



International Oil Pollution  
Compensation Funds

Fonds internationaux  
d'indemnisation pour les  
dommages dus à la pollution  
par les hydrocarbures

Fondos internacionales  
de indemnización de daños  
debidos a contaminación por  
hidrocarburos

Presentation of award to Mr Måns Jacobsson by Chairman of the 1992 Fund Assembly,  
Mr Gaute Sivertsen, on the occasion of the celebration of the 40<sup>th</sup> Anniversary of the IOPC Funds

Thank you, Mr Director. It is an honour and a privilege to present this award to Måns Jacobsson in the presence of so many dignitaries and old faces and friends. I don't know where to begin so I will name no one. Mr Jacobsson of course is a fellow Scandinavian so that is another nice touch to the whole affair for me. Mr Jacobsson and I worked together for a long time. Today, we celebrate the 40th anniversary of the organisation and you were, in fact, the Director for more than half of that time, even though you left the Fund many years ago. I was a delegate, representing Norway at the Diplomatic Conference that adopted the 1992 Fund Convention and I met Mr Jacobsson there for the first time. He had then been Director of the IOPC Funds for eight years already. I worked with him as a delegate, and later had the pleasure of working with him as the Chairman of the Executive Committee from 2000 to 2002. I saw the growth of the organisation under his very strong leadership. I was always impressed by the quality of his work and his legal knowledge, but also Mr Jacobsson is the kind of guy who, in response to an incident in Russia will then, of course, learn the Russian language. I do not know what to say but I feel very mortal. Mr Jacobsson was responsible for setting up many of the policies that had to be developed out of the many incidents the Funds had to deal with during that period. Those policies still stand the test of time. They continue to be used today and when they change they remain based on the strong foundations you built over time.

To summarise I could say that your commitment to the cause was amazing and it still is. How many articles have you written, how many lectures have you given on the work of the IOPC Funds? At this level it is not only commitment it is a passion some may even call it love. It has been a pleasure to work with you and I hope you will consider this reward as a reminder of the great legacy you leave behind, so please join me at the podium.



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Acceptance speech by Mr Måns Jacobsson, Director of the IOPC Fund from 1985-2006, on receiving the award on the occasion of the celebration of the 40th anniversary of the IOPC Funds

Secretary-General, Secretary-Generals Emeriti, Director Maura, Directors Emeriti, Chairmen of the Governing Bodies, Friends of the IOPC Funds

It is for me a very great honour having been granted this special award on the occasion of the celebration of the 40th anniversary of the IOPC Funds.

It is 40 years since the first IOPC Fund came into operation. 40 years, that is a long time. Nevertheless, my memory of the developments that led to the creation of the Fund regime remains clear.

When the work on the drafting of the first Fund Convention started in the spring of 1970 – and I took part in this work – hesitations were expressed from many quarters about the viability of this project. It was argued that governments would never be able to agree on the text of such a convention. They were wrong. The first Fund Convention was adopted at a Diplomatic Conference held in 1971.

After the Diplomatic Conference many delegations maintained that, although a Convention had been adopted, it would never enter into force. They were wrong again. As we know, the 1971 Fund Convention came into force in 1978.

It was then argued by the doubters that, notwithstanding the entry into force of the Fund Convention, it would be ratified by only a limited number of States. In addition, it was said that in any event the system would not work, and in particular that the oil industry would not pay the contributions. It was also submitted that all claims would become subject to court proceedings. They were wrong too. The CLC/Fund regime is certainly not perfect, but it has worked reasonably well in most cases.

In my view, the CLC/Fund regime must be considered a success. It is actually the best international compensation system that exists. The success of the system can be measured in several ways. One way is to look at the continuous increase in the number of Fund Member States from 14 to 115. Another aspect is the amount of money payable by the Funds. Originally the maximum amount of compensation payable by the 1971 Fund for any given incident was some US\$ 50 million. Today, the combined effect of the 1992 Conventions and the Supplementary Fund Protocol is that there is a total of over US\$ 1 billion per incident available to compensate victims of oil pollution damage.

There is another very striking aspect of the success of the regime. It is an extraordinary achievement that such a large number of States with different legal traditions and on different levels of economic development have been able to agree on the interpretation of the most important provisions in the Conventions, and these provisions are in many cases not very precise. The Member States have also agreed on procedures for the handling of compensation claims, in spite of the fact that there are hardly any provisions in the Conventions dealing with this matter. This has resulted in a largely uniform interpretation

and application of the Civil Liability and Fund Conventions in most cases. It is also remarkable that the Funds have been able to reach out-of-court settlements of the overwhelming majority of compensation claims.

I consider it a great privilege having been given the possibility to contribute to the development of the CLC/Fund regime.

The success of the CLC/Fund regime has been possible due to the strong support given by Member States and by the industries concerned. For the Funds to continue to thrive, it is crucial that this support is maintained, and that Member States and their national courts interpret and apply the Conventions uniformly, respecting the principles that these Governments have agreed upon in the Funds' governing bodies and taking into account the decisions by these bodies. It is important that the Governments of Fund Members States give this support not only when the Fund regime is sailing in fair winds, but also, and more importantly, when the sailing becomes rough.

If this support will continue to be given, I am convinced that we can look forward to celebrating a successful compensation regime at the Funds' 50th anniversary, and hopefully also that in forty years' time the international community will be able to celebrate the 80th anniversary of a successful Fund regime.