



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1992

THIRD INTERSESSIONAL  
WORKING GROUP  
Agenda item 2

92FUND/WGR.3/8/12  
18 June 2001  
Original: ENGLISH

## REVIEW OF THE INTERNATIONAL COMPENSATION REGIME

### CONTINGENCY PLANNING ARRANGEMENTS TO RESPOND TO POLLUTION FROM SHIPPING

**Submitted by the United Kingdom**

***Summary:***

At the Second meeting of the Third Intersessional Working Group the UK briefly expressed the view that Contracting States to the 1992 Fund Protocol should be encouraged to become parties to the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) 1990. This document develops the case for all Contracting States to become parties to OPRC 1990 and proposes that, if the Working Group agrees with this view, a suitable Resolution should be considered by the 1992 Fund Assembly in October this year. In addition, this document considers whether states should also be encouraged to become parties to the Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000 – the OPRC (HNS) Protocol.

***Action to be taken:***

The Working Group is invited to consider the issues raised in this document and to decide as appropriate.

## **1 Introduction**

- 1.1 The United Kingdom believes that, in the interests of oil pollution victims, shipping, insurers and contributors, all states parties to the CLC and 1992 Fund Conventions should put in place proper contingency arrangements for effective response to pollution from shipping, particularly as regards oil pollution from tankers. This should help to reduce the financial and environmental impacts from oil tanker incidents.
- 1.2 The United Kingdom also believes it important that effective measures are in place to deal with major incidents wherever such an incident may occur. In this respect, the potential benefits offered to oil spill victims by OPRC 1990 and the OPRC (HNS) Protocol deserve more widespread implementation. The United Kingdom therefore urges all Contracting States to the 1992 Protocols to work towards the speedy ratification of both 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).

## **2 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**

- 2.1 OPRC 1990 sets out a framework for international co-operation for combatting major oil pollution incidents. OPRC 1990 requires ships, ports and oil handling facilities to have oil pollution emergency and contingency plans which include the provision and placement of response equipment in strategic positions. Co-operative research, development and the sharing of equipment between states are also crucial elements of the Convention. As regards the practical implications for oil tankers, OPRC 1990 also requires Masters, or other persons having charge of ships, to report without delay any event involving any actual, observed or probable discharge of oil to the nearest state.
- 2.2 A number of states, including some that have become parties to OPRC 1990, also have in place a national contingency plan to ensure that there is an effective response to all forms of marine pollution from shipping and other marine activities. In some cases, as in the United Kingdom, the National Contingency Plan may go beyond the specific requirements of OPRC 1990. The United Kingdom believes that such national planning should also be encouraged in all Contracting States to the 1992 CLC and Fund Protocols.
- 2.3 The 2000 OPRC (HNS) Protocol follows the same basic approach for cargoes defined as hazardous and noxious as already applies for oil under OPRC 1990.

## **3 Responsibilities of Contracting States to the 1992 Protocols**

- 3.1 Previous discussions have taken place at Fund Assemblies and Working Groups on the responsibilities of individual contracting states to fully implement the conventions. A similar theme might also be the role that states might play in seeking to minimise the overall financial impact of oil spills.
- 3.2 Having regard to the recent decisions on the need to increase the limits of liability under the 1992 Fund regime the United Kingdom takes the view that it is also imperative to give regard to the measures that Contracting States might take to try to minimise any unnecessary impact on the environment, on victims *and* on the industries responsible for funding the compensation under the CLC/Fund regime.
- 3.3 The United Kingdom believes that one way of achieving this might be if all Contracting States were to become parties to the OPRC 1990 and to fully implement its provisions. This would go a long way to ensuring that proper planning for effective response to oil pollution from tankers applied much more extensively throughout the world. This would do much to ensure that the financial impact of incidents is reduced for potential victims and for shipping and cargo interests.
- 3.4 It is reasonable to expect that Contracting States should endeavour to maintain a response capability commensurate with the risks to their coastlines and their economic ability. They may of course conclude that the arrangements they put in place are best made through regional co-operative arrangements which can, of course, be agreed under OPRC 1990.

## **4 Conclusions**

If this approach is agreed within the Third Inter-sessional Working Group, the United Kingdom proposes that a suitable Resolution should be prepared and that this should be considered at the 6th session of the 1992 Fund Assembly in October this year.