

No. 14097. INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE. CONCLUDED AT BRUSSELS ON 29 NOVEMBER 1969¹

N° 14097. CONVENTION INTERNATIONALE SUR LA RESPONSABILITÉ CIVILE POUR LES DOMMAGES DUS À LA POLLUTION PAR LES HYDRO-CARBURES. CONCLUE À BRUXELLES LE 29 NOVEMBRE 1969¹

ACCESSIONS

Instruments deposited with the Secretary-General of the Inter-Governmental Maritime Consultative Organization on:

16 March 1981

MALDIVES

(With effect from 14 June 1981.)

2 April 1981

KUWAIT

(With effect from 1 July 1981.)

Certified statements were registered by the Inter-Governmental Maritime Consultative Organization on 26 May 1981.

ADHÉSIONS

Instruments déposés auprès du Secrétaire général de l'Organisation intergouvernementale consultative de la navigation maritime le :

16 mars 1981

MALDIVES

(Avec effet au 14 juin 1981.)

2 avril 1981

KOWEÏT

(Avec effet au 1^{er} juillet 1981.)

Les déclarations certifiées ont été enregistrées par l'Organisation intergouvernementale consultative de la navigation maritime le 26 mai 1981.

¹ United Nations, *Treaty Series*, vol. 973, p. 3, and annex A in volumes 974, 982, 991, 994, 1000, 1003, 1006, 1010, 1015, 1019, 1031, 1037, 1057, 1110, 1126, 1140, 1175, 1196, 1198 and 1208.

¹ Nations Unies, *Recueil des Traités*, vol. 973, p. 3, et annexe A des volumes 974, 982, 991, 994, 1000, 1003, 1006, 1010, 1015, 1019, 1031, 1037, 1057, 1110, 1126, 1140, 1175, 1196, 1198 et 1208.

PROTOCOL¹ TO THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE OF 29 NOVEMBER 1969² (WITH OFFICIAL RUSSIAN AND SPANISH TRANSLATIONS AND FINAL ACT OF THE CONFERENCE TO REVISE THE UNIT OF ACCOUNT PROVISIONS OF THE CONVENTION). CONCLUDED AT LONDON ON 19 NOVEMBER 1976

Authentic texts of the Protocol: English and French.

Authentic texts of the final act: English, French, Russian and Spanish.

Registered by the Inter-Governmental Maritime Consultative Organization on 26 May 1981.

The Parties to the present Protocol,

Being parties to the International Convention on Civil Liability for Oil Pollution Damage, done at Brussels on 29 November 1969,²

Have agreed as follows:

Article I. For the purpose of the present Protocol:

1. "Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1969.
2. "Organization" has the same meaning as in the Convention.
3. "Secretary-General" means the Secretary-General of the Organization.

Article II. Article V of the Convention is amended as follows:

(1) Paragraph 1 is replaced by the following text:

"The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 133 units of account for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 14 million units of account."

¹ Came into force on 8 April 1981 in respect of the following States, i.e., the ninetieth day that followed the date on which Governments of eight States, including five States each with not less than 1,000,000 gross tons of tanker tonnage (denoted hereafter by *), had deposited their instrument of ratification, acceptance, approval or accession with the Secretary-General of the Inter-Governmental Maritime Consultative Organization, in accordance with article V (1). Ratifications, acceptances, approvals and accessions were effected as follows:

<i>State</i>	<i>Date of deposit of instruments of ratification, acceptance (A), approval (AA) or accession (a)</i>	
Sweden*	7 July	1978
(Signature affixed on 14 December 1977.)		
Norway*	17 July	1978 <i>a</i>
Yemen	4 June	1979 <i>a</i>
United Kingdom of Great Britain and Northern Ireland* †	31 January	1980
(Signature affixed on 20 May 1977. In respect of the Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man, Belize, Bermuda, the British Indian Ocean Territory, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, St. Helena and Dependencies, the Turks and Caicos Islands, the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.)		
Bahamas	3 March	1980 <i>AA</i>
Germany, Federal Republic of*	28 August	1980
(With a declaration of application to Berlin West. Signature affixed on 16 December 1977.)		
France*	7 November	1980 <i>AA</i>
(Signature affixed on 21 December 1977.)		
Finland	8 January	1981 <i>a</i>
Liberia	17 February	1981 <i>a</i>

† For the text of the notification under article II (2), see p. 363 of this volume.

² United Nations, *Treaty Series*, vol. 973, p. 3.

(2) Paragraph 9 is replaced by the following text:

“9. (a) The unit of account referred to in paragraph 1 of this article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in paragraph 1 shall be converted into the national currency of the State in which the fund is being constituted on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

“9. (b) Nevertheless, a Contracting State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) of this article may, at the time of ratification, acceptance, approval of or accession to the present Convention, or at any time thereafter, declare that the limits of liability provided for in paragraph 1 to be applied in its territory shall, in respect of any one incident, be an aggregate of 2,000 monetary units for each ton of the ship's tonnage, provided that this aggregate amount shall not in any event exceed 210 million monetary units. The monetary unit referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of these amounts into the national currency shall be made according to the law of the State concerned.

“9. (c) The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such a manner as to express in the national currency of the Contracting State as far as possible the same real value for the amounts in paragraph 1 as is expressed there in units of account. Contracting States shall communicate to the depositary the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument referred to in article IV and whenever there is a change in either.”

Article III. 1. The present Protocol shall be open for signature by any State which has signed the Convention or acceded thereto and by any State invited to attend the Conference to Revise the Unit of Account Provisions of the Convention on Civil Liability for Oil Pollution Damage, 1969, held in London from 17 to 19 November 1976. The Protocol shall be open for signature from 1 February 1977 to 31 December 1977 at the Headquarters of the Organization.

2. Subject to paragraph 4 of this article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.

3. Subject to paragraph 4 of this article, this Protocol shall be open for accession by States which did not sign it.

4. The present Protocol may be ratified, accepted, approved or acceded to by States Parties to the Convention.

Article IV. 1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties, or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties, shall be deemed to apply to the Protocol as modified by the amendment.

Article V. 1. The present Protocol shall enter into force for the States which have ratified, accepted, approved or acceded to it on the ninetieth day following the date on which eight States, including five States each with not less than 1,000,000 gross tons of tanker tonnage, have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General.

2. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after the deposit by such State of the appropriate instrument.

Article VI. 1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument to that effect with the Secretary-General.

3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

Article VII. 1. A Conference for the purpose of revising or amending the present Protocol may be convened by the Organization.

2. The Organization shall convene a Conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one third of the Parties.

Article VIII. 1. The present Protocol shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) Inform all States which have signed the present Protocol or acceded thereto of:

- (i) Each new signature or deposit of an instrument together with the date thereof;
- (ii) The date of entry into force of the present Protocol;
- (iii) The deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;
- (iv) Any amendments to the present Protocol;

(b) Transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

Article IX. As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article X. The present Protocol is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

DONE at London this nineteenth day of November one thousand nine hundred and seventy-six.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed the present Protocol.

For Algeria:
Pour l'Algérie :

For Denmark:
Pour le Danemark :

For France:
Pour la France :

[M. JACQUIER]
Sous réserve d'approbation¹.

For the Federal Republic of Germany:
Pour la République fédérale d'Allemagne :

[H. RUETE]

For Greece:
Pour la Grèce :

For Japan:
Pour le Japon :

For Liberia:
Pour le Libéria :

For the Netherlands:
Pour les Pays-Bas :

For New Zealand:
Pour la Nouvelle-Zélande :

For Norway:
Pour la Norvège :

For Panama:
Pour le Panama :

¹ Subject to approval.

For Poland:
Pour la Pologne :

For Spain:
Pour l'Espagne :

For Sweden:
Pour la Suède :

[OLOF RYDBECK]

For Tunisia:
Pour la Tunisie :

For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques socialistes soviétiques :

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

[A. D. HOWLETT]

For Yugoslavia:
Pour la Yougoslavie :

NOTIFICATION UNDER ARTICLE II (2)
MADE UPON RATIFICATION

“In accordance with article V(9)(c) of the Convention, as amended by article II(2) of the Protocol, the manner of calculation employed by the United Kingdom pursuant to article V(9)(a) of the Convention, as amended, shall be the method of valuation applied by the International Monetary Fund.”

NOTIFICATION EN VERTU DU PARAGRAPHE 2 DE L'ARTICLE II FAITE
LORS DE LA RATIFICATION

« Conformément à l'alinéa c du paragraphe 9 de l'article V de la Convention, modifié par le paragraphe 2 de l'article II du Protocole, la méthode de calcul utilisée par le Royaume-Uni, ainsi qu'il est prévu à l'alinéa a du paragraphe 9 de l'article V de la Convention, tel qu'il a été modifié, sera la méthode d'évaluation appliquée par le Fonds monétaire international. »

FINAL ACT OF THE CONFERENCE TO REVISE THE UNIT OF ACCOUNT PROVISIONS OF THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969

1. In accordance with the provisions of article XVIII of the Convention, a Conference of Contracting Parties was held in London from 17 to 19 November 1976, upon the invitation of the Inter-Governmental Maritime Consultative Organization, for the purpose of giving consideration to a proposal to revise the "unit of account" provisions in the International Convention on Civil Liability for Oil Pollution Damage, 1969.

2. The Governments of the following States Parties to the Convention were represented at the Conference by delegations:

Algeria	Panama
Denmark	Poland
France	Spain
Germany, Federal Republic of	Sweden
Greece	Tunisia
Japan	Union of Soviet Socialist Republics
Liberia	United Kingdom of Great Britain and Northern Ireland
Netherlands	Yugoslavia
New Zealand	
Norway	

3. The following States were represented at the Conference by Observers:

Argentina	India
Australia	Indonesia
Belgium	Iran
Brazil	Italy
Canada	Jordan
Chile	Singapore
Cyprus	South Africa
Egypt	Sri Lanka
Finland	Switzerland
German Democratic Republic	United States of America
Ghana	

4. At the invitation of the Organization, the following organization in the United Nations system sent a Representative to the Conference:

Universal Postal Union

5. Observers from the following inter-governmental organizations participated in the Conference:

International Institute for the Unification of Private Law
Central Office for International Railway Transport

6. Observers from the following non-governmental organizations participated in the Conference:

International Chamber of Shipping
International Union of Marine Insurance
International Association of Ports and Harbors
Baltic and International Maritime Conference

7. The Conference elected Professor H. Tanikawa of the delegation of Japan, as President of the Conference. The following were elected Vice-Presidents:

First Vice-President: Mr. S. Azouz of Tunisia

Second Vice-President: Mr. H. Tončič of Yugoslavia

8. The Secretary-General of the Conference was Mr. C. P. Srivastava, Secretary-General of the Inter-Governmental Maritime Consultative Organization, and the Executive Secretary of the Conference was Mr. T. A. Mensah, Director of Legal Affairs and External Relations of the Organization.

9. At the request of the Conference, the credentials of representatives were examined by the Secretary-General who reported that the credentials of all delegates were in order.

10. The Conference considered the matters before it in its Plenary Session. It had before it and used as a basis for discussion the text of a new provision on "unit of account" which had been adopted for inclusion in the International Convention on Limitation of Liability for Maritime Claims, 1976.

11. As a result of its deliberations, the Conference adopted the Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1969.

12. The Conference also adopted a resolution, which is attached to this final act.

13. The text of this final act, being a single original in the English, French, Russian and Spanish languages, together with the text of the Protocol in English and French, shall be deposited with the Inter-Governmental Maritime Consultative Organization. Official translations of the Protocol shall be prepared in the Russian and Spanish languages and shall be deposited with this final act. The Secretary-General shall forthwith circulate to Contracting States and all Governments entitled to become party to the Convention certified copies of this final act and certified copies of the Protocol. Certified copies of the official translations of the Protocol shall be made available to Governments in accordance with their wishes.

IN WITNESS WHEREOF the undersigned have affixed their signatures to this final act.

DONE at London this nineteenth day of November, one thousand nine hundred and seventy-six.

Attachment

RESOLUTION

The Conference to revise the unit of account provisions in the 1969 International Convention on Civil Liability for Oil Pollution Damage,

Considering that a decline in the value of money may affect, to a serious extent, the amounts established in the Convention,

Recommends that the Participating Governments consider the problem with a view to establishing a specific and efficient procedure for the expeditious revision of such amounts in order to maintain their real value.

President

Président

Председатель

Presidente

[H. TANIKAWA]

Secretary-General of the Inter-Governmental
Maritime Consultative Organization

Secrétaire général de l'Organisation intergouvernementale consultative
de la navigation maritime

Генеральный секретарь Межправительственной морской
консультативной организации

Secretario General de la Organización Consultiva
Marítima Intergubernamental

[C. P. SRIVASTAVA]

Executive Secretary

Secrétaire exécutif

Исполнительный секретарь

Secretario Ejecutivo

[T. A. MENSAN]

For Algeria:
Pour l'Algérie :
За Алжир:
Por Argelia:

[Illegible — Illisible]

For Denmark:
Pour le Danemark :
За Данию:
Por Dinamarca:

[Illegible — Illisible]

For France:
Pour la France :
За Францию:
Por Francia:

[Illegible — Illisible]

For the Federal Republic of Germany:
Pour la République fédérale d'Allemagne :
За Федеративную Республику Германии:
Por la República Federal de Alemania:

[Illegible — Illisible]

For Greece:
Pour la Grèce :
За Грецию:
Por Grecia:

[Illegible — Ilisible]

For Japan:
Pour le Japon :
За Японию:
Por el Japón:

[Illegible — Ilisible]

For Liberia:
Pour le Libéria :
За Либерию:
Por Liberia:

[Illegible — Ilisible]

For the Netherlands:
Pour les Pays-Bas :
За Нидерланды:
Por los Países Bajos:

[Illegible — Ilisible]

For New Zealand:
Pour la Nouvelle-Zélande :
За Новую Зеландию:
Por Nueva Zelandia:

[Illegible — Ilisible]

For Norway:
Pour la Norvège :
За Норвегию:
Por Noruega:

[Illegible — Ilisible]

For Panama:
Pour le Panama :
За Панаму:
Por Panamá:

[Illegible — Ilisible]

For Poland:
Pour la Pologne :
За Польшу:
Por Polonia:

[*Illegible — Illisible*]

For Spain:
Pour l'Espagne :
За Испанию:
Por España:

[*Illegible — Illisible*]

For Sweden:
Pour la Suède :
За Швецию:
Por Suecia:

[*Illegible — Illisible*]

For Tunisia:
Pour la Tunisie :
За Тунис:
Por Túnez:

[S. AZOUZ]

For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques socialistes soviétiques :
За Союз Советских Социалистических Республик:
Por la Unión de Repúblicas Socialistas Soviéticas:

[*Illegible — Illisible*]

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
За Соединенное Королевство Великобритании и Северной Ирландии:
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

[E. H. WHITAKER]

For Yugoslavia:
Pour la Yougoslavie :
За Югославию:
Por Yugoslavia:

[H. TONČIČ]