

**THE SIGNIFICANCE OF THE THIRD TIER
SUPPLEMENTARY FUND AND THE ON-GOING
REVIEW OF THE INTERNATIONAL
COMPENSATION REGIME**

**Måns Jacobsson
Director
International Oil Pollution Compensation Funds**

Petroleum Association of Japan Oil Spill Symposium 2005
Tokyo, Japan
24-25 February 2005

INTRODUCTION

The international regime for the compensation of pollution damage caused by oil spills from tankers is based on two treaties adopted under the auspices of the International Maritime Organization (IMO), the 1992 International Convention on Civil Liability for Oil Pollution Damage (1992 Civil Liability Convention) and the 1992 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992 Fund Convention). These Conventions replace two corresponding Conventions adopted in 1969 and 1971 respectively.

The 1992 Civil Liability Convention governs the liability of shipowners for oil pollution damage. The Convention lays down the principle of strict liability for shipowners and creates a system of compulsory liability insurance. The shipowner is normally entitled to limit his liability to an amount which is linked to the tonnage of his ship.

The 1992 Fund Convention, which is supplementary to the 1992 Civil Liability Convention, set up an intergovernmental organisation, the International Oil Pollution Compensation Fund (1992 Fund), which provides additional compensation to victims when the compensation under the Civil Liability Convention is inadequate. By becoming party to the Fund Convention, a State becomes a member of the 1992 Fund. The Organisation has its headquarters in London.

The 1992 Fund succeeds a previous organisation, the 1971 Fund, which is at present being wound up.

On 1 February 2004, 103 States were parties to the 1992 Civil Liability Convention, and 92 States were parties to the 1992 Fund Convention.

From 3 March 2005, a third tier of compensation will be established by means of a Supplementary Fund under a Protocol adopted in 2003. So far eight States, including Japan, have ratified the Protocol.

The States which are parties to the 1992 Conventions and the Supplementary Fund Protocol are listed in the Annex.

Information on the international compensation regime and the 1992 Fund is available on the Funds' web site at: <http://www.iopcfund.org>

MAIN FEATURES OF THE 1992 CONVENTIONS

The 1992 Conventions apply to pollution damage suffered in the territory (including the territorial sea) and the exclusive economic zone (EEZ) or equivalent area of a State party to the respective Conventions. 'Pollution damage' is defined in the 1992 Conventions as damage caused by contamination and includes the cost of 'preventive measures', i.e. measures to prevent or minimise pollution damage.

The 1992 Conventions apply to ships which actually carry oil in bulk as cargo, i.e. generally laden tankers, as well as to spills of bunker oil from unladen tankers in certain circumstances.

The liability rests on the registered owner of the ship from which the oil originated. The shipowner has strict liability for pollution damage (with very limited defences) and is obliged to cover his liability by insurance. The shipowner is normally entitled to limit his liability to an amount which is calculated on the basis of the tonnage of the ship, and which ranges from US \$7 million for small ships to US \$136 million for large tankers^{<1>}.

<1> The unit of currency in the 1992 Conventions is the Special Drawing Right (SDR) as defined by the International Monetary Fund. In this document the SDR has been converted into US dollars at the rate applicable on 1 February 2005, ie 1 SDR = US \$1.520490.

The shipowner is deprived of the right to limit his liability if it is proved that the pollution damage resulted from the shipowner's personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

Claims for pollution damage under the 1992 Civil Liability Convention can be made only against the registered owner of the ship concerned. This does not preclude victims from claiming compensation outside the Convention from persons other than the owner. However, the Convention prohibits claims against the servants or agents of the owner, the crew, the pilot, the charterer (including a bareboat charterer), manager or operator of the ship, or any person carrying out salvage operations or taking preventive measures.

The compensation payable by the 1992 Fund in respect of an incident is limited to an aggregate amount which, with effect from 1 November 2003, was increased from US \$205 million to US \$310 million, including the sum actually paid by the shipowner (or his insurer) under the 1992 Civil Liability Convention.

The 1992 Fund is financed by contributions levied on any entity which has received in one calendar year more than 150 000 tonnes of crude or heavy fuel oil (contributing oil) in a State party to the 1992 Fund Convention after sea transport. Member States are obliged to submit annually to the Fund reports on the quantities of contributing oil received.

The Japanese oil industry is the major contributor to the 1992 Fund, paying 18% of the total contributions. The Italian oil industry is the second largest contributor paying 10%, followed by the oil industries in the Republic of Korea (9%), the Netherlands (8%), France (7%), India (7%), United Kingdom (5%), Singapore (5%) and Spain (5%).

The 1992 Fund has an Assembly, which is composed of representatives of all member States. The Assembly is the supreme organ governing the 1992 Fund, and it holds regular sessions once a year.

The 1992 Fund and the 1971 Fund have a joint Secretariat. The Secretariat is headed by a Director and has at present 27 staff members.

The Director has been granted extensive authority to approve claims for compensation.

CLAIMS SETTLEMENT

Claims experience

Since their establishment, the 1971 and 1992 Funds have been involved in approximately 135 incidents and have made compensation payments totalling some US\$860 million.

In the great majority of these incidents, all claims have been settled out of court. So far, court actions against the Funds have been taken in respect of only a handful of incidents.

The cases involving the largest total payments so far are as follows:

<i>Incident</i>	<i>Payments to claimants</i>
<i>Antonio Gramsci</i> (Sweden, 1979)	US \$17 million
<i>Tanio</i> (France, 1986)	US \$36 million
<i>Haven</i> (Italy, 1991)	US \$57 million
<i>Aegean Sea</i> (Spain, 1992)	US \$64 million
<i>Braer</i> (United Kingdom, 1993)	US \$86 million
<i>Keumdong N° 5</i> (Republic of Korea, 1993)	US \$21 million
<i>Sea Prince</i> (Republic of Korea, 1995)	US \$40 million
<i>Yuil N° 1</i> (Republic of Korea, 1995)	US \$30 million
<i>Sea Empress</i> (United Kingdom, 1996)	US \$59 million
<i>Nakhodka</i> (Japan, 1997)	US \$209 million
<i>Nissos Amorgos</i> (Venezuela, 1997)	US \$21 million
<i>Erika</i> (France, 1999)	US \$106 million
<i>Prestige</i> (Spain, France, Portugal, 2002)	US \$75 million

Admissibility of claims for compensation

The 1992 Fund can pay compensation to a claimant only to the extent that his claim meets the criteria laid down in the 1992 Fund Convention. The 1992 Fund has published a Claims Manual which contains general information on how claims should be presented and sets out the general criteria for the admissibility of various types of claims. The most recent version of the Claims Manual was adopted by the Assembly in October 2004.

The Funds have acquired considerable experience with regard to the admissibility of claims. In connection with the settlement of claims they have developed certain principles as regards the meaning of the definition of 'pollution damage', which is specified as 'damage caused by contamination'.

Decisions on the admissibility of claims which are of general interest are reported in the Funds' Annual Report.

REVIEW OF THE ADEQUACY OF THE INTERNATIONAL COMPENSATION REGIME

Increase in the limitation amounts available under the 1992 Conventions

When the 1992 Civil Liability and Fund Conventions were adopted, it was expected that the total amount available under these Conventions, at that time US \$205 million would be sufficient to compensate all victims in full, even in the most serious incidents. However, it became evident already in relation to the first major incident which occurred after the entry into force of the 1992 Conventions, namely the *Nakhodka* incident in Japan in 1997, that this was not the case. The inadequacy of that amount was demonstrated even more clearly in respect of the *Erika* incident in France in 1999.

In the light of this experience, a number of States took the view that it was necessary to increase significantly the amount of compensation available. A first step to this effect was taken in 2000 when the Legal Committee of IMO decided under a special procedure provided for in the Conventions (the "tacit amendment" procedure), to increase the limits contained in 1992 Civil Liability Convention and the 1992 Fund Convention by some 50%. The amendment to the 1992 Fund Convention brought the total amount available under the 1992 Conventions to US \$310 million. The increases entered into force on 1 November 2003.

1992 Fund Working Group

In April 2000, the 1992 Fund Assembly set up a Working Group to examine the adequacy of the international compensation regime established by the 1992 Civil Liability Convention and the 1992

Fund Convention. The point was made that although the system had worked well on many occasions, there were inadequacies in the system.

The Working Group has held seven meetings, the most recent from 25 to 28 May 2004. The next meeting will take place in March 2005.

Supplementary Fund

The Working Group set up by the 1992 Fund Assembly elaborated a Protocol to the 1992 Fund Convention to establish an optional third tier of compensation by means of a Supplementary Fund. In October 2001 the Assembly approved the draft Protocol and submitted it to the Secretary-General of IMO with the request that IMO convene a Diplomatic Conference to consider the draft Protocol at the earliest opportunity.

The Diplomatic Conference, which was held in May 2003, adopted the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (the Supplementary Fund Protocol).

The Protocol will enter into force three months after it has been ratified by at least eight States which have received a combined total of 450 million tonnes of contributing oil in a calendar year.

The conditions for the entry into force were met on 3 December 2004 and the Protocol will therefore enter into force on 3 March 2005. The 1st session of the Supplementary Fund Assembly will be held from 14 to 24 March 2005.

As at 1 February 2005 the following States had ratified the Supplementary Fund Protocol:

Denmark	Ireland
Finland	Japan
France	Norway
Germany	Spain

The main elements of the Protocol are as follows:

- The Protocol will establish a new intergovernmental organisation, the International Oil Pollution Compensation Supplementary Fund, 2003.
- Any State which is Party to the 1992 Fund Convention may become Party to the Protocol and thereby become a Member of the Supplementary Fund.
- The Protocol will apply to damage in the territory, including the territorial sea, of a State which is a Party to the Protocol and in the exclusive economic zone (EEZ) or equivalent area of such a State.
- The total amount of compensation payable for any one incident will be 750 million SDR (US\$1 140 million, including the amount payable under the 1992 Civil Liability and Fund Conventions, 203 million SDR (US\$310 million)).
- Annual contributions to the Supplementary Fund will be made in respect of each Member State by any person who, in any calendar year, has received total quantities of oil exceeding 150 000 tonnes after sea transport in ports and terminal installations in that State. However, the contribution system for the Supplementary Fund differs from that of the 1992 Fund in that at least 1 million tonnes of contributing oil will be deemed to have been received each year in each Member State for the purpose of paying contributions.

- The Supplementary Fund will only pay compensation for incidents which occur after the Protocol has entered into force.

One important effect of the 2003 Protocol will be that, in practically all cases, it will be possible from the outset to pay compensation for claims in States parties to the Protocol at 100% of the amount of the damage agreed between the Fund and the victim. There will therefore be no need to pro-rate payments during the early stages of an incident.

Capping

The 1992 Fund Convention, which entered into force in May 1996, introduced a system for capping contributions for a certain period. If the aggregate amount of the contributions in respect of a levy for all contributors in any one Member State of the 1992 Fund exceeded 27.5% of the total amount of that particular levy, the amounts payable by contributors in that State should be reduced *pro rata* so that they would together equal 27.5% of the total levy. The total amount deducted from contributors in the capped State would be borne by all other contributors. Under that Convention, the capping of contributions ceased to apply when the total quantity of contributing oil received in all Member States reached 750 million tonnes or five years after the entry into force of the 1992 Convention, whichever occurred earlier. This quantity was reached in May 1997. The capping provision under the 1992 Fund Convention in fact only applied to the Japanese contributors. A major part of the contributions payable by the Japanese oil industry levied in respect of the *Nakhodka* incident (£37 million out of £88 million) were capped.

The Supplementary Fund Protocol also contains a provision for capping of contributions. The Protocol provides that the aggregate amount of contributions payable in respect of contributing oil received in a particular State during a calendar year should not exceed 20% of the total amount of contributions levied. The capping provisions apply until the total amount of contributing oil received in the States which are Members of the Supplementary Fund has reached 1 000 million tonnes or for a period of 10 years from the date of the entry into force of the Protocol, whichever is the earlier.

The capping provisions in the Supplementary Fund Protocol are significantly more favorable to the Japanese contributors than the corresponding provisions in the 1992 Fund Convention, both as regards the percentage ceiling (20% compared to 27.5%) and as regards the time period of its application.

Sharing of the financial burden between shipowners and the oil industry

When the Working Group discussed whether amendments should be made to the provisions in the 1992 Civil Liability Convention regarding shipowners' liability and related issues, it became clear that there was a great divergence of opinion.

Representatives of shipowners and their insurers took the view that the issues relating to shipowners' liability should not be reopened since to do so would be detrimental to the position of victims of oil pollution. It was suggested that the 1992 Conventions were intended to create an efficient compensation regime and had not been intended to ensure the quality of shipping or to punish the guilty party. It was further suggested that any amendments to the provisions relating to shipowners' liability would give rise to serious treaty law problems. It was emphasised that it was of paramount importance to maintain the equitable balance between the burdens imposed on the two industries involved, ie those of the shipping and cargo interests.

Representatives of the oil industry maintained that the international compensation regime should ensure that persons suffering oil pollution damage were compensated promptly but also be consistent with the general objective to improve maritime safety and reduce the number of oil spills. It was emphasised that it was the sole responsibility of the shipowner to maintain a safe and seaworthy ship. It was suggested that the latter objective might be compromised by the establishment of the Supplementary Fund in so far as it was funded only by oil receivers. In addition, the point was made that a Supplementary Fund financed permanently by oil receivers would only distort the balance

between the shipowners' and oil receivers' contributions to the regime. It was the oil industry's view that the Supplementary Fund would also shield low quality shipowners from the consequences of their actions and would therefore not provide any incentive to improve the quality of their ships or the standards of their operations.

Several Member States expressed the view that increasing the financial burden on shipowners beyond those already envisaged by the 50% increase that came into effect in November 2003 and the proposed voluntary increase for small ships was not justified.

At the request of the Working Group, the Director carried out an independent study of the costs of oil spills in relation to past, current and future limitation amounts of the relevant Conventions (1969 Civil Liability Convention and 1971 Fund Convention and 1992 Civil Liability and Fund Conventions) and the voluntary industry schemes (TOVALOP and CRISTAL)^{<2>}. The study, which was presented to the Working Group in May 2004, showed that on the basis of the financial limits of the applicable compensation regime the shipping industry had contributed 45% and oil cargo interests 55% of the total costs of 5 802 incidents that had occurred world-wide (except in the United States of America) in the 25-year period 1978–2002. The study also showed that the sharing of the financial burden varied considerably with different size ranges of ships, with oil cargo interests contributing considerably more to the costs of incidents involving ships up to 20 000 gross tonnes, an equal sharing of the costs between oil cargo interests and the shipping industry in respect of incidents involving ships between 20 000 and 80 000 gross tonnes, and the shipping industry contributing considerably more to the costs of incidents involving ships greater than 80 000 gross tonnes. When the costs of past incidents were inflated to 2002 and predicted 2012 monetary values the relative contribution of oil cargo interests to the costs of oil spills increased considerably.

At the Working Group's meeting in May 2004, several options were put forward relating to the equitable sharing of the financial burden resulting from oil spills between shipowners and the oil industry.

Some delegations stated that none of the proposals for revision would result in more compensation becoming available to victims of pollution damage, that the only issues that needed to be resolved were the sharing of the financial burden between the shipping industry and oil cargo interests and the problem of substandard shipping and that both these issues were best addressed through industry initiatives.

Other delegations expressed the view that although the Conventions had worked well in the past, there were serious deficiencies that went beyond financial considerations and the sharing of the financial burden, such as the need to ensure a quorum at meetings of the Fund's governing bodies, an effective means of enforcing oil reporting requirements and the uniform application of the Conventions. Those delegations therefore considered that a revision of the system was necessary and urgent. The point was also made that liability and compensation for oil pollution damage were matters of important policy considerations, which had to be governed by legislation.

The International Group of P & I Clubs has made an offer to the 1992 Fund to increase, on a voluntary basis, the limitation amount applicable to small ships to 20 million SDR (US\$30 million) (Small Tanker Oil Pollution Indemnification Agreement (STOPIA)). This offer will be considered by the 1992 Fund Assembly in March 2005.

<2> The Tanker Owners Voluntary Agreement Concerning Liability for Oil Pollution (TOVALOP) and the Contract Regarding an Interim Supplement to Tanker Liability for Oil Pollution (CRISTAL), which were broadly similar in scope to the 1969 Civil Liability Convention and the 1971 Fund Convention respectively, were introduced by the shipping and oil industries prior to the entry into force of those Conventions. In 1987 the voluntary schemes were amended to introduce levels of compensation similar to those available under the 1984 (subsequently the 1992) Protocols to the 1969 Civil Liability Convention and the 1971 Fund Convention).

As an alternative to STOPIA, the International Group of P & I Clubs has proposed that the Clubs, on behalf of their shipowner members, should enter into a permanent, contractually binding agreement (Tanker Oil Pollution Indemnification Agreement (TOPIA)) with the Supplementary Fund to reimburse the Supplementary Fund 50% of the compensation payments made by the Supplementary Fund.

Substandard transportation of oil and the right of the shipowner to limit liability

In May 2004 the Working Group considered several proposals for dealing with the substandard transportation of oil. The intention of all these proposals was to provide disincentives to shipowners to use certain ships by imposing higher limits of liability.

The Japanese delegation proposed two options, one which provided a disincentive to registered owners, and the other a disincentive to both registered owners and oil receivers, to use 'a certain category of ship', which would be defined on the basis of objective criteria, for example, a ship over a particular age, except a ship which was double hulled or certified as level 1 or 2 in the Condition Assessment Programme. The first option envisaged increasing the limit of liability of an owner of such a ship whilst the second option, in addition to increasing the limit of the shipowner's liability, would introduce a new financial burden on those involved in the transportation of oil in such ships, ie individual cargo owners, who would be required to pay contributions to the 1992 Fund and the Supplementary Fund.

The proposals by the delegations of Italy, Portugal and Spain were also intended to provide disincentives for the operation of ships that should no longer be trading by means of extra layers of compensation payable by those using such ships. Again, two options were put forward, both of which involved an increase in the shipowner's limit of liability when pollution damage arose as a result of an oil tanker 'defect' or 'deficiency', and that above this, an amount equal to the extra liability of the shipowner would be levied against the individual cargo receiver in the Contracting State in addition to his normal contributions to the 1992 Fund. Both options also envisaged contributions by the shipowner and the individual cargo receiver to the Supplementary Fund.

A number of delegations expressed support in principle for the Japanese delegation's first option in that it promoted quality shipping, but some expressed concern that if shipowners could obtain the necessary insurance cover for such risks this might act as a disincentive to maintain ships to a high standard.

Other delegations reiterated their opposition to the idea of using the compensation Conventions as a means of promoting quality shipping and drew attention to the potential difficulties that would arise if a ship was categorised as substandard according to criteria laid down in the Conventions, but was at the same time in full compliance with standards laid down in MARPOL.

The Working Group considered a proposal by the delegations of France and Spain, which had approached the issue of promoting quality shipping by focusing on incidents that had resulted from structural defects of ships, which they had defined as a 'defect due to decay or lack of maintenance of a ship, which in part or in whole had contributed to an incident'. The sponsoring delegations had put forward two options regarding the application of Article V.2 of the 1992 Civil Liability Convention governing the shipowner's right to limit liability, one based on the current text of the Convention whereby the burden of proof that an incident was due to a structural defect lay with the claimant, and an alternative text in which the burden of proof that an incident was not due to a structural defect was placed on the shipowner. The sponsoring delegations had also proposed an amendment to Article VII.8 of the 1992 Civil Liability Convention, which would prevent an insurer from limiting his liability when an incident was caused by a structural defect of the insured vessel.

A number of delegations expressed doubts about the viability of the proposal on the grounds of the legal difficulties that would be faced in proving that an incident was caused by a structural defect,

lack of compatibility with other liability Conventions that might apply to the same incident and lack of incentive to promote quality shipping if insurers continued to spread the financial risks.

Some delegations considered that the proposal deserved further consideration since it was important that all options be considered that might lead to an effective means of holding shipowners accountable for inappropriate behaviour.

The Working Group's examination of the various proposals will continue in 2005.

Compulsory insurance

The Working Group considered a proposal that all vessels that carried oil in bulk as cargo should be required to maintain insurance or other financial security in accordance with Article VII.1 of the 1992 Civil Liability, ie that the exemption for ships carrying less than 2 000 tonnes of oil should no longer apply.

There was considerable support for widening the compulsory insurance obligation to include all vessels carrying oil in bulk as cargo, since experience had shown that vessels carrying less than 2 000 tonnes of oil were capable of causing serious pollution damage and that the IOPC Funds had on a number of occasions been the only source of compensation as a result of the shipowner having had neither the insurance cover nor the financial capability to pay claims.

Other issues

The Working Group is also considering other issues such as merging the 1992 Civil Liability Convention and the 1992 Fund Convention into one Convention, the refinement of the contribution system, problems caused by States not submitting oil reports, the definition of 'ship' and uniform application of the 1992 Conventions.

Consideration by the Assembly in October 2004

The report on the Working Group's May 2004 meeting was considered by the Assembly in October 2004. In his summing up of the discussion the Chairman of the Assembly noted that the Working Group was divided into two large groups, one of which was against any revision of the 1992 Conventions and the continuation of the Working Group whilst the other considered that there were a number of outstanding issues that needed to be addressed by the Working Group which could result in the revision of the 1992 Conventions. He also noted that some of those delegations that did not support a revision of the Conventions were, nevertheless, flexible on whether or not the Working Group should continue its work provided that a definite time limit for its work was set. He further noted that most delegations that had supported the continuation of the Working Group had recognised that it should not continue indefinitely and that it should be in a position to make a final recommendation to the 1992 Fund Assembly in October 2005.

The Assembly decided that the Working Group should meet in March 2005 as planned and make final recommendations to the October 2005 session of the Assembly on whether or not the Conventions should be revised, and if so, which items required revision for consideration at its October 2005 session.

CONCLUDING REMARKS

The international compensation regimes established under the Civil Liability and Fund Conventions are one of the most successful compensation schemes in existence over the years. Most compensation claims have been settled amicably as a result of negotiations.

During the period 1978-1996, ie until the 1992 Fund Convention entered into force, the number of 1971 Fund Member States increased from 14 to 76. In the years since the entry into force of the 1992

Conventions, the number of 1992 Fund Member States has increased from nine to 92. It is expected that a large number of States will ratify the 1992 Protocols in the near future. It is interesting to note that many States which have ratified the 1992 Conventions in the last few years were not previously parties to the 1969 and 1971 Conventions. This increase in the number of Member States appears to indicate that the Governments have in general considered the international compensation regime to be working well. This explains why the regime based on the 1992 Conventions has served as a model for the creation of liability and compensation systems in other fields, such as the carriage of hazardous and noxious substances by sea.

Although the Conventions were revised in 1992, the main features of the regime were decided in the late sixties and early seventies. It is not surprising therefore that the Contracting States have found that the regime needs to be revisited for modifications in the light of experience, so as to enable the regime to adapt to the changing needs of society and to ensure the regime's survival by remaining attractive to States. The first steps to that effect have been taken by the increases in the limits of liability and compensation which entered into force on 1 November 2003 and by the adoption in May 2003 of the Protocol establishing a Supplementary Fund and by amendments to the Claims Manual in respect of the cost of post-spill studies and the costs of reinstatement of the polluted environment. The review of the 1992 Conventions continues.

* * *

ANNEX

**States Parties to both the
1992 Civil Liability Convention and the
1992 Fund Convention**

as at 1 February 2005

86 States for which the 1992 Fund Convention is in force <i>(and therefore Members of the 1992 Fund)</i>		
Algeria	Georgia	Panama
Angola	Germany	Papua New Guinea
Antigua and Barbuda	Ghana	Philippines
Argentina	Greece	Poland
Australia	Grenada	Portugal
Bahamas	Guinea	Qatar
Bahrain	Iceland	Republic of Korea
Barbados	India	Russian Federation
Belgium	Ireland	Saint Vincent and the Grenadines
Belize	Italy	Samoa
Brunei Darussalam	Jamaica	Seychelles
Cambodia	Japan	Sierra Leone
Cameroon	Kenya	Singapore
Canada	Latvia	Slovenia
Cape Verde	Liberia	Spain
China (Hong Kong Special Administrative Region)	Lithuania	Sri Lanka
Colombia	Madagascar	Sweden
Comoros	Malta	Tanzania
Congo	Marshall Islands	Tonga
Croatia	Mauritius	Trinidad and Tobago
Cyprus	Mexico	Tunisia
Denmark	Monaco	Turkey
Djibouti	Morocco	United Arab Emirates
Dominica	Mozambique	United Kingdom
Dominican Republic	Namibia	Uruguay
Fiji	Netherlands	Vanuatu
Finland	New Zealand	Venezuela
France	Nigeria	
Gabon	Norway	
	Oman	
<i>6 States which have deposited instruments of accession, but for which the 1992 Fund Convention does not enter into force until date indicated</i>		
Saint Lucia		20 May 2005
Malaysia		9 June 2005
Tuvalu		30 June 2005
Estonia		6 August 2005
South Africa		1 October 2005
Israel		21 October 2005

**States Parties to the
1992 Civil Liability Convention
but not to the 1992 Fund Convention**

as at 1 February 2005
(and therefore not Members of the 1992 Fund)

<i>9 States for which the 1992 Civil Liability Convention is in force</i>		
Bulgaria	Egypt	Romania
Chile	El Salvador	Switzerland
China	Indonesia	Vietnam
<i>3 States which have deposited instruments of accession, but for which the 1992 Civil Liability Convention does not enter into force until date indicated</i>		
Kuwait		16 April 2005
Solomon Islands		30 June 2005
Azerbaijan		16 July 2005

**States Parties to the
Protocol of 2003 to the International Convention on the
Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992**

<i>8 States which have deposited instruments of accession but for which the Protocol of 2003 to the 1992 Fund Convention does not enter into force until 3 March 2003</i>		
Denmark	Germany	Norway
Finland	Ireland	Spain
France	Japan	
