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INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS,  
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,

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, and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 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 Damage (CLC); and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND); 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, in particular of its part XII,

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 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.

#### 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.

ATTACHMENT

CONFERENCE RESOLUTION 1

REFERENCES TO INSTRUMENTS AND OTHER DOCUMENTS DEVELOPED BY  
THE INTERNATIONAL MARITIME ORGANIZATION UNDER ARTICLES  
OF THE INTERNATIONAL CONVENTION OF 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 in 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 arrangements" refers to articles 5 and 7 of MARPOL 73/78.

Article 4(2)

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

"Guidelines and general principles adopted by the Organization" refers to "General principles for ship reporting system 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 (the OPRC Convention),

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' advisors 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 advisors 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.