



Treaty Series No. 28 (1996)

# Protocol

to the International Convention on the  
Establishment of an International Fund  
for Compensation for Oil Pollution Damage, 1971

London, 19 November 1976

[The United Kingdom Instrument of Ratification  
was deposited on 31 January 1980 and the Protocol  
entered into force on 22 November 1994]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
February 1996*

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**PROTOCOL**  
**TO THE INTERNATIONAL CONVENTION ON THE**  
**ESTABLISHMENT OF AN INTERNATIONAL FUND FOR**  
**COMPENSATION FOR OIL POLLUTION DAMAGE, 1971**

The parties to the Present Protocol,

Having considered the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, done at Brussels on 17 December 1971<sup>1</sup>;

Have agreed as follows:

**ARTICLE I**

For the purpose of the present Protocol:

- (1) "Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.
- (2) "Liability Convention" has the same meaning as in the Convention.
- (3) "Organization" has the same meaning as in the Convention.
- (4) "Secretary-General" means the Secretary-General of the Organization.

**ARTICLE II**

Article 1, paragraph 4 of the Convention is replaced by the following text:

"Unit of Account or "Monetary Unit" means the unit of account or monetary unit as the case may be, referred to in Article V of the Liability Convention<sup>2</sup>, as amended by the Protocol thereto adopted on 19 November 1976<sup>3</sup>.

**ARTICLE III**

The amounts referred to in the Convention shall wherever they appear be amended as follows:

- (a) Article 4:
  - (i) "450 million francs" is replaced by "30 million units of account or 450 million monetary units";
  - (ii) "900 million francs" is replaced by "60 million units of account or 900 million monetary units".
- (b) In Article 5:
  - (i) "1,500 francs" is replaced by "100 units of account or 1,500 monetary units";
  - (ii) "125 million francs" is replaced by "8,333,000 units of account or 125 million monetary units";
  - (iii) "2,000 francs" is replaced by "133 units of account or 2,000 monetary units";
  - (iv) "210 million francs" is replaced by "14 million units of account or 210 million monetary units".
- (c) In Article 11, "75 million francs" is replaced by "5 million units of account or 75 million monetary units".
- (d) In Article 12, "15 million francs" is replaced by "1 million units of account or 15 million monetary units".

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<sup>1</sup>Treaty Series No. 95 (1978) Cmnd. 7383.

<sup>2</sup>Treaty Series No. 106 (1975) Cmnd. 6183.

<sup>3</sup>Treaty Series No. 26 (1981) Cmnd. 8238.

#### ARTICLE IV

- (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 in the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, 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 V

- (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 VI

- (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 the following requirements are fulfilled:<sup>1</sup>
  - (a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General, and
  - (b) the Secretary-General has received information in accordance with Article 39 of the Convention that those persons in such States who would be liable to contribute pursuant to Article 10 of the Convention have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil.
- (2) However, the present Protocol shall not enter into force before the Convention has entered into force.
- (3) For Each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after deposit by such State of the appropriate instrument.

#### ARTICLE VII

- (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 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.

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<sup>1</sup>The Protocol entered into force on 22 November 1994.

#### ARTICLE VIII

- (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 IX

- (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 X

As soon as this 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 XI

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 by the Secretariat of the Organization 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.

## SIGNATURES

	<i>Date of Signature</i>	<i>Date of Ratification</i>
Germany, Federal Republic <sup>1</sup> ... ..	16 Dec 1977	28 Aug 1980
Sweden ... ..	14 Dec 1977	7 July 1978
United Kingdom <sup>2,3</sup> ... ..	20 May 1977	31 Jan 1980

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<sup>1</sup>Extended to West Berlin on 28 August 1980.

<sup>2</sup>Extended on 31 January 1980 to Belize, Bermuda, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Bailiwick of Guernsey, Gibraltar, Hong Kong, Isle of Man, Bailiwick of Jersey, Montserrat, Pitcairn Islands, Sovereign Base Areas, St Helena and Dependencies and Turks and Caicos Islands. Extended on 1 September 1984 to Anguilla.

### <sup>3</sup>OBJECTION

The depositary received the following communication, dated 12 August 1986, from the Argentine delegation to the International Maritime Organization:

*[Translation]*

“... the Argentine Government rejects the extension made by the United Kingdom of Great Britain and Northern Ireland of the application to the Malvinas Islands, South Georgia and South Sandwich Islands of the ... Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended ... and reaffirms the right of sovereignty of the Argentine Republic over those archipelagos which form part of its national territory.

“The General Assembly of the United Nations has adopted resolutions 2065(XX), 3160(XXVIII), 31/49, 37/9, 38/12 and 39/6 which recognize the existence of a sovereignty dispute relating to the question of the Malvinas Islands, urging the Argentine Republic and the United Kingdom to resume negotiations in order to find, as soon as possible, a peaceful and definitive solution to the dispute through the good offices of the Secretary-General of the United Nations who is requested to inform the General Assembly on the progress made. Similarly, the General Assembly of the United Nations at its fortieth session adopted resolution 40/21 of 27 November 1985 which again urges both parties to resume the said negotiations.”

The depositary received the following communication, dated 3 February 1987, from the United Kingdom Foreign and Commonwealth office:

“The Government of the United Kingdom of Great Britain and Northern Ireland cannot accept the statement made by the Argentine Republic as regards the Falkland Islands and South Georgia and the South Sandwich Islands. The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to the United Kingdom sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and, accordingly, their right to extend the application of the Treaties to the Falkland Islands and, accordingly, their right to extend the application of the Treaties to the Falkland Islands and South Georgia and the South Sandwich Islands.

“Equally, while noting the Argentine reference to the provisions of Article IV of the Antarctic Treaty signed at Washington on 1 December 1959, the Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to the sovereignty of the United Kingdom over the British Antarctic Territory, and to the right to extend the application of the Treaties in question to that Territory.”

## ACCESSIONS

	<i>Date of Deposit of Instrument of Accession/ Acceptance (A)</i>
Albania ... ..	6 Apr 1994
Australia ... ..	10 Oct 1994
Bahamas ... ..	3 Mar 1980(A)
Barbados ... ..	6 May 1994
Belgium ... ..	1 Dec 1994
Canada ... ..	21 Feb 1995
Cyprus ... ..	26 July 1989
Denmark ... ..	3 June 1981
Finland ... ..	8 Jan 1981
France ... ..	7 Nov 1980
Iceland ... ..	24 Mar 1994
India ... ..	10 July 1990
Ireland ... ..	19 Nov 1992
Italy ... ..	21 Sept 1983
Japan ... ..	24 Aug 1994
Liberia ... ..	17 Feb 1981
Malta ... ..	27 Sept 1991
Mauritius ... ..	6 Apr 1995
Mexico ... ..	13 May 1994
Morocco ... ..	31 Dec 1992
Netherlands ... ..	1 Nov 1982
Norway ... ..	17 July 1978
Poland <sup>1</sup> ... ..	13 Oct 1985
Portugal ... ..	11 Sept 1985
Russian Federation (formerly Soviet Union) ... ..	30 Jan 1989
Spain ... ..	5 Apr 1982
Vanuatu ... ..	13 Jan 1989
Venezuela ... ..	21 Jan 1992

### <sup>1</sup>COMMUNICATION

In a communication dated 13 January 1986, the Depository advised that Poland made the following statement:

“Poland will now calculate financial liabilities in cases of limitation of the liability of owners of sea-going ships and liability under the International Oil Pollution Compensation Fund in terms of the Special Drawing Right, as defined by the International Monetary Fund.

“However, those SDR's will be converted according to the method instigated by Poland, which is derived from the fact that Poland is not a member of the International Monetary Fund.

“The method of conversion is that the Polish National Bank will fix a rate of exchange of the SDR to the Polish zloty through the conversion of the SDR to the United States dollar, according to the current rates of exchange quoted by Reuter. The US Dollars will then be converted into Polish zloties at the rate of exchange quoted by the Polish National Bank from their current table of rates of foreign currencies.

“The above method of calculation is in accordance with the provisions of article II paragraph 9 item “a” (in fine) of the Protocol to the International Convention on Civil Liability for Oil Pollution Damage and article II of the Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.”



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