

OPRC CONVENTION

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

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INTERNATIONAL
MARITIME
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London, 1991

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Foreword

By resolution A.674(16) of 19 October 1989, the Assembly of the International Maritime Organization (IMO), recognizing the severity of recent oil pollution incidents, decided to convene an international conference on oil pollution preparedness and response.

The Organization's Marine Environment Protection Committee (MEPC) was requested by the Assembly to develop, for consideration by such conference, an international convention on oil pollution preparedness and response which would provide the framework for international co-operation for combating major oil pollution incidents, taking into account the experience gained within existing regional arrangements dealing with these matters.

Pursuant to this directive, the draft international convention and relevant resolutions were considered by a working group established by MEPC at its twenty-ninth session in March 1990 and a Preparatory Meeting in May 1990 which agreed on a draft convention on oil pollution preparedness and response and related draft resolutions.

In accordance with the decision of the Assembly, the diplomatic conference was convened by IMO and held in London at its Headquarters from 19 to 30 November 1990. In addition to the Final Act, the Conference adopted the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990. The Conference also adopted ten resolutions which are contained in the Attachment to the Final Act.

This publication reproduces the texts of the Final Act of the Conference, including its Attachment, and the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990. Pursuant to resolution 1 adopted by the Conference, the Secretariat has included as footnotes references to the instruments and other documents developed by IMO under articles 3, 4, 5 and 6 of the Convention. It should be noted that regulation 26 of Annex I of MARPOL 73/78 referred to in the footnote to article 3(1) is the subject of a proposed amendment to MARPOL 73/78 which it is anticipated will be adopted by the Marine Environment Protection Committee at its thirty-first session in July 1991.

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FINAL ACT 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
ANTIGUA AND BARBUDA
ARGENTINA
AUSTRALIA
BAHAMAS
BAHRAIN
BANGLADESH
BARBADOS
BELGIUM
BRAZIL
CAMBODIA
CAMEROON
CANADA
CAPE VERDE
CHILE
CHINA

COSTA RICA
COTE D'IVOIRE
CYPRUS
DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA
DENMARK
ECUADOR
EGYPT
EL SALVADOR
ETHIOPIA
FIJI
FINLAND
FRANCE
GABON
GERMANY
GHANA

GREECE
GRENADA
GUINEA
ICELAND
INDIA
INDONESIA
IRAN (ISLAMIC REPUBLIC
OF)
ITALY
JAPAN
JORDAN
KENYA
KUWAIT
LEBANON
LIBERIA
MALAWI
MALAYSIA
MALDIVES
MALTA
MARSHALL ISLANDS
MAURITIUS
MEXICO
MONACO
MOROCCO
MYANMAR
NETHERLANDS
NEW ZEALAND
NIGERIA
NORWAY
PAKISTAN
PERU
PHILIPPINES

POLAND
PORTUGAL
REPUBLIC OF KOREA
ROMANIA
SAINT LUCIA
SAINT VINCENT AND THE
GRENADINES
SAUDI ARABIA
SENEGAL
SEYCHELLES
SINGAPORE
SPAIN
SUDAN
SWEDEN
THAILAND
TRINIDAD AND TOBAGO
TUNISIA
TURKEY
UGANDA
UKRAINIAN SOVIET SOCIALIST
REPUBLIC
UNION OF SOVIET SOCIALIST
REPUBLICS
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
UNITED REPUBLIC OF TANZANIA
UNITED STATES OF AMERICA
URUGUAY
VANUATU
VENEZUELA
VIET NAM
ZAIRE

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

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.

* Signatures omitted.

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.