

APPENDIX

RESOLUTION ON LIMITATION OF LIABILITY

THE CONFERENCE,

HAVING ADOPTED the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (hereinafter "the Convention"),

NOTING THAT article 6 of the Convention preserves the right of the shipowner to limit its liability under any applicable national or international regime,

REAFFIRMING that clear rights to limitation of liability are desirable, to enable the shipowner to take out effective insurance cover at reasonable cost,

BELIEVING that limitation amounts must be sufficiently high to permit the payment of full compensation for eligible claims in normal circumstances,

1. URGES all States that have not yet done so, to ratify, or accede to the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976;
2. ENCOURAGES States Parties to the Convention on Limitation of Liability for Maritime Claims, 1976 to denounce that Convention with effect from the entry into force of the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 for those States Parties, or after a limited period of time;
3. ALSO ENCOURAGES States Parties to the International Convention for Unification of Certain Rules relating to the Limitation of Liability of Owners of Sea-Going Vessels, 1924 and the International Convention relating to Limitation of Liability of Owners of Sea-Going Ships, 1957 to denounce those Conventions with effect from the entry into force of the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 for those States Parties;
4. RECOMMENDS that States, when implementing the Convention in their national law, make clear which limitation of liability regime is applicable according to article 6 of the Convention.

RESOLUTION ON PROMOTION OF TECHNICAL CO-OPERATION

THE CONFERENCE,

HAVING ADOPTED the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (hereinafter "the Convention"),

BEING AWARE that the comprehensive protection of the marine environment requires, inter alia, broad international co-operation to prevent, reduce and control marine pollution damage caused by ships, as well as the adoption of global measures to provide adequate, prompt and effective compensation for such damage,

RECOGNIZING that the provision and use of bunker oil is important for the operation or propulsion of ships, as the principal means of transportation of international trade, and is therefore widespread throughout the world,

RECOGNIZING ALSO that pollution damage caused by bunker oil may produce significant economic and environmental impact in all States, but especially in developing States that do not yet have adequate expertise, facilities and resources to prevent, reduce and control such pollution, and that such impact may, as a consequence, adversely affect the process of sustainable development in those States,

RECOGNIZING FURTHER that States Parties to the Convention will be called upon to make arrangements for the

provision of adequate, prompt and effective compensation for pollution damage caused by bunker oil and to assume full responsibility for such arrangements,

BEING CONVINCED that the promotion of technical co-operation will expedite the implementation of the Convention by States, especially developing States,

NOTING WITH APPRECIATION that, through the adoption of resolution A.901(21), the Assembly of the International Maritime Organization (IMO):

(a) affirmed that IMO's work in developing global maritime standards and in providing technical co-operation for their effective implementation and enforcement, can and does, contribute to sustainable development; and

(b) decided that IMO's mission statement, in relation to technical co-operation, is to help developing countries improve their ability to comply with international rules and standards relating to maritime safety and the prevention and control of marine pollution, giving priority to technical assistance programmes that focus on human resource development, particularly through training and institutional capacity building.

1. URGES all IMO Member States, in co-operation with IMO, other interested States, competent international or regional organizations and industry programmes, to promote and provide directly, or through IMO, support to States that request technical assistance for:

(a) the assessment of the implications of ratifying, accepting, approving, or acceding to and complying with the Convention;

(b) the development of national legislation to give effect to the Convention; and

(c) the introduction of other measures for, and the training of personnel charged with, the effective implementation and enforcement of the Convention.

2. ALSO URGES all States to initiate action in connection with the above-mentioned technical measures without awaiting the entry into force of the Convention.

RESOLUTION ON PROTECTION FOR PERSONS TAKING MEASURES TO PREVENT OR MINIMIZE THE EFFECTS OF OIL POLLUTION

THE CONFERENCE,

HAVING ADOPTED the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (hereinafter "the Convention"),

NOTING that the Convention provides for the shipowner to be strictly liable for bunker oil pollution damage,

NOTING FURTHER that the Convention does not require States Parties to make provision in their implementing legislation excluding any person from liability;

RECOGNIZING that the International Convention on Civil Liability for Oil Pollution Damage, 1992 and the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, contain provisions on protection for persons taking measures to prevent or minimize the effects of oil pollution,

BELIEVING that it is desirable to avoid any disincentive that could prevent prompt and effective action to minimize the effects of oil pollution,

1. URGES States, when implementing the Convention, to consider the need to introduce legal provision for protection for persons taking measures to prevent or minimize the effects of bunker oil pollution;

2. RECOMMENDS that persons taking reasonable measures to prevent or minimize the effects of oil pollution

be exempt from liability unless the liability in question resulted from their personal act or omission, committed with the intent to cause damage, or recklessly and with knowledge that such damage would probably result;

3. RECOMMENDS FURTHER that States consider the provisions of article 7, paragraphs 5(a), (b), (d), (e) and (f) of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, as a model for their legislation.

KOREAN REGISTER