by a lack of knowledge, on the part of both sides, of the rights and obligations of each party. If representatives of the maritime regions were granted observer status, and thus allowed to associate themselves with the work of the IOPC Fund, they could act as intermediaries, thereby facilitating amicable settlements and promoting a more organised processing of compensation files. This would also make for conditions more

conducive to dealing with the necessary urgency with these post-accident situations.

3 Action to be taken by the Assembly

The Assembly is invited:

- (a) to consider whether the Conference of Peripheral Maritime Regions fulfils the criteria laid down in the above-mentioned guidelines; and
 - (b) to take a decision on its application for observer status.
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