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**STATEMENT BY THE FRENCH DELEGATION TO THE 89 THE SESSION
OF THE IMO COUNCIL**

25 November 2002

This session of the Council, now at last enlarged to 40 Members, should have been a time of true celebration, no more no less, to celebrate the enhanced representation of the member States of the Organization which France has always supported wholeheartedly right from the start.

The gravity of events reminds us of the real world and our responsibilities. More than ever, this enlargement must send a strong political signal, a solemn commitment to face the new challenges and hunt down the old demons that haunt the maritime world.

This Organization, its Member States, their peoples and the maritime community as a whole have been stricken, wounded and plunged into grief by a series of events of the utmost gravity: the terrorist threat which challenges us on all fronts as well as the latest maritime disasters such as we hoped never to see again: the sinking of the *Joola* on 26 September in Senegal with the loss of over one thousand lives, the **Prestige**, whose consequences, albeit of another order, are none the less appalling.

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The terrorist threat is not really new, but its scale, its many faces demand an unprecedented level of response. This Organization plays a crucial role in preventing and eliminating these risks in the maritime domain. We have high hopes of the work of the Diplomatic Conference in December. Let us beware lest the necessary commitments prove no more than limp consensus.

Keeping in mind the tragic events of 11 September and the murderous attacks that followed in many other places in the world, we cannot help but recall that the risks at sea, unfortunately, were all too soon illustrated by the attack on the French tanker, the *Limburg* in Yemen on 6 October last.

France will continue to play an active part in our work and naturally looks forward to significant results. I wish to announce that the **Limburg** affair will be the subject of a special presentation on Monday 9 December, the first day of the Conference.

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The terrorist menace is a risk of an exceptional kind and on a scale which requires exceptional measures to ensure "maritime security". Ensuring "maritime safety and protection of the marine environment", however, is a familiar part this Organization's mandate. As to the **Prestige** disaster on 13 November, that is nothing new.

We thought we had finally put an end to these all too frequent and intolerable situations. Obviously, that is not so. How many more times must we say that such events are unacceptable?

It was up to the State, of course, or perhaps States, directly affected by that accident to rise in protest against the accident itself and its consequences.

It was up to the flag State, of course, to provide some explanations about the incident.

Now it is the turn of our delegation to have its say, not only because France stands shoulder to shoulder in solidarity with our neighbours, not only because France is all too often the direct victim of such disasters, but because France is "horrified", as the President of the Republic put it, and must therefore react and act at every level and in every appropriate context to bring about decisive and effective measures.

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We will watch the investigations into this accident closely, albeit conscious as we are that the immediate task now is to combat this formidable pollution.

The time has come, however, for our Organization to define its policy and strategy. This is a major item on our Council's agenda.

I will conclude, therefore, with some considerations of a policy and strategic order:

France has always maintained, time and again, in this forum that the prime responsibility for the effective application and enforcement of the instruments adopted under the aegis of this Organization lies with the flag State.

France has always maintained, time and again, that control by the port State, the coastal State, the State potentially threatened, is merely a substitute for the failings of the flag State.

Today, our delegation reiterates in the strongest terms that this transfer of the responsibility and the burden has reached unacceptable levels. Intervention by the coastal State or the port State is the expression of a notion that can be described as "legitimate defence". Do we want, can we allow that the proper functioning of maritime transport should rely on such an arrangement? Please, I beg you, let us all get back to the source of the problem and, dare we say it, the root of the evil.