



COUNCIL  
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Agenda item 10

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**REPORT ON THE 2003 INTERNATIONAL CONFERENCE ON THE  
ESTABLISHMENT OF A SUPPLEMENTARY FUND TO THE 1992 FUND  
CONVENTION**

**Note by the Secretary-General**

**SUMMARY**

- Executive summary:*** This document reports on the outcome of the International Conference on the Establishment of a Supplementary Fund for Compensation for Oil Pollution Damage, 2003.
- Action to be taken:*** Paragraph 10
- Related documents:*** LEG/CONF.14/20, LEG/CONF.14/21 and LEG/CONF.14/22

1 The International Conference on the Establishment of a Supplementary Fund for Compensation for Oil Pollution Damage took place at the Headquarters of IMO from 12 to 16 May 2003. The Conference was convened by decision of the Council at its twenty-first extraordinary session, which was endorsed by the Assembly at its twenty-second regular session by resolution A.906(22) of 29 November 2001 on the Work Programme and Budget for the Twenty-Second Financial Period 2002-2003.

2 Fifty-one Contracting States to the Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (the 1992 Fund Convention) were represented by delegations at the Conference. Seventeen States and Hong Kong, China, an Associate Member of the Organization, were represented by observer delegations. Observers from two intergovernmental organizations and from twelve non-governmental international organizations in consultative status with IMO also participated in the Conference.

3 The Conference elected H.E. Mr. M. Belmahi, Ambassador of the Kingdom of Morocco to the United Kingdom and Head of the delegation of the Kingdom of Morocco, as President of the Conference. Capt. M.G. Genne (Argentina), Ms. B.S. Olsen (Denmark), H.E. Mrs. N. Kirui (Kenya), H.E. Mrs. J.L. Kekedo, OBE (Papua New Guinea) and Mr. A.A. Saifaldeen (Qatar) were elected as Vice-Presidents of the Conference.

4 As a result of its deliberations, the Conference adopted a treaty instrument, the text of which is in document LEG/CONF.14/20, entitled: Protocol of 2003 to the International

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Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (hereinafter “the Protocol”).

5 The main objective of this Protocol is to ensure that victims of oil pollution damage are compensated in full for their loss or damage and it should also alleviate the difficulties faced by victims in cases where there is a risk that the amount of compensation available under the 1992 Civil Liability and the 1992 Fund Conventions will be insufficient to pay established claims in full. The supplementary compensation regulated by the Protocol will be paid by the International Oil Pollution Compensation Supplementary Fund, 2003 (hereinafter “the Supplementary Fund”).

6 The Protocol will be open for signature at the Headquarters of the Organization from 31 July 2003 until 30 July 2004 and shall thereafter remain open for accession. It will enter into force three months following the date on which eight States have expressed their consent to be bound by it and the Secretary-General has received information that persons liable to contribute to the Supplementary Fund have received at least 450 million tons of contributing oil during the preceding calendar year.

7 Forty-seven States signed the Final Act of the Conference, the text of which is in document LEG/CONF.14/21.

8 The Conference also adopted the following resolutions, the texts of which are contained in the attachment to the Final Act and also in document LEG/CONF.14/22:

- .1 Resolution on financing of the International Conference to adopt a draft protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;
- .2 Resolution on Establishment of the International Oil Pollution Compensation Supplementary Fund; and
- .3 Resolution on review of the international compensation regime for oil pollution damage for possible improvement.

9 Under the provisions of paragraph 20 of the Final Act, the Secretary-General shall send certified copies of the Final Act and the Resolutions, and certified copies of the authentic texts of the Protocol to the Governments of the States invited to be represented at the Conference.

#### **Action requested of the Council**

10 The Council is invited to take note of the information in this document and to authorize the Secretary-General to perform the functions requested of him by the Conference.