

Offshore activities – pollution liability and related issues.

14

At the 102nd Session of the IMO Legal Committee held between April 14th / 16th 2015 the Iberoamerican Institute of Maritime Law (IIDM) submitted a paper (LEG102/11) in which it set out the history of attempts which have been made over recent years to establish an international agreement on liability and compensation for pollution from offshore oil and gas exploration and exploitation. (This paper was drafted by Jorge Radovitch on behalf of IIDM).

The paper emphasised the need for an international convention and challenged the decision taken by the Legal Committee at its 100th Session not to embark on the drafting of a convention and asked it to reconsider the matter. The Committee did reconsider the matter, briefly, and again refused to get involved. Several delegates insisted that there was no “compelling need” for a convention and also (as before) questioned whether a convention dealing with offshore rigs was within the terms of reference of the Legal Committee. The Committee urged the Intersessional Correspondence Group (ICG) set up following its 100th Session to continue with its work on the development of bi-lateral and regional agreements on this subject.

Prior to the start of the Legal Committee meeting the Danish and Indonesian governments had jointly chaired a meeting of the ICG at IMO Headquarters on this subject and presented to those attending its “zero” draft of a document entitled *“Guidance on Model Bi-lateral/Regional Agreements or Arrangements for Liability and Compensation Issues connected with Transboundary Pollution Damage from Offshore Exploration and Exploitation Activities”*.

This meeting was well attended and the plan is for the ICG to submit a final draft of the Guidance to the Legal Committee at its 103rd Session. On behalf of CMI I was invited to present a summary of the responses to the Questionnaire which was sent to all NMLAs on this subject. I also made available to all delegates the full text of my summary of responses. I drew attention in particular to the work of the European Commission on this subject and to the two reports which they have commissioned on liability, security and compensation. Finally, I mentioned that the CMI would be running a seminar on this topic.

A full programme has been drawn up for the Seminar and there will be a report to the Exco and Assembly on the outcome.

Patrick Griggs,

IWG Chairman.