



## REVIEW OF THE INTERNATIONAL COMPENSATION REGIME

### PROPOSAL REGARDING ARTICLE II OF THE 1992 CIVIL LIABILITY CONVENTION AND ARTICLE 3 OF THE 1992 FUND CONVENTION TO BE INCLUDED IN THE REVISION OF THE 1992 PROTOCOLS

Submitted by Venezuela

<b>Summary:</b>	This document contains Venezuela's proposal concerning extension of the geographical scope of application of the 1992 Protocols for discussion in the Working Group as a basis for amendments to the 1992 Civil Liability and Fund Conventions.
<b>Action to be taken:</b>	The Assembly is invited to take note of the information contained in this document and to consider the proposals made with a view to including them in the discussions of amendments to the 1992 Civil Liability and Fund Conventions.

#### 1 **Introduction**

The Assembly intends to consider proposals for amendments to the Fund Convention and the 1992 Civil Liability Convention at its October 2005 session in order to adapt the international compensation regime for oil pollution damage. Many arguments have been made in favour and against such revision in writing and in oral interventions. This document contains a proposal to amend Article II of the 1992 Civil Liability Convention and Article 3 of the 1992 Fund Convention.

#### 2 **Objective**

The objective of this proposal is to extend the geographical scope of the 1992 Protocols in order to cover pollution damage both within the territory, including the territorial sea, of a Contracting State, and within the internal waters of such States.

#### 3 **Proposal**

##### 3.1 Article 3 of the 1992 Protocol amending the International Convention on Civil Liability for Oil Pollution Damage, 1969, provides as follows:

"This Convention shall apply exclusively:

(a) to pollution damage caused:

(i) in the territory, including the territorial sea, of a Contracting State, and

(ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

(b) to preventive measures, wherever taken, to prevent or minimize such damage."

3.2 Likewise, Article 4 of the 1992 Protocol amending the International Convention on the Establishment of an International Fund for Compensation of Oil Pollution Damage, 1971, provides as follows:

"This Convention shall apply exclusively:

(a) to pollution damage caused:

(i) in the territory, including its territorial sea, of a Contracting State, and

(ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

3.3 The changes proposed to Article II of the 1992 Civil Liability Convention and to Article 3 of the 1992 Fund Convention are proposed in order to widen the geographical scope of the 1992 Protocols, for the purpose of extending the compensation provided for in the 1992 Protocols to pollution damage in those areas.

#### **4 Action to be taken by the Assembly**

The Assembly is invited:

(a) to take note of the information contained in this document; and

(b) to consider the proposal made with a view to including it in the discussions of amendments to the Civil Liability Convention and the 1992 Fund Convention.

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