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COMPENSATION
FUND

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**PUBLICATION OF THE OFFICIAL RECORDS OF THE 1984 INTERNATIONAL
CONFERENCE ON LIABILITY AND COMPENSATION FOR DAMAGE
IN CONNECTION WITH THE CARRIAGE OF
CERTAIN SUBSTANCES BY SEA**

Note by the Director

Introduction

1 In 1984, an International Conference (the International Conference on Liability and Compensation for Damage in Connection with the Carriage of Certain Substances by Sea) was held in London under the auspices of the International Maritime Organization (IMO). This Conference adopted two Protocols to amend the Civil Liability Convention and the Fund Convention, respectively (the 1984 Protocols). The Conference also considered a draft Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea but was unable to reach agreement on the text of such a Convention.

2 In the past, the Official Records of international conferences held under the auspices of IMO were published by the Organization. However, IMO has changed its policy for reasons of economy, and the Official Records of the 1984 International Conference have not been published. Since the deliberations at that Conference are of considerable interest to the operation of the IOPC Fund, the Director submits for consideration by the Assembly whether the IOPC Fund should give financial support, so that these Records can be published.

Director's Discussions with IMO

3 The Director has discussed with IMO the question of the publication of the Official Records of the 1984 Conference. He has been informed that publication of IMO documents is made according to a certain order of priority. Since records of legal conferences have a limited readership and are therefore sold in a very limited number of copies, IMO has not given the publication of the Records of the 1984 Conference priority. It has been stated that, subject to the results of discussions between IMO and the IOPC Fund on this matter, IMO has at present no plan for the publication of these Records in the near future.

4 According to information obtained from the Conference Division of IMO, the printed text of those parts of the Official Records of the 1984 Conference which relate to the revision of the Civil Liability Convention and the Fund Convention would amount to approximately 1 600 pages in the English version, whereas the French text would be about 1 900 pages. The cost of publication has been estimated by IMO at £36 000 for 600 copies of the English version and at £33 000 for 200 copies of the French version. The estimates are based on the assumption that typesetting, design, printing, proof reading and binding would be done outside IMO by a specialised firm, since IMO's capacities in this regard are fully committed with other publications for at least 18 months. The amounts mentioned above thus relate to the actual disbursements by IMO. IMO has indicated that it would not add any administrative costs or other charges. It has been suggested by IMO that the above-mentioned amounts should be increased by 5% to account for inflation, since the publications would take place during 1993.

5 IMO has indicated that it would take at least eight months to produce the English version and slightly longer for the French version.

Director's Considerations

6 At the 1984 Conference a number of provisions in the original texts of the 1969 Civil Liability Convention and the 1971 Fund Convention were discussed. In the Director's view, these discussions are very important for the understanding and interpretation of these provisions. In addition, the provisions amended by the 1984 Protocols were discussed in detail. Since it is envisaged that, with the exception of a proposed inclusion in the Fund Convention of a system of setting a cap on contributions payable by oil receivers in any given State, the substantive and administrative provisions of the 1992 Protocols, to be adopted at the International Conference to be held in November 1992, would be identical to those of the 1984 Protocols, the discussions at the 1984 Conference would be of interest for the interpretation of the 1992 Protocols.

7 In many instances during the operation of the IOPC Fund, the Director has found the Official Records of the 1969, 1971 and 1984 Diplomatic Conferences to be of considerable interest. For example, in the legal proceedings in the HAVEN case which are taking place in the Court of first instance in Genoa, reference has been made on several occasions to various provisions in the 1984 Protocols. In its pleadings, the IOPC Fund has referred to the preparatory works leading up to these provisions and to the discussions at the 1984 Conference. Since the Official Records have not been published, the IOPC Fund has only been able to submit copies of these Records produced by offset litho.

8 The Director also considers that the Official Records of International Conferences are important since they may contribute to a uniform application of the relevant Conventions. For this reason, and in view of the above-mentioned experience of the IOPC Fund, the Director is of the opinion that it is important that such Records be published, although they may be of interest to only a limited readership, thereby resulting in a very low number of copies sold.

9 For the reasons set out above, the Director suggests that it would be appropriate to enter into discussions with the Secretary-General of IMO for the purpose of having the Official Records of the 1984 Conference published. The publication should not include those parts of the documentation which deal only with the draft Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substance by Sea.

10 If the Assembly were to approve that the IOPC Fund should give financial support to the publication of these Official Records, it would be necessary to decide the extent of the IOPC Fund's financial involvement, viz whether the IOPC Fund should offer to pay the total cost of publication as set out in paragraph 4 above or only a part thereof.

11 Another question to be considered is whether it would be acceptable to limit the publication, at least for the time being, to the English version, in view of the very low number of copies that would have to be published in the French version and the extremely high cost per copy of that version.

Action to be Taken by the Assembly

12 The Assembly is invited to:

- (a) take note of the information contained in this document;
 - (b) consider whether the IOPC Fund should give financial support to the publication of the Official Records of the 1984 International Conference to the extent that they relate to the revision of the Civil Liability Convention and the Fund Convention; and
 - (c) give the Director such instructions as it deems appropriate in respect of the discussions with the Secretary-General of IMO concerning such publication, if any.
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