

No. 32194

MULTILATERAL

International Convention on oil pollution preparedness, response and cooperation, 1990 (with annex and procès-verbal of rectification). Concluded at London on 30 November 1990

*Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.
Registered by the International Maritime Organization on 18 October 1995.*

MULTILATÉRAL

Convention internationale de 1990 sur la préparation, la lutte et la coopération en matière de pollution par les hydrocarbures (avec annexe et procès-verbal de rectification). Conclue à Londres le 30 novembre 1990

*Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.
Enregistrée par l'Organisation maritime internationale le 18 octobre 1995.*

INTERNATIONAL CONVENTION¹ ON OIL POLLUTION PREPAR- EDNESS, RESPONSE AND CO-OPERATION, 1990

THE PARTIES TO THE PRESENT CONVENTION,

CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular,

RECOGNIZING the serious threat posed to the marine environment by oil pollution incidents involving ships, offshore units, sea ports and oil handling facilities,

¹ Came into force on 13 May 1995 in respect of the following States, i.e., 12 months after the date on which not less than 15 States had either signed it without reservation as to ratification, acceptance or approval, or deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the International Maritime Organization, in accordance with article 16 (1):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification, accession (a) or approval (AA)</i>
Australia	6 July 1992 <i>a</i>
Canada	7 March 1994 <i>a</i>
Egypt	29 June 1992
Finland	21 July 1993 <i>AA</i>
France	6 November 1992 <i>AA</i>
Iceland	21 June 1993
Mexico	13 May 1994 <i>a</i>
Nigeria	25 May 1993 <i>a</i>
Norway	8 March 1994
Pakistan	21 July 1993 <i>a</i>
Senegal	24 March 1994
Seychelles	26 June 1992 <i>a</i>
Spain	12 January 1994
Sweden	30 March 1992
United States of America	27 March 1992

In addition and prior to the entry into force of the Convention, the Convention came into force for the following States on the date of entry into force of the Convention or three months after the date of deposit of their instruments of ratification, acceptance, approval or accession whichever is the later date, in accordance with article 16 (2).

<i>Participant</i>	<i>Date of deposit of the instrument of ratification or of signature (s)</i>
Argentina	13 July 1994
(With effect from 13 May 1995.)*	
Uruguay	27 September 1994 <i>s</i>
(With effect from 13 May 1995.)	
Netherlands	1 December 1994
(With effect from 13 May 1995.)	
Venezuela	12 December 1994
(With effect from 13 May 1995.)	
Germany	15 February 1995
(With effect from 13 May 1995.)	
Greece	7 March 1995
(With effect from 7 June 1995.)	

Subsequently, the Convention came into force for the following States, three months after the date of deposit of their instrument of ratification, acceptance, approval or accession in accordance with article 16 (3).

<i>Participant</i>	<i>Date of deposit of the instrument of accession</i>
Liberia	5 October 1995
(With effect from 5 January 1996.)	
El Salvador	9 October 1995
(With effect from 9 January 1996.)	

* See p. 143 for the text of the reservation made upon ratification.

MINDFUL of the importance of precautionary measures and prevention in avoiding oil pollution in the first instance, and the need for strict application of existing international instruments dealing with maritime safety and marine pollution prevention, particularly the International Convention for the Safety of Life at Sea, 1974, as amended,¹ and the International Convention for the Prevention of Pollution from Ships, 1973,² as modified by the Protocol of 1978³ relating thereto, as amended, and also the speedy development of enhanced standards for the design, operation and maintenance of ships carrying oil, and of offshore units,

MINDFUL ALSO that, in the event of an oil pollution incident, prompt and effective action is essential in order to minimize the damage which may result from such an incident,

EMPHASIZING the importance of effective preparation for combating oil pollution incidents and the important role which the oil and shipping industries have in this regard,

RECOGNIZING FURTHER the importance of mutual assistance and international co-operation relating to matters including the exchange of information respecting the capabilities of States to respond to oil pollution incidents, the preparation of oil pollution contingency plans, the exchange of reports of incidents of significance which may affect the marine environment or the coastline and related interests of States, and research and development respecting means of combating oil pollution in the marine environment,

TAKING ACCOUNT of the "polluter pays" principle as a general principle of international environmental law,

TAKING ACCOUNT ALSO of the importance of international instruments on liability and compensation for oil pollution damage, including the 1969 International Convention on Civil Liability for Oil Pollution Damage⁴ (CLC); and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND);⁵ and the compelling need for early entry into force of the 1984 Protocols to the CLC and FUND Conventions,

TAKING ACCOUNT FURTHER of the importance of bilateral and multilateral agreements and arrangements including regional conventions and agreements,

BEARING IN MIND the relevant provisions of the United Nations Convention on the Law of the Sea,⁶ in particular of its part XII,

¹ United Nations, *Treaty Series*, vol. 1184, p. 2 (authentic Chinese and English texts); vol. 1185, p. 2 (authentic French, Russian and Spanish texts); vol. 1300, p. 391 (rectification of the authentic English, French, Russian and Spanish texts); vol. 1331, p. 400 (rectification of the authentic Chinese text); for the texts of the amendments of 20 November 1981, see vol. 1370, p. 2 (Chinese and English); vol. 1371, p. 2 (French and Russian); and vol. 1372, p. 61 (Spanish); vol. 1402, p. 375 (rectification of the authentic English, French, Russian and Spanish texts of the amendments of 20 November 1981); vol. 1419, p. 398 (rectification of the authentic English text of the amendments of 20 November 1981, incorporated into the text of said amendments and published in vol. 1370); for the texts of the amendments of 17 June 1983, see vol. 1431, p. 2 (Chinese and English); vol. 1432, p. 2 (French and Russian); vol. 1433, p. 92 (Spanish); vol. 1484, p. 442 (rectification of the authentic Spanish text of the amendments of 20 November 1981); vol. 1522, p. 234 (amendments of 29 April 1987); vol. 1558, No. A-18961 (amendments of 21 April 1988); vol. 1566, No. A-18961 (amendments of 28 October 1988); vol. 1593, p. 417 (rectification of the authentic Spanish text of the amendments of 28 October 1988); vol. 1674, No. A-18961 (amendments of 9 November 1988, 11 April 1989 and 25 May 1990); vol. 1765, No. A-18961 (amendments of 23 May 1991).

² *Ibid.*, vol. 1340, p. 184.

³ *Ibid.*, p. 61.

⁴ *Ibid.*, vol. 973, p. 3.

⁵ *Ibid.*, vol. 1110, p. 57.

⁶ *Ibid.*, vols. 1833, 1834 and 1835, No. I-31363.

BEING AWARE of the need to promote international co-operation and to enhance existing national, regional and global capabilities concerning oil pollution preparedness and response, taking into account the special needs of the developing countries and particularly small island States,

CONSIDERING that these objectives may best be achieved by the conclusion of an International Convention on Oil Pollution Preparedness, Response and Co-operation,

HAVE AGREED as follows:

ARTICLE 1

General provisions

- (1) Parties undertake, individually or jointly, to take all appropriate measures in accordance with the provisions of this Convention and the Annex thereto to prepare for and respond to an oil pollution incident.
- (2) The Annex to this Convention shall constitute an integral part of the Convention and a reference to this Convention constitutes at the same time a reference to the Annex.
- (3) This Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention.

ARTICLE 2

Definitions

For the purposes of this Convention:

- (1) "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products.
- (2) "Oil pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response.
- (3) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, and floating craft of any type.
- (4) "Offshore unit" means any fixed or floating offshore installation or structure engaged in gas or oil exploration, exploitation or production activities, or loading or unloading of oil.
- (5) "Sea ports and oil handling facilities" means those facilities which present a risk of an oil pollution incident and includes, inter alia, sea ports, oil terminals, pipelines and other oil handling facilities.

- (6) "Organization" means the International Maritime Organization.
- (7) "Secretary-General" means the Secretary-General of the Organization.

ARTICLE 3

Oil pollution emergency plans

- (1) (a) Each Party shall require that ships entitled to fly its flag have on board a shipboard oil pollution emergency plan as required by and in accordance with the provisions adopted by the Organization for this purpose.
- (b) A ship required to have on board an oil pollution emergency plan in accordance with subparagraph (a) is subject, while in a port or at an offshore terminal under the jurisdiction of a Party, to inspection by officers duly authorized by that Party, in accordance with the practices provided for in existing international agreements or its national legislation.
- (2) Each Party shall require that operators of offshore units under its jurisdiction have oil pollution emergency plans, which are co-ordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.
- (3) Each Party shall require that authorities or operators in charge of such sea ports and oil handling facilities under its jurisdiction as it deems appropriate have oil pollution emergency plans or similar arrangements which are co-ordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.

ARTICLE 4

Oil pollution reporting procedures

- (1) Each Party shall:
- (a) require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any event on their ship or offshore unit involving a discharge or probable discharge of oil:
- (i) in the case of a ship, to the nearest coastal State;
- (ii) in the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;
- (b) require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any observed event at sea involving a discharge of oil or the presence of oil:
- (i) in the case of a ship, to the nearest coastal State;
- (ii) in the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;

- (c) require persons having charge of sea ports and oil handling facilities under its jurisdiction to report without delay any event involving a discharge or probable discharge of oil or the presence of oil to the competent national authority;
 - (d) instruct its maritime inspection vessels or aircraft and other appropriate services or officials to report without delay any observed event at sea or at a sea port or oil handling facility involving a discharge of oil or the presence of oil to the competent national authority or, as the case may be, to the nearest coastal State;
 - (e) request the pilots of civil aircraft to report without delay any observed event at sea involving a discharge of oil or the presence of oil to the nearest coastal State.
- (2) Reports under paragraph (1)(a)(i) shall be made in accordance with the requirements developed by the Organization and based on the guidelines and general principles adopted by the Organization. Reports under paragraph (1)(a)(ii), (b), (c) and (d) shall be made in accordance with the guidelines and general principles adopted by the Organization to the extent applicable.

ARTICLE 5

Action on receiving an oil pollution report

- (1) Whenever a Party receives a report referred to in article 4 or pollution information provided by other sources, it shall:
- (a) assess the event to determine whether it is an oil pollution incident;
 - (b) assess the nature, extent and possible consequences of the oil pollution incident; and
 - (c) then, without delay, inform all States whose interests are affected or likely to be affected by such oil pollution incident, together with
 - (i) details of its assessments and any action it has taken, or intends to take, to deal with the incident, and
 - (ii) further information as appropriate,until the action taken to respond to the incident has been concluded or until joint action has been decided by such States.
- (2) When the severity of such oil pollution incident so justifies, the Party should provide the Organization directly or, as appropriate, through the relevant regional organization or arrangements with the information referred to in paragraph (1)(b) and (c).
- (3) When the severity of such oil pollution incident so justifies, other States affected by it are urged to inform the Organization directly or, as appropriate, through the relevant regional organizations or arrangements of their assessment of the extent of the threat to their interests and any action taken or intended.

(4) Parties should use, in so far as practicable, the oil pollution reporting system developed by the Organization when exchanging information and communicating with other States and with the Organization.

ARTICLE 6

National and regional systems for preparedness and response

(1) Each Party shall establish a national system for responding promptly and effectively to oil pollution incidents. This system shall include as a minimum:

- (a) the designation of:
 - (i) the competent national authority or authorities with responsibility for oil pollution preparedness and response;
 - (ii) the national operational contact point or points, which shall be responsible for the receipt and transmission of oil pollution reports as referred to in article 4; and
 - (iii) an authority which is entitled to act on behalf of the State to request assistance or to decide to render the assistance requested;
- (b) a national contingency plan for preparedness and response which includes the organizational relationship of the various bodies involved, whether public or private, taking into account guidelines developed by the Organization.

(2) In addition, each Party, within its capabilities either individually or through bilateral or multilateral co-operation and, as appropriate, in co-operation with the oil and shipping industries, port authorities and other relevant entities, shall establish:

- (a) a minimum level of pre-positioned oil spill combating equipment, commensurate with the risk involved, and programmes for its use;
- (b) a programme of exercises for oil pollution response organizations and training of relevant personnel;
- (c) detailed plans and communication capabilities for responding to an oil pollution incident. Such capabilities should be continuously available; and
- (d) a mechanism or arrangement to co-ordinate the response to an oil pollution incident with, if appropriate, the capabilities to mobilize the necessary resources.

(3) Each Party shall ensure that current information is provided to the Organization, directly or through the relevant regional organization or arrangements, concerning:

- (a) the location, telecommunication data and, if applicable, areas of responsibility of authorities and entities referred to in paragraph (1)(a);
- (b) information concerning pollution response equipment and expertise in disciplines related to oil pollution response

and marine salvage which may be made available to other States, upon request; and

- (c) its national contingency plan.

ARTICLE 7

International co-operation in pollution response

- (1) Parties agree that, subject to their capabilities and the availability of relevant resources, they will co-operate and provide advisory services, technical support and equipment for the purpose of responding to an oil pollution incident, when the severity of such incident so justifies, upon the request of any Party affected or likely to be affected. The financing of the costs for such assistance shall be based on the provisions set out in the Annex to this Convention.
- (2) A Party which has requested assistance may ask the Organization to assist in identifying sources of provisional financing of the costs referred to in paragraph (1).
- (3) In accordance with applicable international agreements, each Party shall take necessary legal or administrative measures to facilitate:
- (a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to an oil pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and
 - (b) the expeditious movement into, through, and out of its territory of personnel, cargoes, materials and equipment referred to in subparagraph (a).

ARTICLE 8

Research and development

- (1) Parties agree to co-operate directly or, as appropriate, through the Organization or relevant regional organizations or arrangements in the promotion and exchange of results of research and development programmes relating to the enhancement of the state-of-the-art of oil pollution preparedness and response, including technologies and techniques for surveillance, containment, recovery, dispersion, clean-up and otherwise minimizing or mitigating the effects of oil pollution, and for restoration.
- (2) To this end, Parties undertake to establish directly or, as appropriate, through the Organization or relevant regional organizations or arrangements, the necessary links between Parties' research institutions.
- (3) Parties agree to co-operate directly or through the Organization or relevant regional organizations or arrangements to promote, as appropriate, the holding on a regular basis of international symposia on relevant subjects, including technological advances in oil pollution combating techniques and equipment.
- (4) Parties agree to encourage, through the Organization or other competent international organizations, the development of standards for compatible oil pollution combating techniques and equipment.

ARTICLE 9

Technical co-operation

(1) Parties undertake directly or through the Organization and other international bodies, as appropriate, in respect of oil pollution preparedness and response, to provide support for those Parties which request technical assistance:

- (a) to train personnel;
- (b) to ensure the availability of relevant technology, equipment and facilities;
- (c) to facilitate other measures and arrangements to prepare for and respond to oil pollution incidents; and
- (d) to initiate joint research and development programmes.

(2) Parties undertake to co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology in respect of oil pollution preparedness and response.

ARTICLE 10

Promotion of bilateral and multilateral co-operation
in preparedness and response

Parties shall endeavour to conclude bilateral or multilateral agreements for oil pollution preparedness and response. Copies of such agreements shall be communicated to the Organization which should make them available on request to Parties.

ARTICLE 11

Relation to other conventions and international agreements

Nothing in this Convention shall be construed as altering the rights or obligations of any Party under any other convention or international agreement.

ARTICLE 12

Institutional arrangements

(1) Parties designate the Organization, subject to its agreement and the availability of adequate resources to sustain the activity, to perform the following functions and activities:

- (a) information services:
 - (i) to receive, collate and disseminate on request the information provided by Parties (see, for example, articles 5(2) and (3), 6(3) and 10) and relevant information provided by other sources; and

- (ii) to provide assistance in identifying sources of provisional financing of costs (see, for example, article 7(2));
- (b) education and training:
 - (i) to promote training in the field of oil pollution preparedness and response (see, for example, article 9); and
 - (ii) to promote the holding of international symposia (see, for example, article 8(3));
- (c) technical services:
 - (i) to facilitate co-operation in research and development (see, for example, articles 8(1), (2) and (4) and 9(1)(d));
 - (ii) to provide advice to States establishing national or regional response capabilities; and
 - (iii) to analyse the information provided by Parties (see, for example, articles 5(2) and (3), 6(3) and 8(1)) and relevant information provided by other sources and provide advice or information to States;
- (d) technical assistance:
 - (i) to facilitate the provision of technical assistance to States establishing national or regional response capabilities; and
 - (ii) to facilitate the provision of technical assistance and advice, upon the request of States faced with major oil pollution incidents.

(2) In carrying out the activities specified in this article, the Organization shall endeavour to strengthen the ability of States individually or through regional arrangements to prepare for and combat oil pollution incidents, drawing upon the experience of States, regional agreements and industry arrangements and paying particular attention to the needs of developing countries.

(3) The provisions of this article shall be implemented in accordance with a programme developed and kept under review by the Organization.

ARTICLE 13

Evaluation of the Convention

Parties shall evaluate within the Organization the effectiveness of the Convention in the light of its objectives, particularly with respect to the principles underlying co-operation and assistance.

ARTICLE 14

Amendments

(1) This Convention may be amended by one of the procedures specified in the following paragraphs.

(2) Amendment after consideration by the Organization:

- (a) Any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by the Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration.
- (b) Any amendment proposed and circulated as above shall be submitted to the Marine Environment Protection Committee of the Organization for consideration.
- (c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Marine Environment Protection Committee.
- (d) Amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting.
- (e) If adopted in accordance with subparagraph (d), amendments shall be communicated by the Secretary-General to all Parties to the Convention for acceptance.
- (f)
 - (i) An amendment to an article or the Annex of the Convention shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties.
 - (ii) An amendment to an appendix shall be deemed to have been accepted at the end of a period to be determined by the Marine Environment Protection Committee at the time of its adoption, which period shall not be less than ten months, unless within that period an objection is communicated to the Secretary-General by not less than one third of the Parties.
- (g)
 - (i) An amendment to an article or the Annex of the Convention accepted in conformity with subparagraph (f)(i) shall enter into force six months after the date on which it is deemed to have been accepted with respect to the Parties which have notified the Secretary-General that they have accepted it.
 - (ii) An amendment to an appendix accepted in conformity with subparagraph (f)(ii) shall enter into force six months after the date on which it is deemed to have been accepted with respect to all Parties with the exception of those which, before that date, have objected to it. A Party may at any time withdraw a previously communicated objection by submitting a notification to that effect to the Secretary-General.

(3) Amendment by a Conference:

- (a) Upon the request of a Party, concurred with by at least one third of the Parties, the Secretary-General shall convene a Conference of Parties to the Convention to consider amendments to the Convention.
- (b) An amendment adopted by such a Conference by a two-thirds majority of those Parties present and voting shall be communicated by the Secretary-General to all Parties for their acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in

accordance with the procedures specified in paragraph (2)(f) and (g).

(4) The adoption and entry into force of an amendment constituting an addition of an Annex or an appendix shall be subject to the procedure applicable to an amendment to the Annex.

(5) Any Party which has not accepted an amendment to an article or the Annex under paragraph (2)(f)(i) or an amendment constituting an addition of an Annex or an appendix under paragraph (4) or has communicated an objection to an amendment to an appendix under paragraph (2)(f)(ii) shall be treated as a non-Party only for the purpose of the application of such amendment. Such treatment shall terminate upon the submission of a notification of acceptance under paragraph (2)(f)(i) or withdrawal of the objection under paragraph (2)(g)(ii).

(6) The Secretary-General shall inform all Parties of any amendment which enters into force under this article, together with the date on which the amendment enters into force.

(7) Any notification of acceptance of, objection to, or withdrawal of objection to, an amendment under this article shall be communicated in writing to the Secretary-General who shall inform Parties of such notification and the date of its receipt.

(8) An appendix to the Convention shall contain only provisions of a technical nature.

ARTICLE 15

Signature, ratification, acceptance, approval and accession

(1) This Convention shall remain open for signature at the Headquarters of the Organization from 30 November 1990 until 29 November 1991 and shall thereafter remain open for accession. Any State may become Party to this Convention by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

ARTICLE 16

Entry into force

(1) This Convention shall enter into force twelve months after the date on which not less than fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited the requisite instruments of ratification, acceptance, approval or accession in accordance with article 15.

(2) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention or three months after the date of deposit of the instrument, whichever is the later date.

(3) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which this Convention entered into force, this Convention shall become effective three months after the date of deposit of the instrument.

(4) After the date on which an amendment to this Convention is deemed to have been accepted under article 14, any instrument of ratification, acceptance, approval or accession deposited shall apply to this Convention as amended.

ARTICLE 17

Denunciation

(1) This Convention may be denounced by any Party at any time after the expiry of five years from the date on which this Convention enters into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary-General.

(3) A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.

ARTICLE 18

Depositary

(1) This Convention shall be deposited with the Secretary-General.

(2) The Secretary-General shall:

(a) inform all States which have signed this Convention or acceded thereto of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of entry into force of this Convention; and

(iii) the deposit of any instrument of denunciation of this Convention together with the date on which it was received and the date on which the denunciation takes effect;

(b) transmit certified true copies of this Convention to the Governments of all States which have signed this Convention or acceded thereto.

(3) As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 19

Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Convention.

DONE AT London this thirtieth day of November one thousand nine hundred and ninety.

[For the signatures, see p. 133 of this volume.]

ANNEX

Reimbursement of costs of assistance

- (1) (a) Unless an agreement concerning the financial arrangements governing actions of Parties to deal with oil pollution incidents has been concluded on a bilateral or multilateral basis prior to the oil pollution incident, Parties shall bear the costs of their respective actions in dealing with pollution in accordance with subparagraph (i) or subparagraph (ii).
- (i) If the action was taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the cost of its action. The requesting Party may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Party.
- (ii) If the action was taken by a Party on its own initiative, this Party shall bear the costs of its action.
- (b) The principles laid down in subparagraph (a) shall apply unless the Parties concerned otherwise agree in any individual case.
- (2) Unless otherwise agreed, the costs of action taken by a Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.
- (3) The Party requesting assistance and the assisting Party shall, where appropriate, co-operate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph (2). It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of the developing countries.
- (4) The provisions of this Convention shall not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions to deal with pollution or the threat of pollution under other applicable provisions and rules of national and international law. Special attention shall be paid to the 1969 International Convention on Civil Liability for Oil Pollution Damage and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage or any subsequent amendment to those Conventions.

عن الأرجنتين:

代表 阿根廷:

For Argentina:

Pour l'Argentine :

За Аргентину:

Por la Argentina:

[MARIO CÁMPORA]¹

[Subject to ratification — Sous réserve de ratification]

[30 November 1990 — 30 novembre 1990]

عن البرازيل:

代表 巴西:

For Brazil:

Pour le Brésil :

За Бразилию:

Por el Brasil:

[PAULO TARSO FLECHA DE LIMA]

["Ad referendum" of the Senate and House of the Brazilian Congress — "Ad referendum" du Sénat et du Parlement du Congrès brésilien]

[30 November 1990 — 30 novembre 1990]

عن كوت ديفوار:

代表科特迪瓦:

For Côte d'Ivoire:

Pour la Côte d'Ivoire :

За Кот д'Ивуар:

Por la Côte d'Ivoire:

[C. BAKARY]

[G. B. BLEDE]

[Subject to ratification — Sous réserve de ratification]

[30 November 1990 — 30 novembre 1990]

¹ The names of signatories between brackets were not legible and have been supplied by the International Maritime Organization — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par l'Organisation maritime internationale.

عن الدانمرك:

代表 丹麦:

For Denmark:

Pour le Danemark :

За Данию:

Por Dinamarca:

[FILIP FACIUS]

[Subject to ratification and with reservation for application to the Faroe Islands and Greenland — Sous réserve de ratification et avec réserve pour l'application des îles Féroé et le Groenland]

[30 November 1990 — 30 novembre 1990]

عن الاكوادور:

代表 厄瓜多尔:

For Ecuador:

Pour l'Equateur :

За Эквадор:

Por el Ecuador:

[CARLOS LUZURIAGA]

[Subject to ratification — Sous réserve de ratification]

[30 November 1990 — 30 novembre 1990]

عن مصر:

代表 埃及:

For Egypt:

Pour l'Egypte :

За Египет:

Por Egipto:

[MOHAMED IBRAHIM SHAKER]

[Subject to ratification — Sous réserve de ratification]

[30 November 1990 — 30 novembre 1990]

من فنلندا:

代表 芬兰:

For Finland:
Pour la Finlande :
За Финляндию:
Por Finlandia:

[JUKKA LEINO]

[Subject to approval — Sous réserve d'approbation]

[23 April 1991 — 23 avril 1991]

عن فرنسا:

代表 法国:

For France:
Pour la France :
За Францию:
Por Francia:

[J.-CH. LECLAIR]

[Subject to approval — Sous réserve d'approbation]

[13 September 1991 — 13 septembre 1991]

عن جامبيا:

代表 冈比亚:

For the Gambia:
Pour la Gambie :
За Гамбию:
Por Gambia:

[M. YAYA BALDEH]

[Subject to ratification — Sous réserve de ratification]

[1 November 1991 — 1 novembre 1991]

عن جمهورية ألمانيا الاتحادية:

代表德意志联邦共和国:

For the Federal Republic of Germany:

Pour la République Fédérale d'Allemagne :

За Федеративную Республику Германия:

Por la República Federal de Alemania:

[HELMUT WEGNER]

[CHRISTOPH HINZ]

[Subject to ratification — Sous réserve de ratification]

[30 November 1990 — 30 novembre 1990]

عن غانا:

代表 加纳:

For Ghana:

Pour le Ghana :

За Гану:

Por Ghana:

[W. K. ANSA-OTU]

[Subject to acceptance — Sous réserve d'acceptation]

[30 November 1990 — 30 novembre 1990]

عن اليونان:

代表 希腊:

For Greece:

Pour la Grèce :

За Грецию:

Por Grecia:

[A. AGATHOCLIS]

[Subject to acceptance — Sous réserve d'acceptation]

[30 November 1990 — 30 novembre 1990]

عن غينيا:

代表 几内亚:

For Guinea:

Pour la Guinée :

За Гвинею:

Por Guinea:

[S. BAH]

[Subject to ratification — Sous réserve de ratification]

[30 November 1990 — 30 novembre 1990]

عن آيسلندا:

代表 冰岛:

For Iceland:

Pour l'Islande :

За Исландию:

Por Islandia:

[MAGNÚS JÓHANNESSEN]

[Subject to ratification — Sous réserve de ratification]

[30 November 1990 — 30 novembre 1990]

عن اسرائيل:

代表 以色列:

For Israel:

Pour Israël :

За Израиль:

Por Israel:

[YOAV BIRAN]

[Subject to ratification — Sous réserve de ratification]

[27 November 1991 — 27 novembre 1991]

عن ايطاليا:

代表 意大利:

For Italy:
Pour l'Italie :
За Италию:
Por Italia:

[MATTEO BARADÀ]

[Subject to ratification — Sous réserve de ratification]

[25 November 1991 — 25 novembre 1991]

عن لبنان:

代表 黎巴嫩:

For Lebanon:
Pour le Liban :
За Ливан:
Por el Líbano:

[MAHMOUD HAMMOUD]

[M. JARJOU]

[Subject to ratification — Sous réserve de ratification]

[30 November 1990 — 30 novembre 1990]

عن مالطا:

代表 马耳他:

For Malta:
Pour Malte :
За Мальту:
Por Malta:

[JOE FENECH]

[Subject to ratification — Sous réserve de ratification]

[21 June 1991 — 21 juin 1991]

عن المغرب:

代表 摩洛哥:

For Morocco:
Pour le Maroc :
За Марокко:
Por Marruecos:

[ABDESLAM ZENINED]

[Subject to ratification by the Moroccan Government
— Sous réserve de ratification par le Gouvernement
marocain]

[20 February 1991 — 20 février 1991]

عن هولندا:

代表 荷兰:

For the Netherlands:
Pour les Pays-Bas :
За Нидерланды:
Por los Países Bajos:

[J. B. HOEKMAN]

[Subject to ratification — Sous réserve de ratification]

[21 November 1991 — 21 novembre 1991]

عن النرويج:

代表 挪威:

For Norway:
Pour la Norvège :
За Норвегию:
Por Noruega:

[KJELL ELIASSEN]

[Subject to ratification — Sous réserve de ratification]

[21 November 1991 — 21 novembre 1991]

عن الفلبين:

代表 菲律宾:

For the Philippines:
Pour les Philippines :
За Филиппины:
Por Filipinas:

[C. L. AGUSTIN]

[Subject to ratification — Sous réserve de ratification]

[30 November 1990 — 30 novembre 1990]

عن بولنده:

代表 波兰:

For Poland:
Pour la Pologne :
За Польшу:
Por Polonia:

[JERZY VONAU]

[Subject to ratification — Sous réserve de ratification]

[7 November 1991 — 7 novembre 1991]

عن السنغال:

代表 塞内加尔:

For Senegal:
Pour le Sénégal :
За Сенегал:
Por el Senegal:

[SEYDON MADANI SY]

[Subject to ratification — Sous réserve de ratification]

[20 June 1991 — 20 juin 1991]

عن اسبانيا:

代表 西班牙:

For Spain:
Pour l'Espagne :
За Испанию
Por España:

[FELIPE DE LA MORENA]

[Subject to ratification — Sous réserve de ratification]

[27 November 1991 — 27 novembre 1991]

عن السويد:

代表 瑞典:

For Sweden:
Pour la Suède :
За Швецию:
Por Suecia:

[LENNART ECKERBERG]

[Subject to ratification — Sous réserve de ratification]

[3 April 1991 — 3 avril 1991]

عن الولايات المتحدة الأمريكية:

代表 美利坚合众国:

For the United States of America:
Pour les Etats-Unis d'Amérique :
За Соединенные Штаты Америки:
Por los Estados Unidos de América:

[J. WILLIAM KIME]

[Subject to ratification — Sous réserve de ratification]

[30 November 1990 — 30 novembre 1990]

عن الأوروغواي:

代表 乌拉圭:

For Uruguay:

Pour l'Uruguay :

За Уругвай:

Por el Uruguay:

[RICARDO MEDINA]

ad referendum

[30 November 1990 — 30 novembre 1990]

عن فنزويلا:

代表 委内瑞拉:

For Venezuela:

Pour le Venezuela :

За Венесуэлу:

Por Venezuela:

[ELENA MORA]

[JOSÉ VELASCO COLLAZO]

[Subject to ratification — Sous réserve de ratification]

[20 May 1991 — 20 mai 1991]

RESERVATION MADE
UPON RATIFICATIONRÉSERVE FAITE
LORS DE LA RATIFICATION*ARGENTINA**ARGENTINE*

[SPANISH TEXT — TEXTE ESPAGNOL]

“La República Argentina, hace expresa reserva de sus derechos de soberanía y jurisdicción territorial y marítima, sobre las Islas Malvinas, Georgias del Sur, Sandwich del Sur y los espacios marítimos correspondientes, reconocidos y definidos por ley de la Nación Argentina N° 23.968 del 14 de agosto de 1991 y rechaza cualquier extensión de la aplicación del Convenio internacional sobre cooperación, preparación y lucha contra la contaminación por hidrocarburos 1990, que cualquier otro Estado, comunidad o entidad pudiera hacer a esos territorios insulares y/o áreas marítimas argentinos.”

[TRANSLATION]¹[TRADUCTION]¹

The Argentine Republic hereby expressly reserves its rights of sovereignty and of territorial and maritime jurisdiction over the Malvinas Islands, South Georgia and South Sandwich Islands, and the maritime areas corresponding thereto, as recognized and defined in Law No. 23.968 of the Argentine Nation of 14 August 1991, and repudiates any extension of the scope of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990, which may be made by any other State, community or entity to those Argentine island territories and/or maritime areas.

La République argentine réserve expressément ses droits de souveraineté et de juridiction territoriale et maritime sur les îles Malouines, les îles de Géorgie du Sud et les îles Sandwich du Sud ainsi que sur les zones maritimes correspondantes telles que reconnues et définies par la loi de la nation argentine n° 23 968 du 14 août 1991; et elle récuse toute extension éventuelle par tout autre Etat, collectivité ou entité du champ d'application de la Convention internationale de 1990 sur la préparation, la lutte et la coopération en matière de pollution par les hydrocarbures à ces territoires et/ou zones maritimes argentins.

¹ Translation supplied by the International Maritime Organization.

¹ Traduction fournie par l'Organisation maritime internationale.

INTERNATIONAL CONVENTION ON OIL POLLUTION PREPARADNESS,
RESPONSE AND CO-OPERATION, 1990

PROCÈS-VERBAL OF RECTIFICATION

CONVENTION INTERNATIONALE DE 1990 SUR LA PRÉPARATION, LA
LUTTE ET LA COOPÉRATION EN MATIÈRE DE POLLUTION PAR
LES HYDROCARBURES

PROCÈS-VERBAL DE RECTIFICATION

CONVENIO INTERNACIONAL SOBRE COOPERACIÓN, PREPARACIÓN
Y LUCHA CONTRA LA CONTAMINACIÓN POR HIDROCARBUROS, 1990

ACTA DE RECTIFICACIÓN

Whereas an International Convention on Oil Pollution Preparedness, Response and Co-operation was adopted on 30 November 1990 by the diplomatic conference convened by IMO and held in London from 19 to 30 November 1990 the text of which is deposited with the Secretary-General of the International Maritime Organization;

Whereas certain errors have been discovered in the Russian authentic text of the Convention and brought to the notice of the States Signatories or Parties to the Convention;

Whereas all these Governments have agreed to these errors being corrected as indicated hereunder:

Attendu qu'une convention internationale sur la préparation, la lutte et la coopération en matière de pollution par les hydrocarbures a été adoptée le 30 novembre 1990 par la Conférence diplomatique convoquée par l'OMI qui s'est tenue à Londres du 19 au 30 novembre 1990 et que le texte de cette convention est déposé auprès du Secrétaire général de l'Organisation maritime internationale;

Attendu que certaines erreurs ont été relevées dans le texte russe authentique de ladite convention et portées à l'attention des Etats signataires ou Parties à la Convention;

Attendu que tous ces gouvernements ont approuvé la correction de ces erreurs, il est apporté les rectifications ci-après :

Considerando que el Convenio internacional sobre cooperación, preparación y lucha contra la contaminación por hidrocarburos, 1990, fue adoptado el 30 de noviembre de 1990 por la conferencia diplomática convocada por la OMI y celebrada en Londres del 19 al 30 de noviembre de 1990, cuyo texto se encuentra depositado ante el secretario General de la Organización Marítima Internacional;

Considerando que en el texto ruso auténtico del Convenio se han hallado ciertos errores y que éstos han sido puestos en conocimiento de los Estados signatarios o Partes en el Convenio;

Considerando que todos esos gobiernos han acordado corregir tales errores del modo que se indica a continuación:

International Convention on Oil Pollution Preparedness,
Response and Co-operation, 1990

Russian authentic text

(All references relate to the text of the Convention
as it appears in the certified true copy)

- | | |
|--|---|
| Page 2, Preamble, para 5
- line 2 | Delete "международные" and insert
"региональные" |
| Page 4, Article 3, para 1,
subpara (a)
- line 4 | Delete "или под ее эгидой" |
| Page 6, Article 5, para 2
- line 3 | Delete "региональный или субрегиональный
орган" and insert "региональную органи-
зацию" |
| Page 6, Article 5, para 3
- line 4 | Delete "региональный или субрегиональный
орган" and insert "соответствующие регио-
нальные организации" |
| Page 7, Article 6, para 2,
subpara (d)
- lines 1, 2 | Delete "со значительным" and insert
"с" |
| Page 8, Article 7, para 2
line 3 | Delete "финансовых гарантий в отношении"
and insert "временного финансирования" |
| Page 10, Article 11
- lines 2, 3 | Delete "наносящее ущерб правам или
обязанностям любой Стороны, предусмотренным в любых других конвенциях и международных соглашениях" and insert "изменяющее права или обязанности любой Стороны, предусмотренные в любой другой конвенции или международном соглашении" |
| Page 10, Article 12, para 1,
subpara (ii)
- lines 1, 2 | Delete "финансовых гарантий в отношении"
and insert "временного финансирования" |
| Page 11, Article 14, para 1
- line 1 | Delete "путем процедур" and insert
"путем одной процедуры" |
| Page 14, Article 16, para 2
- line 3 | Delete "их" and insert "ее" |

Now therefore, I the undersigned, William Andrew O'Neil, Secretary-General of the International Maritime Organization, depositary of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990, have caused the authentic Russian text of the Convention to be modified by the corrections indicated above, and initialled in the margin thereof.

In witness whereof, I have signed the present Procès-Verbal at the Headquarters of the Organization this fourteenth day of March 1994, in a single copy which shall be kept in the archives of the Organization with the authentic text of the Convention.

Je soussigné, William Andrew O'Neil, Secrétaire général de l'Organisation maritime internationale, dépositaire de la Convention internationale de 1990 sur la préparation, la lutte et la coopération en matière de pollution par les hydrocarbures, ai fait modifier le texte russe authentique de ladite convention en y apportant les corrections indiquées ci-dessus, qui sont paraphées dans la marge.

En foi de quoi, j'ai signé le présent procès-verbal au Siège de l'Organisation le quatorzième jour de mars 1994, en un seul exemplaire original, lequel sera conservé dans les archives de l'Organisation avec le texte authentique de la Convention.

Yo, William Andrew O'Neil, Secretario General de la Organización Marítima Internacional, depositario del Convenio internacional sobre cooperación, preparación y lucha contra la contaminación por hidrocarburos, 1990, visto lo que antecede, he hecho modificar el texto ruso auténtico del Convenio introduciendo las correcciones arriba indicadas y he puesto mis iniciales al margen de las mismas.

En fe de lo cual, firmo la presente acta de rectificación en la sede de la Organización, hoy, día decimocuarto de marzo de 1994 en un solo ejemplar original que se guardará en los archivos de la Organización, junto con el texto auténtico del Convenio.



FINAL ACT¹ OF THE CONFERENCE ON INTERNATIONAL CO-OPERATION ON OIL POLLUTION PREPAREDNESS AND RESPONSE

1 In accordance with Article 2(b) of the Convention on the International Maritime Organization, the Assembly of the Organization at its sixteenth regular session decided, by adoption of resolution A.674(16) of 19 October 1989, to convene an international conference to consider the adoption of an international convention on oil pollution preparedness and response.

2 In this connection, by adoption of resolution A.644(16) of 19 October 1989 on the work programme and budget for the sixteenth financial period 1990-1991, the Assembly at the above-mentioned session noted that the Government of the United States had kindly agreed to provide the necessary funds for one preparatory meeting and for a one-week diplomatic conference.

3 Subsequently, the Organization was informed that the Government of Japan and the Japan Shipbuilding Industry Foundation had kindly agreed to provide additional funding in order that the duration of the diplomatic conference could be extended to two weeks.

4 The Conference was held in London, at the Headquarters of the International Maritime Organization from 19 to 30 November 1990.

5 Representatives of 90 States participated in the Conference, namely the representatives of:

ALGERIA	MALAYSIA
ANTIGUA AND BARBUDA	MALDIVES
ARGENTINA	MALTA
AUSTRALIA	MARSHALL ISLANDS
BAHAMAS	MAURITIUS
BAHRAIN	MEXICO
BANGLADESH	MONACO
BARBADOS	MOROCCO
BELGIUM	MYANMAR
BRAZIL	NETHERLANDS
CAMBODIA	NEW ZEALAND
CAMEROON	NIGERIA
CANADA	NORWAY
CAPE VERDE	PAKISTAN
CHILE	PERU
CHINA	PHILIPPINES
COSTA RICA	POLAND
COTE D'IVOIRE	PORTUGAL
CYPRUS	REPUBLIC OF KOREA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	ROMANIA
DENMARK	SAINT LUCIA
ECUADOR	SAINT VINCENT AND THE GRENADINES
EGYPT	SAUDI ARABIA
EL SALVADOR	SENEGAL
ETHIOPIA	SEYCHELLES
FIJI	SINGAPORE
FINLAND	SPAIN
FRANCE	SUDAN
GABON	SWEDEN
	THAILAND

¹ Published for information only.

GERMANY	TRINIDAD AND TOBAGO
GHANA	TUNISIA
GREECE	TURKEY
GRENADA	UGANDA
GUINEA	UKRAINIAN SOVIET SOCIALIST REPUBLIC
ICELAND	UNION OF SOVIET SOCIALIST
INDIA	REPUBLICS
INDONESIA	UNITED KINGDOM OF GREAT BRITAIN
IRAN (ISLAMIC REPUBLIC OF)	AND NORTHERN IRELAND
ITALY	UNITED REPUBLIC OF TANZANIA
JAPAN	UNITED STATES OF AMERICA
JORDAN	URUGUAY
KENYA	VANUATU
KUWAIT	VENEZUELA
LEBANON	VIET NAM
LIBERIA	ZAIRE
MALAWI	

6 The following States sent observers to the Conference:

CUBA
GUATEMALA
YUGOSLAVIA

7 HONG KONG, an Associate Member of the International Maritime Organization, sent an observer to the Conference.

8 Representatives of the following bodies of the United Nations attended the Conference:

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO)
UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)
INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION (IOC)

9 The following four intergovernmental organizations sent observers to the Conference:

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)
COMMISSION OF THE EUROPEAN COMMUNITIES (EEC)
INTERNATIONAL OIL POLLUTION COMPENSATION FUND (IOPC FUND)
HELSINKI COMMISSION (HELCOM)

10 The following nine non-governmental international organizations sent observers to the Conference:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL MARITIME COMMITTEE (CMI)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
OIL INDUSTRY INTERNATIONAL EXPLORATION AND PRODUCTION FORUM (E & P FORUM)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)
INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LIMITED (ITOPF)
ADVISORY COMMITTEE ON POLLUTION OF THE SEA (ACOPS)

11 His Excellency, Mr. Abdeslam Zenined, Ambassador Extraordinary and Plenipotentiary of the Kingdom of Morocco to the United Kingdom, Head of the delegation of Morocco, was elected President of the Conference.

12 The Vice-Presidents elected by the Conference were:

Vice-Admiral C. Toledo de la Maza	(Chile)
Mr. Yu Zhizhong	(China)
Mr. J. Østergaard	(Denmark)
Mr. O.O. George	(Nigeria)
H.E. The Honourable T.T. Syquia	(Philippines)
Mr. O.A. Savin	(USSR)

13 The Secretariat of the Conference consisted of the following officers:

Secretary-General	Mr. W.A. O'Neil
Executive Secretary	Mr. K. Voskresensky, Director, Marine Environment Division
Deputy Executive Secretaries:	Mr. J. Wonham, Senior Deputy Director, Marine Environment Division
	Mr. D.T. Edwards, Deputy Director, Marine Environment Division

14 The Conference established a Committee of the Whole with the mandate to consider the draft text of an international convention on oil pollution preparedness and response and related recommendations and resolutions.

15 The Drafting Committee established by the Conference was composed of representatives of the following nine States:

ARGENTINA	FRANCE	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
CHINA	JAPAN	UNION OF SOVIET SOCIALIST REPUBLICS
EGYPT	SPAIN	UNITED STATES OF AMERICA

16 A Credentials Committee was appointed to examine the credentials of representatives attending the Conference. The Committee was composed of representatives of the following States:

CAMEROON
IRAN (ISLAMIC REPUBLIC OF)
ITALY
POLAND
VENEZUELA

17 The officers elected for the Committees were as follows:

Committee of the Whole:

Chairman:	Mr. E. Jansen (Norway)
Vice-Chairmen:	H.E. Mr. G.B. Cooper (Liberia) H.E. Dr. P.E.J. Rodgers (Bahamas)

Drafting Committee:

Chairman:	Mr. Y. Sasamura (Japan)
Vice-Chairman:	Mr. J-F. Lévy (France)

Credentials Committee:

Chairman:	Mr. J. Vonau (Poland)
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18 The Conference used as the basis of its work:

- draft text of an international convention on oil pollution preparedness and response prepared by a preparatory meeting; and
- draft Conference resolutions prepared by the preparatory meeting.

19 The Conference also considered proposals and comments on the above-mentioned documents submitted to the Conference by Governments and interested organizations.

20 As a result of its deliberations, the Conference adopted the:

INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS,
RESPONSE AND CO-OPERATION, 1990.

21 The Conference further adopted the following resolutions:

- 1 References to instruments and other documents developed by the International Maritime Organization under articles of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
- 2 Implementation of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 pending its entry into force
- 3 Early implementation of the provisions of article 12 of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
- 4 Implementation of the provisions of article 6 of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
- 5 Establishment of oil pollution combating equipment stockpiles
- 6 Promotion of technical assistance
- 7 Development and implementation of a training programme for oil pollution preparedness and response
- 8 Improving salvage services
- 9 Co-operation between States and insurers
- 10 Expansion of the scope of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 to include hazardous and noxious substances

These resolutions are contained in the Attachment to this Final Act.

22 This Final Act is established in a single original text in the Arabic, Chinese, English, French, Russian and Spanish languages which is to be deposited with the Secretary-General of the International Maritime Organization.

23 The Secretary-General shall send certified copies of this Final Act with its Attachment and certified copies of the authentic text of the Convention to the Governments of the States invited to be represented at the Conference, in accordance with the wishes of those Governments.

IN WITNESS WHEREOF the undersigned have affixed their signature to this Final Act.

DONE AT LONDON this thirtieth day of November, one thousand nine hundred and ninety.

[For the signatures, see p. 180 of this volume.]

الرئيس:

主席:

President:

Président :

Председатель:

Presidente:

H. E. Mr. ABDESLAM ZENINED

أمين عام المنظمة البحرية الدولية:

国际海事组织秘书长:

Secretary-General of the International Maritime Organization:

Secrétaire général de l'Organisation maritime internationale :

Генеральный Секретарь Международной Морской Организации:

Secretario General de la Organización Marítima Internacional:

Mr. W. A. O'NEIL

الامين التنفيذي للمؤتمر:

会议执行秘书:

Executive Secretary of the Conference:

Secrétaire exécutif de la Conférence :

Исполнительный Секретарь Конференции:

Secretario Ejecutivo de la Conferencia:

Mr. K. VOSKRESENSKY

نائب الأمين التنفيذي للمؤتمر:

会议副执行秘书:

Deputy Executive Secretary of the Conference:

Secrétaire exécutif adjoint de la Conférence :

Заместитель Исполнительного Секретаря Конференции:

Secretario Ejecutivo Adjunto de la Conferencia:

Dr. J. WONHAM

نائب الأمين التنفيذي للمؤتمر:

会议副执行秘书:

Deputy Executive Secretary of the Conference:

Secrétaire exécutif adjoint de la Conférence :

Заместитель Исполнительного Секретаря Конференции:

Secretario Ejecutivo Adjunto de la Conferencia:

Mr. D. T. EDWARDS

من الجزائر:

代表 阿尔及利亚:

For Algeria:

Pour l'Algérie :

За Алжир:

Por Argelia:

Mme Z. BENDIB

عن أنتيغوا وباربودا:

代表 安提瓜和巴布达:

For Antigua and Barbuda:

Pour Antigua-et-Barbuda :

За Антигуа и Барбуда:

Por Antigua y Barbuda:

H. E. MR. JAMES A. E. THOMAS

عن الأرجنتين:

代表 阿根廷:

For Argentina:

Pour l'Argentine :

За Аргентину:

Por la Argentina:

H. E. SR. M. CAMPORA

Mr. V. W. ZIBELL

Ministro MARTHA N. OLIVEROS

Mr. J. M. ROLÓN

Mr. M. A. HILDMANN

من استراليا:

代表 澳大利亚:

For Australia:

Pour l'Australie :

За Австралию:

For Australia:

MR. I. M. WILLIAMS

Mr. C. W. FILOR

عن البهاما:

代表 巴哈马:

For the Bahamas:

Au nom des Bahamas :

За Багамские острова:

For las Bahamas:

Capt. N. MAUDE

من البحرين:

代表 巴林:

For Bahrain:

Pour Bahreïn :

За Бахрейн:

For Bahrein:

H. E. Mr. K. E. AL SHAKAR

Mr. A. H. HASAN

Mr. M. A. HASAN

عن بانجلاديش:

代表 孟加拉:

For Bangladesh:

Pour le Bangladesh :

За Бангладеш:

For Bangladesh:

Mr. S. MAJUMDER

عن باربادوس:

代表 巴巴多斯:

For Barbados:

Pour la Barbade :

За Барбадос:

Por Barbados:

عن بلجيكا:

代表 比利时:

For Belgium:

Pour la Belgique :

За Бельгию:

Por Bélgica:

Mr. J. MARICOU

Capt. J. VYNCKIER

عن البرازيل:

代表 巴西:

For Brazil:

Pour le Brésil :

За Бразилию:

Por el Brasil:

H. E. MR. P. T. FLECHA DE LIMA

Capt. E. N. DE REZENDE BARBOS

Mrs. M. W. S. GOES

Mr. E. KOSLINSKI

من كمبوديا:

代表 柬埔寨:

For Cambodia:

Pour le Cambodge :

За Камбоджу:

Por Camboya:

Mr. CHEA BUN NY

عن الكاميرون:

代表 喀麦隆:

For Cameroon:

Pour le Cameroun :

За Камерун:

Por el Camerún:

M. R. MEKA MEKA

M. O. S. E. PONDY

عن كندا:

代表 加拿大:

For Canada:

Pour le Canada :

За Канаду:

Por el Canadá:

MR. M. A. H. TURNER

Mr. M. GAUTHIER

Mr. T. RING

Mr. A. VAMOS-GOLDMAN

Mr. J. SLATER

Mr. DOUGLAS A. BIEBER

عن كيب فيردى:

代表 佛得角:

For Cape Verde:

Pour le Cap-Vert :

За Острова Зеленого Мыса:

Por Cabo Verde:

MR. J. B. BRITES

عن شیلی:

代表 智利:

For Chile:

Pour le Chili :

За Чили:

Por Chile:

Vice-Admiral C. TOLEDO DE LA MAZA

Capt. CARLOS BASTIAS

Capt. A. SIERRA

عن الصين:

代表 中国:

For China:

Pour la Chine :

За Китай:

Por China:

MR. YU ZHIZHONG

عن كوستاريكا:

代表 哥斯达黎加:

For Costa Rica:

Pour le Costa Rica :

За Коста-Рику:

Por Costa Rica:

H. E. MR. L. R. TINOCO

من كوت ديفوار:

代表 科特迪瓦:

For Côte d'Ivoire:

Pour la Côte d'Ivoire :

За Кот д'Ивуар:

Por la Côte d'Ivoire:

M. C. BAKARY

M. G. B. BLEDE

عن قبرص:

代表 塞浦路斯:

For Cyprus:

Pour Chypre :

За Кипр:

Por Chipre:

Capt. R. G. LEWIS

عن جمهورية كوريا الشعبية الديمقراطية:

代表 朝鲜民主主义人民共和国:

For the Democratic People's Republic of Korea:

Pour la République populaire démocratique de Corée :

За Корейскую Народно-Демократическую Республику:

Por la República Popular Democrática de Corea:

H. E. Ambassador RI TCHEUL

عن الدانمرك:

代表 丹麦:

For Denmark:

Pour le Danemark :

За Данию:

Por Dinamarca:

MR. F. FACIUS

MS. B. RINDOM

MR. J. ØSTERGAARD

عن الاكوادور:

代表 厄瓜多尔:

For Ecuador:

Pour l'Equateur :

За Эквадор:

Por el Ecuador:

Dr. C. LUZURIAGA

Capt. H. RUILOVA

عن مصر:

代表 埃及:

For Egypt:
Pour l'Égypte :
За Египет:
Por Egipto:

H. E. DR. MOHAMED I. SHAKER
Admiral AHMED MEDHAT GHANEM
Mr. S. BORHAN

عن السلفادور:

代表 萨尔瓦多:

For El Salvador:
Pour El Salvador :
За Сальвадор:
Por El Salvador:

Lic. E. LIMA

عن اثيوبيا:

代表 埃塞俄比亚:

For Ethiopia:
Pour l'Éthiopie :
За Эфиопию:
Por Etiópia:

30/11/90
Mr. Y. TEKLE

عن فيجي:

代表 斐济:

For Fiji:
Pour Fidji :
За Фиджи:
Por Fiji:

H. E. Brigadier-General R. E. NAILATIKAU

من فنلندا:

代表 芬兰:

For Finland:

Pour la Finlande :

За Финляндию:

Por Finlandia:

MR. J. RATIA

من فرنسا:

代表 法国:

For France:

Pour la France :

За Францию:

Por Francia:

M. J.-F. LEVY

M. J.-C. LECLAIR

Mlle O. M. Y. ROUSSEL

عن الجابون:

代表 加蓬:

For Gabon:

Pour le Gabon :

За Габон:

Por el Gabón:

من جمهورية ألمانيا الاتحادية:

代表德意志联邦共和国:

For the Federal Republic of Germany:

Pour la République Fédérale d'Allemagne :

За Федеративную Республику Германия:

Por la República Federal de Alemania:

Mr. H. WAGNER

Mr. C. HINZ

Mr. H. MENZEL

Mr. P. ESCHERICH

Dr. P. SEIDEL

عن غانا:

代表 加纳:

For Ghana:

Pour le Ghana :

За Гану:

Por Ghana:

MR. W. K. ANSA-OTU

عن اليونان:

代表 希腊:

For Greece:

Pour la Grèce :

За Грецию:

Por Grecia:

MR. A. AGATHOCLES

Capt. (HCG) D. DOUMANIS

Cdr. (HCG) P. OUSANTZOPOULOS

Capt. (HCG) (Rtd) Z. SDOUGOS

عن جرنادا:

代表 格林纳达:

For Grenada:

Pour la Grenade :

За Гренаду:

Por Granada:

Mr. A. JAMES

عن غينيا:

代表 几内亚:

For Guinea:

Pour la Guinée :

За Гвинею:

Por Guinea:

M. S. BAH

عن آيسلندا:

代表 冰岛:

For Iceland:
Pour l'Islande :
За Исландию:
Por Islandia:

Mr. M. JÓHANNESSON

عن الهند:

代表 印度:

For India:
Pour l'Inde :
За Индию:
Por la India:

Mr. S. NARAYAN

عن اندونيسيا:

代表 印度尼西亚:

For Indonesia:
Pour l'Indonésie :
За Индонезию:
Por Indonesia:

Mr. SULAEMAN

عن جمهورية ايران الاسلامية:

代表 伊朗伊斯兰共和国:

For the Islamic Republic of Iran:
Pour la République islamique d'Iran :
За Исламскую Республику Иран:
Por la República Islámica del Irán:

Mr. S. M. HOSSEINI ZAVAREE

عن إيطاليا:

代表 意大利:

For Italy:

Pour l'Italie :

За Италию:

Por Italia:

MR. F. D'ANIELLO

عن اليابان:

代表 日本:

For Japan:

Pour le Japon :

За Японию:

Por el Japón:

H. E. MR. K. CHIBA

Commandant A. NIWA

Mr. Y. TSUCHISAKA

Mr. M. TANAKA

Mr. H. ASAI

Mr. Y. SASAMURA

عن الأردن:

代表 约旦:

For Jordan:

Pour la Jordanie :

За Иорданию:

Por Jordania:

H. E. Dr. A. BUTROS

عن كينيا:

代表 肯尼亚:

For Kenya:

Pour le Kenya :

За Кению:

Por Kenya:

MR. W. N. MBOTE

عن الكويت:

代表 科威特:

For Kuwait:
Pour le Koweït :
За Кувейт:
For Kuwait:

عن لبنان:

代表 黎巴嫩:

For Lebanon:
Pour le Liban :
За Ливан:
Por el Líbano:

H. E. MR. M. HAMMOUD

عن ليبيريا:

代表 利比里亚:

For Liberia:
Pour le Libéria :
За Либерию:
Por Liberia:

H. E. AMBASSADOR GEORGE B. COOPER
Mr. V. E. DOUGBA

عن ملاوى:

代表 马拉维:

For Malawi:
Pour le Malawi :
За Малави:
Por Malawi:

Mr. J. L. KALEMERA

عن ماليزيا:

代表 马来西亚:

For Malaysia:
Pour la Malaisie :
За Малайзию:
Por Malasia:

MR. K. RAMADAS

عن المالديف:

代表 马尔代夫:

For Maldives:
Pour les Maldives :
За Мальдивские острова:
Por Maldivas:

عن مالطا:

代表 马耳他:

For Malta:
Pour Malte :
За Мальту:
Por Malta:

MR. L. MICALLEF

من جزر مارشال:

代表 马绍尔群岛:

For the Marshall Islands:
Au nom des Iles Marshall :
За Маршалловы Острова:
Por las Islas Marshall:

Mr. THOMAS S. BUSH

عن موريشيوس:

代表 毛里求斯:

For Mauritius:

Pour Maurice :

За Маврикий:

Por Mauricio:

H. E. DR. B. TEELOCK

عن المكسيك:

代表 墨西哥:

For Mexico:

Pour le Mexique :

За Мексику:

Por México:

Consejero L. ARELLANO

Ing. P. VELÁZQUEZ SAN MIGUEL

Lic. M. M. CARRASCO BRETON

عن موناكو:

代表 摩纳哥:

For Monaco:

Pour Monaco :

За Монако:

Por Mónaco:

عن المغرب:

代表 摩洛哥:

For Morocco:

Pour le Maroc :

За Марокко:

Por Marruecos:

H. E. MR. ABDESLAM ZENINED

M. R. TIJANI

Dr. A. LAHLOU

من میانمار:

代表 緬甸:

For Myanmar:

Pour le Myanmar :

За Мьянма:

Por Myanmar:

عن هولندا:

代表 荷兰:

For the Netherlands:

Pour les Pays-Bas :

За Нидерланды:

Por los Países Bajos:

Mr. D. TROMP

عن نيوزيلندا:

代表 新西兰:

For New Zealand:

Pour la Nouvelle-Zélande :

За Новую Зеландию:

Por Nueva Zelandia:

Mr. D. W. BOYES

عن نيجيريا:

代表 尼日利亚:

For Nigeria:

Pour le Nigéria :

За Нигерию:

Por Nigeria:

Mr. O. O. GEORGE

Dr. C. N. IFEDI

Mr. E. F. UDOEYOP

Mr. A. M. DANKANO

Mr. F. ADUN

Mr. G. O. ASAOLU

عن النرويج:

代表 挪威:

For Norway:

Pour la Norvège :

За Норвегию:

For Noruega:

Mr. EMIL JANSEN

Mr. G. STUBBERUD

عن باكستان:

代表 巴基斯坦:

For Pakistan:

Pour le Pakistan :

За Пакистан:

Por el Pakistán:

Mr. NAIMATULLAH

Capt. S. A. MALIK

عن البيرو:

代表 秘鲁:

For Peru:

Pour le Pérou :

За Перу:

Por el Perú:

Capt. J. F. GARFIAS

عن الفلبين:

代表 菲律宾:

For the Philippines:

Pour les Philippines :

За Филиппины:

Por Filipinas:

Commodore CARLOS L. AGUSTIN

Mr. E. LIBID

Mrs. E. BERENGUEL

عن بولنده:

代表 波兰:

For Poland:
Pour la Pologne :
За Польшу:
Por Polonia:

Mr. J. VONAU

Dr. P. JEDRZEJOWICZ

عن البرتغال:

代表 葡萄牙:

For Portugal:
Pour le Portugal :
За Португалию:
Por Portugal:

Admiral G. PATKOCZY

Admiral J. MARTINS CARTAXO

Eng. A. L. BASTOS

Capt. C. CAETANO DIAS

Mr. J. L. FERREIRA DE CARVALHO

عن جمهورية كوريا:

代表 大韩民国:

For the Republic of Korea:
Pour la République de Corée :
За Республику Корея:
Por la República de Corea:

Mr. KEUN BAE CHOI

Mr. KI TAEK KIM

Mr. SEONG HO SONG

Mr. LARK JUNG CHOI

Mr. EUN LEE

عن رومانيا:

代表 罗马尼亚:

For Romania:

Pour la Roumanie :

За Румынию:

Por Rumania:

Mr. E. SAVU

Mr. E. ZORCA

عن سانت لوسيا:

代表 圣卢西亚:

For Saint Lucia:

Pour Sainte-Lucie :

За Сент-Люсию:

Por Santa Lucía:

عن سان فنسنت والجرينادين:

代表 圣文森特和格林纳丁斯:

For Saint Vincent and the Grenadines:

Pour Saint-Vincent-et-Grenadines :

За Сент-Винсент и Гренадины:

Por San Vicente y las Granadinas:

Mr. C. E. LEWIS

عن العربية السعودية:

代表 沙特阿拉伯:

For Saudi Arabia:

Pour l'Arabie saoudite :

За Саудовскую Аравию:

Por Arabia Saudita:

Mr. K. AL-FARDAN K.

من السنغال:

代表 塞内加尔:

For Senegal:

Pour le Sénégal :

За Сенегал:

Por el Senegal:

S. E. Le Général IDRISSA FALL

M. A. SOURANG

من سيشيل:

代表 塞舌尔:

For Seychelles:

Pour les Seychelles :

За Сейшельские острова:

Por Seychelles:

Capt. J. P. GRANDCOURT

من سنغافوره:

代表 新加坡:

For Singapore:

Pour Singapour :

За Сингапур:

Por Singapur:

Mr. TAN HONG CHUAN

عن اسبانيا:

代表 西班牙:

For Spain:

Pour l'Espagne :

За Испанию:

Por España:

H. E. Mr. F. DE LA MORENA

Mr. C. VILLARINO

Mr. E. CRUZ-ITURZAETA

عن السودان:

代表 苏丹:

For the Sudan:

Pour le Soudan :

За Судан:

Por el Sudán:

عن السويد:

代表 瑞典:

For Sweden:

Pour la Suède :

За Швецию:

Por Suecia:

Mr. U. BJURMAN

عن تايلاند:

代表 泰国:

For Thailand:

Pour la Thaïlande :

За Таиланд:

Por Tailandia:

Mr. AMPHON TIYABHORN

عن ترينيداد وتوباغو:

代表 特立尼达和多巴哥:

For Trinidad and Tobago:

Pour la Trinité-et-Tobago :

За Тринидад и Тобаго:

Por Trinidad y Tabago:

H. E. Mr. P. L. U. CROSS

عن تونس:

代表 突尼斯:

For Tunisia:

Pour la Tunisie :

За Тунис:

Por Túnez:

M. LOTFI CHEMLI

M. BECHIR TALBI

عن تركيا:

代表 土耳其:

For Turkey:

Pour la Turquie :

За Турцию:

Por Turquía:

Mr. A. OZMAN

من أوغندا:

代表 乌干达:

For Uganda:

Pour l'Ouganda :

За Уганду:

Por Uganda:

Ms J. P. BADARU

عن جمهورية أوكرانيا السوفيتية الاشتراكية:

代表 乌克兰苏维埃社会主义共和国:

For the Ukrainian Soviet Socialist Republic:

Pour la République socialiste soviétique d'Ukraine :

За Украинскую Советскую Социалистическую Республику:

Por la República Socialista Soviética de Ucrania:

Mr. A. N. SHEVCHENKO

عن اتحاد الجمهوريات الاشتراكية السوفيتية:

代表 苏维埃社会主义共和国联盟:

For the Union of Soviet Socialist Republics:
 Pour l'Union des Républiques socialistes soviétiques :
 За Союз Советских Социалистических Республик:
 Por la Unión de Repúblicas Socialistas Soviéticas:

Mr. O. SAVIN

عن المملكة المتحدة لبريطانيا العظمى وشمال أيرلندا:

代表 大不列颠和北爱尔兰联合王国:

For the United Kingdom of Great Britain and Northern Ireland:
 Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
 За Соединенное Королевство Великобритании и Северной Ирландии:
 Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

Capt. W. H. H. MCLEOD

Mr. J. F. WALL

Mr. B. GOLDS

عن جمهورية تانزانيا المتحدة:

代表 坦桑尼亚联合共和国:

For the United Republic of Tanzania:
 Pour la République-Unie de Tanzanie :
 За Объединенную Республику Танзания:
 Por la República Unida de Tanzania:

Mr. A. S. MASSAWE

عن الولايات المتحدة الأمريكية:

代表 美利坚合众国:

For the United States of America:
 Pour les Etats-Unis d'Amérique :
 За Соединенные Штаты Америки:
 Por los Estados Unidos de América:

Admiral J. W. KIME

Rear Admiral J. D. SIPES

Capt. W. HOLT

Ms. S. BLOOD

Mr. J. NOLAN

من الأوروغواي:

代表 乌拉圭:

For Uruguay:

Pour l'Uruguay :

За Уругвай:

Por el Uruguay:

Capt. RICARDO MEDINA RAMELLA

عن فانواتو:

代表 瓦努阿图:

For Vanuatu:

Pour Vanuatu :

За Вануату:

Por Vanuatu:

Dr. J. COWLEY

من فنزويلا:

代表 委内瑞拉:

For Venezuela:

Pour le Venezuela :

За Венесуэлу:

Por Venezuela:

Lic. ELENA MORA

Lic. ANALIDA ALFARO

Sr. I. GUTIÉRREZ

من فيتنام:

代表 越南:

For Viet Nam:

Pour le Viet Nam :

За Вьетнам:

Por Viet Nam:

من زائير:

代表 扎伊尔:

For Zaire:

Pour le Zaïre :

За Заир:

Por el Zaire:

Citoyen G. TITO YISUKU

Citoyen BASAMBI A. YOMBA

ATTACHMENT

CONFERENCE RESOLUTION 1

REFERENCES TO INSTRUMENTS AND OTHER DOCUMENTS DEVELOPED BY
THE INTERNATIONAL MARITIME ORGANIZATION UNDER ARTICLES
OF THE INTERNATIONAL CONVENTION ON OIL POLLUTION
PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

RECOGNIZING that the measures introduced by the OPRC Convention take into account the provisions of other important conventions developed by the International Maritime Organization, in particular the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78),

RECOGNIZING ALSO the need for the OPRC Convention to supplement and not to duplicate the important provisions adopted by, or under the auspices of, the Organization, such as those contained in MARPOL 73/78, guidelines and manuals,

NOTING that articles 3, 4, 5 and 6 of the OPRC Convention in particular refer to certain provisions of MARPOL 73/78 and other documents developed by the Organization,

1. ADOPTS the list containing references to the instruments and other documents developed by the Organization under the relevant articles of the OPRC Convention, as set out in the annex to this resolution;
2. INVITES the Marine Environment Protection Committee of the Organization to keep the list up to date;
3. REQUESTS the Secretary-General of the Organization to include these references, updated as necessary, in future editions of the publications of the OPRC Convention in the form of footnotes to the relevant articles.

ANNEX

REFERENCES IN THE OPRC CONVENTION

Article 3(1)(a)

"The provisions adopted by the Organization" refers to regulation 26 of Annex I of MARPOL 73/78.

Article 3(1)(b)

"Existing international agreements" refers to articles 5 and 7 of MARPOL 73/78.

Article 4(2)

"The requirements developed by the Organization" refers to article 8 and Protocol I of MARPOL 73/78.

"Guidelines and general principles adopted by the Organization" refers to "General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants" adopted by the Organization by resolution A.648(16).

Article 5(4)

"The oil pollution reporting system developed by the Organization" is contained in the Manual on Oil Pollution, section II - Contingency Planning, appendix 2, developed by the Marine Environment Protection Committee of the Organization.

Article 6(1)(b)

"Guidelines developed by the Organization" are contained in the Manual on Oil Pollution, section II - Contingency Planning, developed by the Marine Environment Protection Committee of the Organization.

CONFERENCE RESOLUTION 2

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON OIL POLLUTION
PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990
PENDING ITS ENTRY INTO FORCE

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

RECOGNIZING the continuing risk of a major oil pollution incident and the serious environmental consequences which may arise therefrom,

CONVINCED of the importance of co-operation among States in the exchange of information and assistance respecting oil pollution preparedness and response,

MINDFUL of the particular vulnerability of those countries which do not have ready access to information and advice on oil pollution preparedness and response,

RECOGNIZING FURTHER that it is desirable for each country at risk from oil pollution incidents to establish a national system for combating oil pollution,

DESIRING that the provisions of the OPRC Convention should become effective as soon as possible so as to facilitate international co-operation in oil pollution preparedness and response,

1. CALLS UPON all States, including those that have not participated in this Conference, to sign and to become Parties to the OPRC Convention and to implement its provisions as soon as possible;
2. URGES all States to establish, as soon as and to the extent possible, national systems for combating oil pollution;
3. URGES FURTHER all States, pending the entry into force of the OPRC Convention for them, to co-operate among themselves and with the International Maritime Organization, as appropriate, in exchanging oil pollution combating information and in facilitating prompt assistance in the event of a major oil pollution incident.

CONFERENCE RESOLUTION 3

EARLY IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 12 OF THE
INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS,
RESPONSE AND CO-OPERATION, 1990

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

NOTING the provisions of resolution A.448(XI) of the Assembly of the International Maritime Organization on regional arrangements for combating major incidents or threats of marine pollution, and further Assembly resolutions on technical assistance in the field of protection of the marine environment (A.349(IX), A.677(16)),

NOTING ALSO, in particular, that article 12 of the OPRC Convention by which the Parties designated IMO, subject to its agreement and the availability of adequate resources to sustain the activity, to carry out certain functions and activities and to meet certain objectives of the OPRC Convention,

NOTING FURTHER the importance of taking account of the experience gained within regional agreements on combating marine pollution as referred to in Assembly resolution A.674(16),

RECOGNIZING the importance of early implementation of the objectives of article 12 of the OPRC Convention,

1. INVITES the Secretary-General of the Organization, pending the entry into force of the OPRC Convention, to initiate the early implementation of functions and activities in order to meet the objectives in article 12(1)(a) and (b) of the OPRC Convention within available resources;
2. INVITES the Organization to provide a forum for discussion of experiences gained within regional conventions and agreements concerning combating oil pollution incidents;
3. REQUESTS the Secretary-General to present to the Organization, within one year of this Conference, a programme which indicates the way in which the Organization contemplates carrying out the duties mentioned in this Convention, and which would include such elements as re-allocating available resources, examining and developing alternative organizational arrangements, and determining financial implications and possible sources of support;
4. INVITES FURTHER the Organization to review periodically progress made in implementing article 12 of the OPRC Convention.

CONFERENCE RESOLUTION 4

IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6 OF THE INTERNATIONAL
CONVENTION ON OIL POLLUTION PREPAREDNESS,
RESPONSE AND CO-OPERATION, 1990

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

RECOGNIZING the importance of the "polluter pays" principle,

NOTING that article 6 of the OPRC Convention provides that the Parties shall establish a national system comprising a contingency plan and shall set up, either individually or in co-operation with other Parties, arrangements comprising, in particular, response equipment and a training programme,

BEING AWARE that, in the event of an oil pollution incident, measures taken immediately by the State under threat are essential and are likely, in the initial phase, to be the most effective in protecting its coasts and minimizing the potential damage caused by such an incident,

EMPHASIZING that when international assistance is requested by the State under threat, the dispatch of personnel and equipment may require some time as a result of distance,

EMPHASIZING FURTHER that the effectiveness of assistance depends on measures taken to prepare for response and to train personnel to put into effect the national contingency plan of the State under threat,

BEARING IN MIND that the financial resources available to some developing countries are limited,

RECOGNIZING ALSO that measures taken to prepare for response necessitate specific financial aid, made available for that purpose, for the benefit of the developing countries,

1. INVITES Parties to give due consideration, in their bilateral and multilateral co-operation programmes, and on fair terms, to the needs of the developing countries arising from the implementation of the OPRC Convention;
2. INVITES ALSO the Secretary-General of the Organization to give his support in identifying international bodies that might provide specific sources of financing to assist the developing countries in carrying out the obligations arising from the OPRC Convention.

CONFERENCE RESOLUTION 5

ESTABLISHMENT OF OIL POLLUTION COMBATING EQUIPMENT STOCKPILES

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

NOTING article 6(2)(a) of the OPRC Convention which provides that each Party shall establish, within its capabilities, either individually or through bilateral or multilateral co-operation and, as appropriate, in co-operation with the oil and shipping industries and other entities, a system which includes a minimum level of pre-positioned oil spill combating equipment, and programmes for its use,

NOTING ALSO that one of the fundamental elements of the International Maritime Organization's strategy for the protection of the marine environment is to strengthen the capacity for national and regional action to combat marine pollution and to promote technical co-operation to this end,

RECOGNIZING that in the event of an oil spill or threat thereof, prompt and effective action should be taken initially at the national level to organize and co-ordinate prevention, mitigation and clean-up activities,

RECOGNIZING ALSO that one of the basic principles used for providing funds following pollution damage is the "polluter pays" principle,

RECOGNIZING FURTHER the importance of mutual co-operation and assistance in combating major oil pollution incidents which may be beyond the capability of individual countries and the need to enhance the oil spill combating equipment available in certain regions of the world particularly vulnerable to a major oil pollution incident either because of the high density of vessel traffic or particularly sensitive ecological conditions,

ACKNOWLEDGING the activities of the Organization, in co-operation with donor countries and industry, in establishing oil spill combating equipment stockpiles or centres in areas where developing countries in particular are vulnerable to or at risk from a major oil pollution incident,

INVITES the Secretary-General of the Organization, in consultation with the Executive Director of the United Nations Environment Programme, to approach the oil and shipping industries with a view to:

- (a) encouraging further co-operation in order to assist developing countries to implement article 6 of the OPRC Convention, including an assessment of the need for oil spill combating equipment stockpiles on a regional or subregional basis in addition to those already established;
- (b) developing a plan on the establishment of oil spill combating equipment stockpiles on a regional or subregional basis, in order to assist developing countries in implementing article 6(2)(a) of the OPRC Convention.

CONFERENCE RESOLUTION 6

PROMOTION OF TECHNICAL ASSISTANCE

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

NOTING that key elements in the success of any action to combat marine pollution are good administrative organization in the countries concerned in this field and at least a minimum of technical preparation,

BEING AWARE of the difficulties that may be encountered by certain developing countries in establishing such organization and preparation through their own resources,

RECOGNIZING the role played in this connection by the International Maritime Organization, by regional agreements, by bilateral co-operation and by industry programmes,

RECOGNIZING ALSO the contribution made by the Organization's technical co-operation programme, the United Nations Development Programme, the United Nations Environment Programme and national aid agencies in this regard,

NOTING ALSO resolution A.677(16) which invites the Secretary-General of the Organization to undertake on a priority basis an evaluation of problems faced by developing countries with a view to formulating the long-term objectives of the Organization's technical assistance programme in the environmental field, and to report the outcome to the seventeenth session of the Assembly of the Organization,

NOTING FURTHER the convening of an advisory group by the Secretary-General for this purpose,

1. REQUESTS Member States of the Organization, in co-operation with the Organization when appropriate, other interested States, competent international or regional organizations and industry programmes, to strengthen action to assist developing countries especially in:

- (a) the training of personnel,
- (b) ensuring the availability of relevant technologies, equipment and facilities,

necessary for oil pollution preparedness and response, so as to enable them to establish at least the minimum structures and resources for combating oil pollution incidents commensurate with the perceived risks of such incidents;

2. REQUESTS ALSO Member States, in co-operation with the Organization when appropriate, other interested States, competent international or regional organizations and industry programmes, to strengthen action to assist developing countries in the initiation of joint research and development programmes;

3. URGES Member States to contribute to such actions without delay, inter alia through bilateral or multilateral co-operation;

4. REQUESTS FURTHER the Organization to re-evaluate the principles underlying co-operation and assistance in articles 7, 8 and 9 of the OPRC Convention in the light of the 1992 United Nations Conference on Environment and Development.

CONFERENCE RESOLUTION 7

DEVELOPMENT AND IMPLEMENTATION OF A TRAINING PROGRAMME
FOR OIL POLLUTION PREPAREDNESS AND RESPONSE

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990,

NOTING that a key element in the International Maritime Organization's strategy for protection of the marine environment is the enhancement of the capacity for national and regional action to prevent, control, combat and mitigate marine pollution and to promote technical co-operation to this end,

BEING AWARE that the capability of a State to respond to an oil pollution incident depends on the availability of oil spill combating equipment as well as of trained oil spill response personnel,

RECOGNIZING the role of the Organization in organizing national, regional and global training courses and in developing training aids aimed at providing the necessary technical expertise, in particular for developing countries, in the field of combating incidents of marine pollution,

RECOGNIZING ALSO the role of the World Maritime University and its branches in providing high-level training facilities for personnel, in particular from developing countries,

RECOGNIZING FURTHER the support of the United Nations Development Programme, the United Nations Environment Programme and several Member States of the Organization for the training component of the Organization's technical co-operation programme,

CONSIDERING the need for an increased global effort by all those concerned with the maritime transport of oil and its environmental impact toward the development of a global training programme in oil pollution preparedness and response,

1. INVITES the Secretary-General of the Organization, in co-operation with interested Governments, relevant international and regional organizations and oil and shipping industries, to endeavour to develop a comprehensive training programme in the field of oil pollution preparedness and response;
2. INVITES ALSO the Marine Environment Protection Committee of the Organization, on the basis of proposals made by the Secretary-General, to consider and endorse, as appropriate, such training programme on oil pollution preparedness and response;
3. INVITES FURTHER Member States of the Organization to endeavour to make available the expertise necessary for the development and implementation of the training programme.

CONFERENCE RESOLUTION 8
IMPROVING SALVAGE SERVICES

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990,

CONSIDERING the need to ensure that sufficient salvage capacity is available on a world-wide basis and to appreciate and reward the salvor's preventive function as to marine pollution,

RECALLING that the 1989 International Convention on Salvage, by which incentives for salvors to prevent marine pollution by their salvage operations have been introduced, has not yet entered into force,

NOTING WITH INTEREST that the Third International Conference on the Protection of the North Sea decided on 8 March 1990 to take concerted action within the International Maritime Organization with the aim of ensuring sufficient salvage capacity on a world-wide basis,

RECOGNIZING the expertise and experience of salvors in operating the salvage service efficiently on an international basis,

RECOGNIZING FURTHER the essential role of salvors in response to casualties causing or likely to cause marine pollution,

BEARING IN MIND that there are indications that a considerable percentage of suitable salvage capacity may no longer be available for salvage purposes,

BEING AWARE of the need for sufficient salvage capacity along the main shipping routes of international traffic of oil and other harmful substances,

1. URGES States to ratify or accede to the 1989 International Convention on Salvage as soon as possible;
2. REQUESTS Member States of the Organization to review the salvage capacity available to them and to report to the Organization not later than one year after the Conference on their public and private salvage capabilities which are suitable to carry out salvage operations in order to prevent or minimize damage to the marine environment;
3. REQUESTS Member States whose coasts have been threatened or damaged by marine pollution incidents to report to the Organization on any appropriate measures they have taken to utilize salvage capacities in response to such incidents;
4. REQUESTS the Secretary-General of the Organization to consult the International Salvage Union, salvors, insurers, shipowners and the oil industry on the present and future availability of salvage capacity and to report his findings to the Marine Environment Protection Committee of the Organization.

CONFERENCE RESOLUTION 9

CO-OPERATION BETWEEN STATES AND INSURERS

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990,

BEING AWARE of the difficulties that may be encountered by a State affected by a pollution incident in obtaining useful and necessary information for pollution combating,

RECOGNIZING the potential role of insurers' advisers and technical experts in providing such information,

CONVINCED that it is desirable to establish close co-operation between the State that has suffered pollution and the insurers,

REQUESTS insurers' technical experts and advisers to co-operate with States in order to exchange technical information to allow effective response in the event of an oil pollution incident.

CONFERENCE RESOLUTION 10

EXPANSION OF THE SCOPE OF THE INTERNATIONAL CONVENTION ON OIL
POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990,
TO INCLUDE HAZARDOUS AND NOXIOUS SUBSTANCES

THE CONFERENCE,

HAVING ADOPTED the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention),

NOTING article 38(a) of the Convention on the International Maritime Organization relating to the function of the Marine Environment Protection Committee of the Organization concerning the performance of such functions as are or may be conferred upon the Organization by or under international conventions,

RECOGNIZING that pollution of the sea by accidental discharge of hazardous and noxious substances into the waters may threaten the marine environment and the interests of coastal States,

RECOGNIZING ALSO the existence of international instruments dealing with the carriage of hazardous materials and Assembly resolution A.676(16) on the transboundary movement of hazardous wastes,

BEARING IN MIND ALSO that many of the existing regional conventions and agreements on co-operation in combating marine pollution incidents apply both to oil and to other harmful substances,

CONSIDERING it desirable that the scope of the OPRC Convention should be expanded to apply, either in whole or in part, to marine pollution incidents involving hazardous and noxious substances,

CONSIDERING ALSO that it is desirable that, to the extent feasible and where appropriate, the OPRC Convention be applied by Parties thereto to marine pollution incidents involving hazardous and noxious substances other than oil,

BELIEVING that the ways and means of responding to a marine pollution incident involving hazardous and noxious substances are different in certain important respects from those available for oil pollution preparedness and response,

RECOGNIZING FURTHER the ongoing work of the Organization concerning the development of an international legal regime for liability and compensation, in connection with the carriage of hazardous and noxious substances by sea and the need for early adoption of a convention on this subject,

1. INVITES the International Maritime Organization to initiate work to develop an appropriate instrument to expand the scope of the OPRC Convention to apply, in whole or in part, to pollution incidents by hazardous substances other than oil and prepare a proposal to this end;
2. URGES Parties to the OPRC Convention to apply the appropriate provisions of the Convention to the extent feasible and where appropriate to hazardous and noxious substances, pending the adoption and entry into force of an instrument to cover these substances.