

Japan's statement on the report of the Special Representative

The delegation of Japan would like to join others in expressing its appreciation to the Special Representative for preparation of the letter and his introduction.

We don't have particular comments on draft joint venture contract at this stage but we have some questions to ask.

My question to the Special Representative is regarding the Liability. I would like to ask which provision of the Draft Joint Venture deals with the question of the liability in case of serious damage to the marine environment, for example. Article 2 (3) of Annex IV to the Convention provides that "nothing in this convention shall" "make the Authority liable for the acts or obligation of the Enterprise." However, until the Enterprise begins to operate independently of the Secretariat, the Secretariat of the Authority must perform the functions of the Enterprise (Section 2 (1) of Annex to the 1994 Agreement). This means that at this stage, the Authority which is performing the functions of the Enterprise would be liable if any damage caused by joint venture of the Enterprise. Would there be any provision in the joint venture contract which will stipulate the share of liability between Poland and the Authority?

Secondly, I would like to know if those terms and conditions mentioned in this Draft Joint Venture would set a precedent for other future joint ventures to follow? If this is the case, should this draft be subject to approval of the Council or the Assembly based on recommendations of Finance Committee and the Commission?