

ASSEMBLY - 1st session

SUMMARY RECORD OF THE FIRST PLENARY MEETING

held at IMCO Headquarters, 104 Piccadilly, London W.1,  
on Monday, 13 November 1978, at 11.50 a.m.

Chairman: Mr. J. BREDHOLT (Denmark)  
Secretary-General of IMCO: Mr. C.P. SRIVASTAVA  
Secretary: Mr. T.S. BUSH (IMCO Secretariat)

A list of participants is given in OPCF/A.I/INF.1

CONTENTS

	<u>Page</u>
Opening of the session	2
<u>Agenda item 2</u> - Election of the Chairman and two Vice-Chairmen	3
<u>Agenda item 1</u> - Adoption of the Agenda	4
<u>Agenda item 4</u> - Determination of non-Contracting States to be invited as observers	4
<u>Agenda item 5</u> - Determination of inter-governmental and international non-governmental organizations to be invited as observers	4
<u>Agenda item 3</u> - Determination of Rules of Procedure	5

## OPENING OF THE SESSION

The SECRETARY-GENERAL welcomed delegates to the first session of the Assembly which he described as a historic event in the fight against pollution. The Fund Organization represented the first major international effort to provide adequate and easily accessible financial resources and insurance against the ever-increasing dangers of pollution from sea-borne cargoes of oil, and it was hoped that it would be the forerunner of other international arrangements to deal with threats whose nature and potential were such that they could be handled effectively only through such co-operative ventures. IMCO was specially gratified to have been associated with the enterprise. It was as a result of IMCO's prompt and comprehensive reaction to the "Torrey Canyon" disaster that the International Legal Conference on Marine Pollution Damage, 1969, had been convened; that had led to the adoption in 1971 and the entry into force seven years later of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. Seven years, he said, was a long time, but such a Convention required a great deal of administrative, legal and related preparation by governments before it could be effectively implemented.

The relationship between IMCO and the Fund was closer than that between parent and offspring, for the subject matter of the Fund Convention and the objectives of the Fund itself were directly and closely linked with IMCO's prime concern for maritime safety and the protection of the marine environment from pollution. The Fund Organization which was being inaugurated was a direct outcome of the work IMCO had done in the field of preventing marine pollution, and was intended to complement the ongoing work of IMCO. The Organization stood, in relation to the Fund, both as the parent and as a collaborator; the two were engaged in the same activity, though operating from different ends of the scale. IMCO sought to prevent pollution accidents and, when they occurred, to deal with them in order to eliminate or mitigate pollution; the Fund's task began when, in spite of all that IMCO had done, pollution did in

fact occur. It was in recognition of the close and inextricable connection between the two organizations that IMCO had been asked by the 1971 Conference to take all the necessary steps to assist in the establishment, inauguration and initial operations of the Fund.

The Secretary-General hoped that IMCO's preparations had been adequate and that the Fund would be able to begin its operations without too many difficulties or problems. All IMCO's facilities and services were at its disposal. IMCO's Legal Committee had taken a direct and active interest in preparing the draft Internal and Staff Regulations, and at its most recent session the IMCO Council had authorized the Secretary-General to extend all assistance and continuing co-operation to the Fund, including cash advances of up to 300,000 dollars for its initial operations. Provision had also been made out of IMCO's budget for the current biennium for a further session of the Assembly or Executive Committee if that were required.

In conclusion, the Secretary-General said that IMCO was proud to have been so directly involved in the creation of such an important organization, and felt honoured to have been entrusted with the task of helping it to begin its operations. IMCO stood ready to help the Fund in whatever way was considered appropriate. It thus gave him the greatest pleasure formally to declare open the first session of the Assembly of the International Oil Pollution Compensation Fund.

#### AGENDA ITEM 2 - ELECTION OF THE CHAIRMAN AND TWO VICE-CHAIRMEN

The SECRETARY-GENERAL reported that at the meeting held that morning the heads of delegation had unanimously recommended the election of Mr. Bredholt (Denmark) as Chairman.

Mr. BREDHOLT (Denmark) was elected by acclamation.

Mr. BREDHOLT (Denmark) took the Chair.

The CHAIRMAN thanked participants for the confidence they had placed in him by electing him Chairman.

The SECRETARY-GENERAL said that the heads of delegation had suggested that the question of the election of the two Vice-Chairmen should be taken up at a later stage.

It was so decided.

AGENDA ITEM 1 - ADOPTION OF THE AGENDA (OPCF/A.I/1/Rev.1)

The Agenda was adopted.

AGENDA ITEM 4 - DETERMINATION OF NON-CONTRACTING STATES TO BE INVITED AS OBSERVERS (OPCF/A.I/6)

AGENDA ITEM 5 - DETERMINATION OF INTER-GOVERNMENTAL AND INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS TO BE INVITED AS OBSERVERS (OPCF/A.I/7)

The SECRETARY-GENERAL reported that the heads of delegation had agreed that guidelines concerning the invitation of observers would have to be laid down by the Assembly, and that a provisional ruling, valid only for the current session, should be made at once. The heads of delegation recommended that the non-Contracting States listed in document OPCF/A.I/6, together with Canada, Indonesia, the Union of Soviet Socialist Republics, the United Republic of Cameroon and Venezuela, should be admitted as observers to the present session, and that the inter-governmental and international non-governmental organizations listed in document OPCF/A.I/7 should be admitted on the same basis.

Ms BRUZELIUS (Norway) endorsed the Secretary-General's proposal, and urged that the question of guidelines for admission of observers be placed on the agenda of the current session of the Assembly.

The CHAIRMAN pointed out that the matter could be discussed in conjunction with the Rules of Procedure, since Rules 4 and 5 dealt with the matter of observers.

The Assembly decided that the non-contracting States listed in OPCF/A.I/6 as well as those named by the Secretary-General, and the inter-governmental and international non-governmental organizations listed in document OPCF/A.I/7 should be admitted as observers to the current session of the Assembly.

The Observers took their seats.

AGENDA ITEM 3 -- DETERMINATION OF RULES OF PROCEDURE (OPCF/A.I/5 and Corr.1)

The SECRETARY-GENERAL, introducing the item, stressed that the rules annexed to OPCF/A.I/5 were in draft form with some suggestions and options left in square brackets. His own view was that, should decisions on some points be held over for a later date, it was nevertheless important that the Assembly should agree its rules of procedure at least provisionally. He suggested that a small group be established to consider points which needed looking into, and to submit its recommendations to the Assembly for adoption later in the week.

Mr. NILSSON (Sweden), while expressing his delegation's satisfaction with the draft in the main, and his appreciation of IMCO's helpfulness in preparing it, wished to offer a few observations, some of a technical nature, and others of substance. He considered that the fifty-seven rules covered too much ground for it to be wise to adopt them in their final form at the Fund's first Assembly. He supported the suggestion for a small study group.

Mr. HALL (United Kingdom) and Mr. KOMURA (Japan) endorsed those remarks.

The suggestion to establish a small group was adopted.

The CHAIRMAN called attention to Rule 2, relating to the notice required before regular and extraordinary sessions of the Assembly; Rule 9, relating to Credentials; and Rules 29 and 31, concerning languages, all points requiring a decision.

Mr. HALL (United Kingdom) said that, as regards the thirty days' notice of an Assembly session proposed in Rule 2, his delegation would in principle prefer more notice. However, the point was one which might with advantage be considered later, when the Assembly would be discussing its implications.

Ms BRUZELIUS (Norway) concurred in that view. She referred to the problems created by too short notice for small States attempting to cover a great many international meetings with limited staffing resources.

Mr. DOUAY (France) agreed that for a regular session of the Assembly a thirty-day period might be too short; extraordinary sessions, on the other hand, were only convened for pressing reasons making speedy arrangements essential. In those exceptional circumstances, it was undesirable to slow down the

process by introducing longer notice than really necessary. His suggestion, purely as a guide, would be sixty days' notice of a regular and twenty-one days' notice of an extraordinary session. Until the group had made its recommendations and the Assembly had discussed them, the existing draft was acceptable provisionally.

The SECRETARY-GENERAL pointed out that Article 19 of the Convention specified thirty days' notice of extraordinary sessions of the Assembly, but made no provision at all for a notice period in respect of regular sessions. That appeared to him to be an overriding ruling.

The CHAIRMAN proposed that the small group should take that clause into account. He invited members to state their preference, if any, as regards Rule 9, Alternatives A and B.

Mr. STALIO (Yugoslavia) considered the simple notification procedure proposed in Alternative B quite adequate.

Ms BRUZELIUS (Norway) stressed the need to consider the matter carefully, since whatever decision were taken now would bind the next Assembly, and unless a firm choice were made, national authorities would be uncertain as regards the issuance of credentials. She agreed with the previous speaker that Alternative B appeared to be adequate. Alternative A might prove too elaborate.

Mr. VONAU (Poland) reminded the meeting that the principle behind Alternative A held good in fixing the credentials of representatives to IMCO's Maritime Safety Committee, Council and Assembly. He further stressed the financial importance of the Fund's meetings.

His delegation accordingly preferred Alternative A.

Mr. HERBER (Federal Republic of Germany) agreed that the Assembly would be called upon to take decisions of considerable importance. He also thought it probable that, once the Fund's Executive Committee had been set up, the Assembly would meet, not annually, but only every two years. His delegation therefore had a very slight preference for Alternative A.

The CHAIRMAN suggested that as opinions expressed so far appeared to be fairly evenly divided, it might be best to continue the discussion in the afternoon.

It was so decided.

The meeting rose at 12.40 p.m.