



Secretariat

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SURVEY OF STATE PRACTICE RELEVANT TO INTERNATIONAL LIABILITY FOR
INJURIOUS CONSEQUENCES ARISING OUT OF ACTS NOT PROHIBITED BY
INTERNATIONAL LAW

Study prepared by the Secretariat

CORRIGENDUM

Page 10, note 7, penultimate line

For Swiss Law Journal read South Western Law Journal

Page 62, note 39

For p. 166 read p. 116

Page 63, note 44

For p. 119 read p. 128

Page 65, note 47

For 1969 read 1974

Page 81, paragraph 128, last line

For art. 1 (b) read art. 1 (6)

Page 87, note 64, last line

For article I read article 29 (4)

Page 104, note 101

The note should read: 101/ I.C.J. Reports 1969, p. 79.

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Page 105

Note 102: delete p. 101

Note 103: for para. 11 read para. 22

Page 150, note 168

For p. 133 read p. 93

Page 197

Paragraph 317, line 7: for articles 19 and 20 read articles 19 and 27

Note 38, line 1: for 20 read 27

Page 198, note 38 (continued)

Replace the text of note 38 appearing on page 198 by the following

"Article 27

"1. In sectors adjacent to the frontier line the Contracting Parties will exploit their forests in such a way as not to damage the forests of the other Party.

"2. If a forest fire breaks out near the frontier, the Contracting Party on whose territory the fire breaks out must, as far as possible do everything in its power to localize and extinguish the fire and to prevent it from spreading across the frontier.

"3. Should a forest fire threaten to spread across the frontier, the Contracting Party on whose territory the danger originated shall immediately warn the other Contracting Party so that appropriate action may be taken to localize the fire on the frontier.

"4. If trees fall beyond the frontier line as the result of elemental causes or logging operations the competent authorities of the Contracting Parties shall take all steps to enable the persons concerned of the neighbouring Party to cut up and remove the trees to their own territory. The competent authorities of the Contracting Party to which the trees belong must inform the competent authorities of the other Party of such occurrences.

"In such cases the transportation of the trees across the frontier shall be exempt from all duties or taxes."

Pages 214 and 215, paragraph 350

Replace the text of article 11 by the following

"Article 11

"Compulsory insurance of the shipowner

"1. The owner of a ship registered in a Contracting State shall be required to maintain insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an international compensation fund, in the sums fixed by applying the limits of liability prescribed in Article 6 to cover his liability for damage under the present Convention. The same shall apply to a ship not registered in a Contracting State entering or leaving a port or other place for the loading or discharge of cargo [within the territory] [in an area under the jurisdiction] of a Contracting State.

"2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of the present Convention shall be issued by the appropriate authority to each ship after determining that the requirements of paragraph 1 have been complied with. With respect to ships registered in a Contracting State, the certificate shall be issued or certified by the appropriate authority of the State of the ship's registration and, with respect to ships not registered in a Contracting State, the certificate shall be issued or certified by the appropriate authority of [any Contracting State] [the Contracting State referred to in the second sentence of paragraph 1] [such other Contracting State as a Contracting State may authorize]. This certificate shall be in the form of the annexed model and shall contain the following particulars:

"(a) name of the ship and port of registration;

"(b) name and principal place of business of the owner;

"(c) type of security;

"(d) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established; and

"(e) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

"3. The certificate shall be carried on board the ship and a copy shall be deposited with the appropriate authorities of the State of the ship's registry.

"4. Insurance or other financial security shall not satisfy the requirements of this Article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2, before three months have elapsed from the date on which

/...

notice of its termination is given to the authorities referred to in paragraph 3, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this Article.

"5. The State where the certificate is issued or certified shall, subject to the provisions of this Article and of Article 11B, determine the conditions of issue and validity of the certificate.

"[6. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 shall be available only for the satisfaction of claims under the present Convention.]"

Page 216

Replace the text of article 11A by the following

"Article 11A

"Compulsory insurance of the shipper

"1. The shipper of a consignment of hazardous substances shall be required to maintain insurance or other financial security, such as a bank guarantee in the sum laid down in Article 8, paragraph 1, to cover his liability for damage under the present Convention.

"2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of the present Convention shall be issued by the insurer or other person providing financial security for the shipper's liability with respect to each consignment. This certificate shall be delivered by the shipper to the owner when the consignment is handed over for carriage by sea.

"3. This certificate shall be in the form of the annexed model and shall contain the following particulars:

- "(a) the name of the ship or the ships on board of which the consignment is expected to be carried and their port of registration;
- "(b) the name and principal place of business of the insured person;
- "(c) any particulars necessary for identification of the consignment; these particulars shall also contain a description of the substances which is in accordance with the requirements of any international generally accepted standards relating to sea carriage of dangerous substances;
- "(d) the type of security referred to in paragraph 1;

"(e) the name and principal place of business of the insurer or other person giving security; and

"(f) the period of validity of the insurance or other security.

"4. The insurance or other financial security shall be effected with an insurer or other person providing security approved for this purpose by any Contracting State.

"5. The insurance or security shall cover the entire period of the shipper's liability and shall cover the liability under the present Convention of the person named in the certificate as shipper or, if that person should not be the shipper as defined, of such person as does incur liability as shipper under the present Convention.

"6. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 shall be available only for the satisfaction of claims under the present Convention."

Page 244, paragraph 408

Line 4: for 65/ read 65a/

Lines 4, 5 and 6: delete The Court also stated that the "State is bound to prevent such use of its territory, as ... is unduly injurious to the inhabitants of the neighbouring State". 65/

Line 10: for passages are read passage is

Page 244

Under the last line add the following note: 65a/ Ibid., p. 22.

Page 257, paragraph 429, lines 2 and 3

For Article III read Article VII

Page 264, paragraph 437

Line 1: for latest Draft Articles for a read latest Draft

Lines 10 and 11: for arising from the same incident read having the same origin

Page 298, paragraph 513

Line 1: delete Articles for a

Lines 7, 8 and 9: delete the sentence beginning with Furthermore ...

Page 299, lines 1 to 5

Delete article 5

Page 318, paragraph 558, line 20

For Article 13 read Article 7
