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REPORT OF THE LEGAL COMMITTEE ON THE WORK
OF ITS SIXTY-SIXTH SESSION

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this submission evidenced the need of re-addressing this issue and not uncritically copying the provisions of CLC in order to find an appropriate solution to the present problems.

42 The Committee agreed to revert to this matter after the consideration of agenda item 6.

ARTICLE 2 - SCOPE OF APPLICATION

43 One delegation suggested that the expression "damage occurred" should be preferred to that of "damage caused" at present used in paragraphs (a), (b) and (c).

44 While some delegations showed themselves in favour of such change, others expressed the view that either expression could be used without changing the meaning of this article.

45 Some other delegations expressed their preference for retaining the present text which in their opinion was entirely unambiguous. One should not confuse the reference here to "caused" with similar expressions referring to causality. This had nothing to do with causality; at the adoption of the CLC the term had simply been considered more appropriate than the much longer expression "any occurrence resulting in damage". A change now to other vocabulary than that used in the CLC would just cause confusion.

46 As a result of this discussion the Committee decided that the expression "damage caused" in paragraphs (a), (b), and (c), should remain unchanged.

47 The Committee took note of the proposal of FOEI contained in document LEG 66/4/2 supporting a proposal previously considered by the Committee to extend the scope of application for damage by contamination of the environment so as to include the high seas areas beyond 200 nautical miles. In this regard it was expressed that, although the proposal had not found the support of the Committee, the question could be raised again at the diplomatic conference to be convened to consider the adoption of the HNS convention.

ARTICLE 3