



ASSEMBLY
21st session
Agenda item 10

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**RESOLUTION A.898(21)
adopted on 25 November 1999**

**GUIDELINES ON SHIPOWNERS' RESPONSIBILITIES
IN RESPECT OF MARITIME CLAIMS**

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,

RECOGNIZING that shipowners generally enjoy the right to limit their liability for many maritime claims,

BELIEVING that the right to limited liability must be balanced by a duty for the shipowner to take proper steps to ensure that legitimate claims are met, in particular by taking out effective insurance cover,

CONSIDERING that there is therefore a need to recommend minimum international standards for the responsibilities of shipowners in respect of maritime claims,

CONSIDERING FURTHER that these guidelines represent a valuable contribution to the Organization's objective of discouraging the operation of sub-standard and inadequately insured ships,

CONCERNED that, if shipowners do not have effective insurance cover, or another effective form of financial security, eligible claimants may not obtain prompt and adequate compensation,

CONVINCED that recommendatory guidelines are an appropriate means of establishing a framework of good practice to encourage all shipowners to take steps to ensure that claimants receive adequate compensation following incidents involving their ships,

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

1. ADOPTS the Guidelines on shipowners' responsibilities in respect of maritime claims set out in the Annex to the present resolution;
2. INVITES Member Governments to urge shipowners to comply with the Guidelines;
3. REQUESTS the Legal Committee to keep the Guidelines under review and amend them as necessary.

ANNEX

GUIDELINES ON SHIPOWNERS' RESPONSIBILITIES IN RESPECT OF MARITIME CLAIMS

1 Definitions

1.1 In these Guidelines:

- .1 **Cargo claims** means claims in respect of loss of, damage to, or delay in the delivery of cargo carried by sea;
- .2 **Insurance** means insurance with or without deductibles, and comprises, for example, indemnity insurance of the type currently provided by members of the International Group of P&I Clubs, and other effective forms of insurance (including self-insurance) and financial security offering similar conditions of cover;
- .3 **Insurer** means any person providing insurance for a shipowner;
- .4 **Limitation Convention** means the International Convention on Limitation of Liability for Maritime Claims 1976, including any amendment that is in force internationally;
- .5 **Relevant claims** means the claims referred to in Article 2, paragraph 1, of the Limitation Convention, except for cargo claims;
- .6 **Shipowner** means the owner of a seagoing ship, or any other organization or person who or which has assumed responsibility for the operation of such a ship; and
- .7 **Gross tonnage** is calculated according to the tonnage measurement rules contained in Annex I of the International Convention on Tonnage Measurement of Ships 1969.

2 Scope of application

- 2.1 Shipowners are urged to comply with these Guidelines in respect of all seagoing ships of at least 300 gross tonnage. Shipowners are also encouraged to comply with the Guidelines in respect of ships of less than 300 gross tonnage.
- 2.2 These Guidelines do not apply to any warship, naval auxiliary, or other ship owned or operated by a State and used, for the time being, only on government non-commercial service, unless that State decides otherwise.

3 Shipowners' responsibilities

- 3.1 Shipowners should arrange for their ships insurance cover that complies with these Guidelines.

- 3.2 Shipowners should also take proper steps when relevant claims arise in connection with the operation of one of their ships.

4 Scope of insurance cover

- 4.1 Shipowners should ensure that liability for relevant claims up to the limits set under Articles 6 and 7 of the Limitation Convention is covered by insurance. If, however, the shipowner is entitled to invoke a limit of liability lower than that set by the Limitation Convention, the insurance need only respond up to that lower limit.

- 4.2 To satisfy the previous paragraph, the insurance need respond only if:

1. the shipowner's liability has been established at law; and
2. the shipowner has complied with all the conditions of cover prescribed under the insurance contract.

5 Certificates

- 5.1 Shipowners should ensure that their ships have on board a certificate issued by the insurer. Where more than one insurer provides cover for relevant claims, a single certificate confirming the identity of the main liability insurer is sufficient.

- 5.2 As a minimum, the certificate should include:

1. the name of the ship;
 2. the ship's IMO number;
 3. the name of the insurer;
 4. the place of business of the insurer;
 5. the name of the assured and co-assured, if known; and
 6. an attestation that the insurance meets the recommended standards set out in these Guidelines regarding the risks covered by that insurer.
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