



JULIO ALBERTO PEÑA ACEVEDO

ASOCIACIÓN VENEZOLANA DE DERECHO
MARÍTIMO

Vicepresident

Personal information

- Nationality: Venezuelan.
- Date of Birth: March 29, 1952.
- CIV: 3.602.432. (ID)
- Place of birth: Puerto Cabello, Edo. Carabobo, Venezuela.

Graduated at the Venezuelan Naval School, "Batalla Naval de Maracaibo" class of 1973. Later he served on board as Chief of Navigation of the T-15; Chief of Navigation of the T-21; Chief Instructor of the Naval Police; Chief of Navigation of the D-11; Chief of Operations of the P-14; Member of the Naval Mission in Spain for the Construction of the Training Ship (ARBV Simon Bolivar); Chief of Operations of the Training Ship (ARBV Simon Bolivar); Academic Chief of the Grumetes School; Second Commander of the Training Ship (ARVB Simon Bolivar).

He was assistant to the Commander General of the Navy and aide-de-camp to the Venezuelan President.

During his career he served aboard different naval units and served on commissions for one year in Spain and three years in the United States of America.

Served as an advisor to the National Constituent Assembly, in the Commission of Fundamental Dispositions and Territorial Spaces, Venezuelan Navy. General Staff, Ministry of Infrastructure, General Directorate of Aquatic Transportation.

He served as an Alternate Member of the Board of Directors of the National Institute of Canalizations.

He was the representative of the Ministry of Infrastructure for the draft Project of the Border Law, to the Ministry of Foreign Affairs. General Directorate of Borders.

He became the first Vice President of the National Institute of Aquatic Spaces.

He was a consultant for the company Náutica Express C.A. (NECCA), in the certification of the ports according to the ISPS Code: Puerto Cabello, La Guaira, Puerto La Cruz and the TERQUIMCA Terminal in Puerto Cabello, also instructor for the training courses for port security officers according to the ISPS Code.

He has written several press articles on aquatic activities.

He has written several contributions to maritime law publications within AVDM and IIDM.

As President of the Rapporteur Commission of the laws for the Aquatic Sector, he was correlator of the Organic Law of Aquatic and Insular Spaces, General Law of Marine and Related Activities, Law of Coastal Zones, General Law of Ports, Law of Fishing and Aquaculture and of the Law of Maritime Commerce. Various press articles related to the aquatic sector.

In recent years he has fulfilled the following official commissions:

Member of the Organizing Committee of the First Forum on Aquatic Spaces. Venezuelan Navy - Cordiplan.

Member of the Representation of the Navy before the National Legislative Commission, which prepared the preliminary draft of the Merchant Marine Reactivation Law.

Representative of the Ministry of Infrastructure at the FTAA Meeting - Services Negotiation Group, Miami USA.

Member of the Venezuelan Delegation to the ROCLAM Meeting on Fishing Vessels in Havana, Cuba.

Member of the Venezuelan Delegation to the CAATA and ROCLAM Meeting in Margarita, Venezuela.

Member of the MINFRA Delegation to the Guyana Cabinet of the Ministry of Foreign Affairs.

Representative of Venezuela at the second, third and fourth meetings of the General Secretariat of the Inter-American Committee on Ports in Barbados, Santo Domingo and Montevideo. MINFRA representative at the second meeting of IIRSA. Lima, Peru, Oct 2001. Representative of Venezuela at the 8th International Conference of City-Ports in Dalian, China, Oct 2002.

Representative of Venezuela: 75th session of the Maritime Safety Committee (MSC) of IMO May 2002.

Vice President of Institutional Relations of the Venezuelan Maritime Law Association (2004-2007).

Alternate Vice-President of the Venezuelan Branch of the Ibero-American Institute of Maritime Law (2004-2007).

Alternate Vice President of the Venezuelan Branch of the Ibero-American Institute of Maritime Law (From 2013 to 2017).

General Secretary of the Venezuelan Association of Maritime Law 2016-2019 and 2019-2022 He is currently Vice President of the Civil Association "Foro Conciencia Acuática" and advisor to different institutions and public and private companies of the Venezuelan aquatic sector,

Vice President of the Venezuelan Maritime Law Association and Vice President of the Venezuelan Maritime Cluster-Venezuelan Maritime Chamber.

More activities related to the sector can be seen in my website:

www.elspacioacuaticovenezolano.com

And in the publications tab of the web:

Publications:

- A. COMMEMORATIVE BOOK XX YEARS OF THE VENEZUELAN AQUATIC LEGISLATION. In Homage to the memory of Julio César Sánchez-Vegas. XX Years of Venezuelan Aquatic Legislation. Julio Alberto Peña Acevedo. 2021
- B. THE ESEQUIBO TERRITORY; HISTORICAL COMPILATION OF THE CONTROVERSY. Publication in the AVDM WEB page. XXXVIII vols. 2020
- C. SOME OF THE MARITIME THREATS PRESENT IN THE THIRD MILLENNIUM. In Ibero-American Maritime Law. Volume II. Caracas. Ibero-American Institute of Maritime Law. 2019.
- D. PORT SERVICES AND SPECIAL CUSTOMS REGIME IN BOND. FIRST MEETING OF MARITIME LAW IN HAVANA. Caracas. Editorial Jurídica Venezolana. 2017
- E. ESSAY ON THE LAW OF COASTAL ZONES. AVDM Journal. N° 12 - 1 of the second stage. 2017
- F. CARGO RESERVE AND INCENTIVES. Book tribute to Carlos A. Matheus. Caracas. Venezuelan Association of Maritime Law. Venezuelan Maritime Committee. Editorial Jurídica Venezolana. 2015.
- G. RELATED ACTIVITIES; THEIR CONTEXTUALIZATION IN THE DRAFTING PROCESS OF AQUATIC LEGISLATION. In Derecho marítimo Iberoamericano. Volume I. Caracas. Ibero-American Institute of Maritime Law. 2013.
- H. A USER'S VIEW OF MARITIME PROCEDURE. In Cuaderno de Derecho marítimo. Maracaibo. Dr. Rafael Belloso Chacín University. Dean's Office of Extension. 2013.
- I. X YEARS OF AQUATIC LEGISLATION Commemorative Book XC Years of Venezuelan Aquatic Legislation. Julio Alberto Peña Acevedo. 2011
- J. REFLECTIONS ON THE PROCESS OF CONSOLIDATION OF THE AQUATIC SECTOR. In Libro Conmemorativo X Años de Legislación Acuática Venezolana. Caracas. Editorial Legis. 2011.

MY CONTRIBUTIONS TO THE PROMOTION AND UNIFORMITY OF MARITIME LAW

At the beginning of my naval career, I had the honor of being appointed as assistant officer in the III Conference of the Sea of Caraballeda (1974), then I actively participated in the development of the incipient Coast Guard of the Venezuelan navy, acting in multiple SAR operations allowing me to know all the islands of our sea, the immensity of our coasts, the problems of the coastal populations and the difficulty of the surveillance of these immense extensions. As a crew member of the Training Ship A.R.V "Simón Bolívar" (BE-11), in 1982, we visited all the neighboring islands of the Caribbean, and therefore all the boundary markers of the Exclusive Economic Zone, carrying on board the National Commission appointed for the Project "Study and Planning for the Development of the Caribbean Sea" in 1981.

My thesis as a Staff Officer was a Prospective Diagnosis of the Command, Control and Communications of the coast Guard.

Going back to 1989, I served as an aide-du-camp to the Venezuelan President Mr. Carlos Andrés Pérez, a position that allowed me to experience first hand the reality of the decision-making process at the highest level, especially in the Councils of Ministers. I had the honor of attending four Andean summits in what was the rebirth of the Cartagena Agreement, two summits of the Movement of Non-Aligned Countries (MPNA or MNOAL), two World Economic Forums (World Economic Forum, WEF), two attendances to the General Assembly of the United Nations, among other important activities, increasing my interest in the Law of the Sea and knowing first hand the vision from the point of view of international relations.

In July 1991, I wrote my Naval Reflections I, where, among other things, I stated the need to achieve an effective and real maritime traffic control (MTC) and to achieve total communications coverage throughout the EEZ through channel 16, or another channel that would guarantee this.

In 1994 I wrote my Naval Reflections II "The Navy", in which I state that in order to fulfill the responsibilities assigned to the Navy by the Republic, the Navy must have a "Naval Power" measured in operational capacity, logistic capacity, organization and doctrine, human resources and strategic deployment; variables that must be addressed through the allocation of part of the National Budget, in order for the State to have a Naval Power that allows it to comply with the ideological aspirations expressed in the preamble of the Magna Carta, on the patrimonial usufruct of the "aquatic spaces". It is important to emphasize that I use the phrase "Aquatic Space", which will later be reflected in the 1999 Constitution and in the laws governing the National Aquatic Sector.

In 1997 I fully dedicated myself to the fascinating world of maritime transportation, in the companies Fletamentos Marítimos, Compañía Anónima (Flemarca) and Naviera Carabobo respectively; and later in the consortium LEAL ALVAREZ & ASOCIADOS CONSULTORES, C.A.- SERVI-OCA C.A., we ventured into the fiery environment of the docks, ship holds, forklifts, trailer loads, dock workers, etc., which allowed me to gain experience in such a competitive environment.

In 1998 I went to New Orleans (USA) for the inauguration of the maritime traffic control service, using the then new digital VHF system, under the principle of application of the GMDSS Code.

On Thursday, December 10, 1998, an interview by journalist María Torres was published in El Carabobeño (Central Region Newspaper) entitled "IN VENEZUELA A SINGLE MARITIME AUTHORITY IS NEEDED".

On January 18, 1999, an article entitled "VENEZUELA, MARITIME POWER OF THE CARIBBEAN" was published in the newspaper El Mundo, in which I state that the consolidation of Venezuela as a maritime power relies, at least, on four (4) fundamental pillars: 1) Political will at the highest level. 2) Consensus on the need to create a "National Maritime Vocation. 3) Legal Security or Appropriate Legal Framework and 4) Possibility of investments in the sub-sector.

In May 1999 I presented my thesis on a "Merchant Marine Development Project" where one of the conclusions refers to the possibility of considering the creation of an Organic Law that regulates everything related to aquatic spaces, navigation and port infrastructure of the Country

The purpose of this necessary Law could be the Regulation of the functions of the State regarding the Maritime administration in the Territorial Sea, Contiguous Zone, Exclusive Economic Zone, Continental Shelf, Inland Waters, Coasts and Federal Dependencies, in matters of Security and

Defense, Safeguard, fishing and marine crops, fluvial and lacustrine, exploitation of salt mines and pearl oyster farms, Salvage and Safety of Human Life at Sea, environmental protection, exploration and exploitation of renewable and non-renewable natural resources, extraction of remains and protection of the Nation's archaeological heritage, research and development, naval construction and repairs, river and lake navigation, state shipping policy, port structure, navigation channels, etc.

All ordinary laws governing the matter, would derive from this Organic Law.

During the 1999 constituent process, I was a member of Commission No. 2 of the National Constituent Assembly, responsible for drafting Titles I and II of the new Carta Magna.

The Constitution highlights a new conception of the geographic space of the Republic, broadens the vision of sovereignty and delimits with greater precision the field of application of such sovereignty; such geographic space contemplates: the Continental Territory, the Insular Territory, the Aquatic Space, the Aerial Space and the Underlying Outer Space.

For the first time, continental and island territories, as well as border and aquatic areas, are given the same importance or placed on the same level for the purposes of territorial planning and the Nation's development plans. I had the great honor of being designated as speaker of the Commission, for the delivery of the final report, highlighting in my words that in a definitive way the bases are laid to generate a legal order demanded by the sovereign in the call by referendum of this honorable assembly that will allow under a future vision of use of the aquatic spaces as a pole of sustained development of the nation, by means of:

1. Sound administration of these spaces.
2. The reconciliation of the spirit of the international treaties validly subscribed, with the internal legislation.
3. The required coordination so that all the entities of the state execute harmoniously the functions of their competence.
4. The strengthening of the merchant marine, port infrastructure, shipping activity, fishing industry, research and development of scientific research, protection of the environment and marine archaeological heritage, safety of human life, protection and control of strategic navigation channels, which will allow the attraction of investment capital in the sector.

In February 2000, within the Internal Policy Sub Commission of the National Legislative Commission, popularly known as "El Congresillo", the discussion on the drafting of a Merchant Marine Reactivation Law took place. The original draft was based on the idea of the intervention of the General Directorate of Aquatic Transportation and above all to a series of tax incentives of exemptions and exonerations of tax rates for the nationalization of ships.

In these circumstances I received a communication from the Venezuelan Association of Maritime Law, presided at the time by Dr. Omar Franco, expressing the importance of its enactment.

Among all those present, we presented a proposal for the creation of a commission, which should draft the State's aquatic policies, recommend the adaptation of the legal framework of the aquatic sector and the drafting of a bill of Law on Aquatic Spaces.

Dr. Zerpa appointed Dr. Tulio Álvarez Ledo, Dr. Omar Franco, Captain Dumas Ortiz and myself, to draft a proposal on Article 8 of the Merchant Marine Reactivation Bill. Thus, one morning in March 2000, in the office of Dr. Tulio Álvarez Ledo, this article was drafted as follows:

"The Ministry of Infrastructure, along with the National Merchant Marine Council, having heard the opinion of the entities linked to the maritime sector, shall prepare within ninety days following the effective date of this Law, the guidelines of the aquatic policy of the State, and shall submit the proposals to develop the Draft Organic Law of Aquatic Spaces, and those required for the adaptation of the National Maritime Legislation to the Constitution of the Bolivarian Republic of Venezuela."

The statement of purpose of the Merchant Marine Reactivation Law, was drafted by myself, with the vital contribution of Dr. José Sabatino Pizzolante and endorsed by Dr. Iván Zerpa, it includes the objectives pursued with the enactment of such Law and the expectations that it would generate in the aquatic sector, two paragraphs stand out:

"...The updating of the legal framework of the shipping activity must be promoted, starting with a Law of Aquatic Spaces that frames the rest of the laws required by the sector. It is important to emphasize the correct and precise concept of "vessels and navigation accessories", as well as the achievement of the unification of the commercial and registration registry into a single one..."

"... Article five states that the National Executive together with the National Merchant Marine Council must present, within 90 days, the aquatic policies of the State and the proposals that will support the draft Organic Law of the Aquatic and Insular Spaces, which shall regulate the functions of the State in terms of maritime administration in the Territorial Sea, Contiguous Zone, Exclusive Economic Zone, Continental Shelf, Internal Waters, fluvial and lacustrine spaces, coasts and federal dependencies; as well as in matters of security and defense, safeguarding, fishing and maritime, fluvial and lacustrine crops, exploitation of salt mines and pearl oyster beds, salvage and safety of human life at sea, environmental protection, exploration and exploitation of renewable or non-renewable natural resources, extraction of remains and protection of the Nation's archeological heritage, research and development, naval construction and repairs, fluvial and lake maritime navigation, state shipping policy, port structure, navigation channels, monitoring and compliance with all international treaties subscribed by the Nation, related to maritime activity, etc..."

Ministerial Resolution MINFRA No. 109 of July 10, 2000 was enacted in Official Gazette No. 36,989 of July 10, 2000 and subsequently in Official Gazette No. 37,004 of August 1, 2000, which modifies the first one, Ministerial Resolution MINFRA No. 112 of July 31, 2000 was enacted, designating the Commission responsible for the compliance with Article 8 of the Merchant Marine Reactivation Law (LEMM) was appointed, in which I am appointed as its Chairman.

The Commission worked from May 2, 2000 to September 7, 2000; a total of 417 people participated directly, accumulating a total of 4,942 man-hours of work; forums and conferences were organized in the main port cities of the country, in order to disseminate the drafts of the proposed laws and that any citizen or institution could send their comments and recommendations to the Rapporteur Commission.

As of September 2000, the arduous task of evaluating, reviewing and assembling the structure of each of the laws to be proposed began, through the respective reports presented by each committee and sub-committee. On September 26, the members of the CNMM signed the final document of the Organic Law of Aquatic Spaces.

On September 19, 2001, the Supreme Court's decision on the constitutionality of the organic nature of the LOEA was declared constitutional.

That year, 2001 marked the beginning of my work within the Venezuelan Association of Maritime Law, where I have held office in the Executive Committee, as Vice President of Institutional Relations of the Venezuelan Association of Maritime Law (period 2004-2007) and as Secretary General as of 2017, to 2022

Since March 2022 I am the vice president of the Venezuelan association of maritime law.

Since oct 2022 I am titular member of the Comité Maritime International.

Likewise, since 2006 I have been a member of the IIDM, in whose midst I have participated as a speaker on several occasions, highlighting the fact of having been part of the Commission that was responsible for the creation of the Cuban branch of the same.

Since 2002 I have been part of the Venezuelan Representation to the IMO. My best references, the members of the IIDM and the members of the AVDM.

Caracas, oct , 2022