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ASSEMBLY
21st session
Agenda item 10

A 21/Res.899
4 February 2000
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RESOLUTION A.899(21)
adopted on 25 November 1999

ACCEPTANCE OF CLC INSURANCE CERTIFICATES

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships, and legal matters related thereto,

RECALLING also that at present there are in force two different and distinct regimes of limitation of civil liability in case of oil pollution damage, namely the regime established under the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC 69) and that set out in the Protocol of 1992 to amend CLC 69 (the 1992 CLC Protocol),

NOTING that Article VII of CLC 69, as well as Article 7 of the 1992 CLC Protocol, make the provision of insurance compulsory for ships carrying more than 2,000 tons of oil in bulk as cargo and require the ships in question to carry a certificate issued by a State Party thereto as proof of compliance with this requirement,

UNDERSTANDING that a number of CLC 69 States Parties require ships flying the flag of States Parties to the 1992 CLC Protocol (the 1992 CLC ships) to be provided with a certificate issued in accordance with Article VII of CLC 69 (1969 CLC certificates),

FURTHER NOTING that, so far, the 1992 CLC ships have been able to call at ports of CLC 69 States Parties, because a number of CLC 69 States Parties were issuing to them, in accordance with their national practices, 1969 CLC certificates,

RECOGNIZING that, in the near future, as a result of the accession of CLC 69 States Parties to the 1992 CLC Protocol, the 1992 CLC ships will no longer be able to obtain 1969 CLC certificates,

BEING AWARE that the ceiling of limitation of liability established by the 1992 CLC Protocol is higher than that established under the provisions of CLC 69,

FURTHER RECALLING that resolution 1 of the International Conference on the Revision of the 1969 Civil Liability Convention and the 1971 Fund Convention (the 1992 Conference) established a practice in respect of the issue and the recognition of CLC certificates by the CLC 69 and the 1992 CLC Protocol States Parties,

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APPRECIATING the efforts of the Organization to strengthen the accountability and responsibility of States as flag States,

DESIRING to assist ships to trade without any unnecessary delays,

HAVING CONSIDERED the recommendation made by the Legal Committee at its eightieth session:

1. INVITES States Parties to CLC 69 not to require ships holding 1992 CLC certificates to obtain 1969 CLC certificates, and to accept certificates issued under the provisions of Article 7 of the 1992 CLC Protocol as meeting the requirements of paragraph 11 of Article VII of CLC 69;
2. URGES States Parties to the CLC 69 to become parties to the 1992 CLC Protocol as soon as possible;
3. INVITES FURTHER CLC 69 States Parties to issue to 1992 CLC ships 1969 CLC certificates only if they are requested to do so by the States whose flag these ships are entitled to fly;
4. FURTHER URGES Member States of IMO which are not Parties to CLC 69 or 92 to encourage their shipowners to ensure that their Registry is notified of the issue of a CLC certificate to their ships under either CLC regime; and
5. REQUESTS the Secretary-General of the Organization to intensify his efforts to ensure the wider acceptance of the 1992 CLC Protocol.
