本公约各缔约国，意识到由于遍及世界的海上载运散装油类而出现的污染危险，确信有必要对由于船舶逸出或排放油类造成污染而遭受损害的人员给予适当的赔偿，本着通过统一的国际规则和程序以便确定在上述情况下的责任问题并提供适当赔偿的愿望，议定下列条款：

第一条 在本公约中：

１．“船舶”是指装运散装油类货物的任何类型的远洋船舶和海上船艇。

２．“人”是指任何个人或集体或任何公营或私营机构（不论是否法人），包括国家或其任何下属单位。

３．“船舶所有人”是指登记为船舶所有人的人，如果没有这种登记，则是指拥有该船的人。但如船舶为国家所有而由在该国登记为船舶经营人的公司所经营，“船舶所有人”即指这种公司。

４．“船舶登记国”，就登记的船舶而言，是指对船舶进行登记的国家；就未登记的船舶而言，是指其船旗国。

５．“油类”是指任何持久性油类，例如原油、燃料油、重柴油、润滑油以及鲸油，不论是作为货物装运于船上，或作为这类船舶的燃料。

６．“油污损害”是指由于船舶逸出或排放油类（不论这种逸出或排放发生在何处）后，在运油船舶本身以外因污染而产生的灭失损害，并包括预防措施的费用以及由于采取预防措施而造成的进一步灭失或损害。

７．“预防措施”是指事件发生后为防止或减轻污染损害由任何人所采取的任何合理措施。

８．“事件”是指造成污染损害的任何事故，或由于同一原因所引起的一系列事故。

９．“海协”是指政府间海事协商组织。

第二条 本公约仅适用于在缔约国领土和领海上发生的污染损害和为防止或减轻这种损害而采取的预防措施。

第三条

１．除本条第２款和第３款另有规定以外，在事件发生时，或如事件包括一系列事故，在此种事故第一次发生时，船舶所有人应对该事件引起的漏油或排油所造成的污染损害负责。

２．船舶所有人如能证实损害系属于以下情况，即对之不负责任：

（１）由于战争行为、敌对行为、内战或武装暴动，或特殊的、不可避免的和不可抗拒性质的自然现象所引起的损害；

（２）完全是由于第三者有意造成损害的行为或怠慢所引起的损害；

（３）完全是由于负责灯塔或其他助航设备的政府或其他主管当局在执行其职责时，疏忽或其他过失行为所造成的损害。

３．如船舶所有人证明，污染损害完全或部分地由于遭受损害人有意造成损害的行为或怠慢而引起，或是由于该人的疏忽所造成，则该船舶所有人即可全部或部分地免除对该人所负的责任。

４．不得要求船舶所有人对本公约没有规定的污染损害作出赔偿。不得要求船舶所有人的工作人员或代理人对本公约规定的或其他的污染损害作出赔偿。

５．本公约的任何条款不得有损于船舶所有人向第三者要求赔偿的权利。

＊ 本公约签字国见“１９６９年海上污染损害国际法律会议最后议定书”第五款注有双星记号的国家。

第四条 如发生两艘或多艘船舶逸出或排放油类，因而造成油污损害时，则全部有关船舶的所有人，除非依第三条免责，都应对按情理分不开的损害合联地和个别地负责任。

第五条

１．船舶所有人有权将他依本公约对任何一个事件的责任限定为按船舶吨位计算赔偿总额每一吨２０００法郎，但这种赔偿总额绝对不得超过２亿１千万法郎。

２．如事故是由于船舶所有人的实际过失或暗中参与所造成，船舶所有人无权利用本条第一款规定的责任限度。

３．为取得本条第一款规定的责任限度的权利，船舶所有人应在按第九条规定提出诉讼的任一缔约国里的法院或其他主管当局设立相当其责任限度总数的基金。建立该项基金可采取照数存入银行的方法或是采取按设立基金的缔约国法律可以接受的、经法院或其他主管机关认可的银行担保或其他担保的方法。

４．该项基金应在索赔人之间依其确定的索赔额比例分配。

５．在分配本金以前，如船舶所有人或其任何工作人员或代理人，或向其提供保险或其他财务保证的任何人员，由于所述事件而支付油污损害赔偿，则上述人员在其支付数额范围内应以代位获得受赔偿的人根据本公约所应享有的权利。

６．本条第５款所规定的代位行使权利也可由该款所提到的人员以外的对油污损害已支付任何赔偿金额的任何人行使，但这种代位行使权利仅以所适用的国内法所许可者为限。

７．如船舶所有人或任何其他人确证，他又能在后被强制支付此种赔偿金额的全部或一部分，并由此可依本条第５款或第６款享有代位行使权利，若是赔偿在基金分配出去以前付出，则基金所在国法院或其他主管当局得命令暂时留出一个足够的数目，使该人以后能向基金索赔。

８．对于船舶所有人主动防止或减轻油污损害因而引起的合理费用或所作的合理牺牲所提出的索赔，就基金来说，应与其他索赔处于等同地位。

９．本条所述法郎指含有纯度为９００‰。的黄金６５．５毫克的法郎。本条第（一）款所述金额，应根据设立基金之日基金所在国的货币与上述货币单位的比值，折合为基金所在国的货币。

１０．在本条中，船舶吨位应为净吨位再加上为计算净吨位对机舱部分从总吨位中所减除的数额。对于不能按照标准的吨位丈量规则测定的船舶，该船舶的吨位应为该船所能装运油类的重量吨（每吨２２４０磅）的４０％。

１１．保险人或提供财务保证的其他人有权按照本条的规定建立基金，其条件和效力与船舶所有人建立的基金相同。即使确有船舶所有人的过失或暗中参与，也可设立这项基金，但在这种情况下，基金的设立不应妨碍任何向船舶所有人索赔的权利。

第六条

１．当船舶所有人在事件发生之后已按第五条规定设立一项基金并有权限制其责任范围时，则：

（１）对上述事件造成的油污损害提出索赔的任何人不得就其索赔对船舶所有人的任何其他财产行使任何权利。

（２）各缔约国的法院或其他主管当局应下令退还由于对该事件造成的油污损害提出索赔而扣留的属于船舶所有人的任何船舶或其他财产，对为避免扣留而提出的保证金或其他保证金或其他保证也同样应予退还。

２．但上述规定只在索赔人能向管理基金的法院提出索赔，并且该基金对他的索赔确能支付的情况下才适用。

第七条

１．在缔约国登记的载运２千吨以上散装货油的船舶的船舶所有人必须进行保险或取得其财务保证，如银行保证或国际赔偿基金出具的证书等，保证数额按第五条第（一）款中规定的责任限度决定，以便按本公约规定承担其对油污损害所应负的责任。

２．应对每一船舶颁发一项证书，证明该船按本公约规定进行的保险或取得的其他财务保证具有实效。此项证书应由船舶登记国的有关当局在断定已符合本条第（一）款的要求之后颁发证明。证书的格式以所附范本为准，并应包括下列各项：

（１）船名和船籍港；

（２）船舶所有人名称和其总营运地点；

（３）保证的类别；

（４）保险人或提供保证的其他人的姓名及其总营业地点，并根据情况，包括所设立的保险或保证的营业地点；

（５）证书的有效期限，该期限不得长于保险或其他保证的有效期限。

３．证书应以颁发国的一种或数种官方文字颁发，如所用文字既非英文又非法文，则应包括译成该２种文字之一的译文。

４．该证书应保留在船上，并应将副本送交保存船舶登记记录的当局存档。

５．一项保险或其他财务保证，如果不是由于本条第２款所述证明书上规定的该保险或保证的有效期限期满的原因，而是在向本条第４款所指的当局送交终止通知书之日起３个月未满即予以终止，应属不符合本条的要求，除非该证书已送交上述有关当局，或在此期间内已签发新的证书。上述规定应同样适用于使保险或保证不再满足本公约的各项要求而作的任何修改。

６．船舶登记国应按本条各项规定决定证书的签发条件和有效期限。

７．一个缔约国当局颁发或签证的证书在本公约范围内其他各缔约国应予以接受，并应认为与它们签发的证书具有同等效力、如一缔约国认为，证书上所列的保险人或保证人在财力上不能承担本公约所规定的各项义务，则可随时要求与船舶登记国进行协商。

８．对油污损害的任何索赔可向承担船舶所有人油污损害责任的保险人或提供财务保证的其他人直接提出。在上述情况下，被告人可不问船舶所有人的实际过失或暗中参与而援用第五条第１款所规定的责任限度。被告人可以进一步提出船舶所有人本人有权援引的答辩（船舶所有人已告破产或关闭者不在此例）。除此以外，被告人可以提出答辩，说明油污损害是由于船舶所有人的有意的不当行为所造成，但不得提出他有权在船舶所有人向他提出的诉讼中所援引的答辩。在任何情况下，被告人有权要求船舶所有人参加诉讼。

９．按照本条第１款规定保险或其他财务保证所提供的任何款项应仅用于根据本公约提出的索赔。

１０．除非根据本条第２款或第１２款已予签发证书，各缔约国不得允许本条适用的悬挂其旗帜的船舶从事营运。

１１．除本条的各项规定外，各缔约国应根据其国内法担保：在本条第１款规定范围内的保险或其他保证，对于进入或驶离其领土上的某一港口、或抵达或驶离其领海范围内的某一海上终点站的任一船舶，不论该船在何处登记，只要该船上确实装有２０００吨以上的散装货油，都是有效的。

１２．如果为缔约国所有的船舶未进行保险或未取得其他财务保证，本条与此有关的各项规定不得适用于该船。但该船应备有一份由船舶登记国有关当局签发的证书，声明该船为该国所有，并且该船在第五条第１款规定的限度内担负责任。上述证书应尽可能严格遵照本条第二款所规定的范本。

第八条 如果不能在损害发生之日起３年内提出诉讼，按本公约要求赔偿的权利即告失效。无论如何不得在引起损害的事件发生之日起６年之后提出诉讼。如该事件包括一系列事故，６年的期限应自第一个事故发生之日起算。

第九条

１．当在一个或若干个缔约国领土（包括领海）内发生了油污损害事件，或在上述领土（包括领海）内采取了防止或减轻油污损害的预防措施的情况下，赔偿诉讼只能向上述的一个或若干个缔约国的法院提出，任何上述诉讼的合理通知均应送交给被告人。

２．每一缔约国都应保证它的法院具有处理上述赔偿诉讼的必要管辖权。

３．在按照第五条规定设立基金之后，基金所在国的法院可以独自决定有关基金分摊和分配的一切事项。

第十条

１．由具有第九条所述管辖权的法院所作的任何判决，如可在原判决国实施而不再需通常复审手续时，除下列情况外，应为各缔约国所承认：

（１）判决是以欺骗取得；

（２）未给被告人以合理的通知和陈述其立场的公正机会。

２．按本条第１款确认的判决，一经履行各缔约国所规定的各项手续之后，应在各该国立即实施，在各项手续中不允许重提该案的是非。

第十一条

１．本公约各项规定不适用于军舰或其他为国家所有或经营的在当时仅用于政府的非商业性服务的船舶。

２．关于为缔约国所有而用于商业目的的船舶，每一国都应接受第九条所规定的管辖权受理的控告，并放弃一切以主权国地位为根据的答辩。

第十二条 本公约应代替正在施行中的或在本公约开放签字之日对签字、批准或加入开放的任何国际公约，但只限于与本公约有抵触者。但是本规定不得影响根据上述国际公约缔约国对非缔约国应负的各项义务。

第十三条

１．本公约将保持开放至１９７０年１２月１３日，以供签字，此后将继续开放以供接受。

２．联合国或任何专门机构或国际原子能机构的成员国，或国际法院规约缔约国，可按下列方式成为本公约缔约国：

（１）签字，并对批准、接受或承认无保留；

（２）签字并对批准、接受或承认作出保留，随后予以批准、接受或承认；

（３）加入。

第十四条

１．批准、接受、承认或加入应当以正式文件送交海协秘书长收存，方为有效。

２．凡在本公约修正案对现有各缔约国生效之后或在修正案生效所需各项措施对现有各缔约国已告完成之后交存的批准、接受、承认或加入的任何文件，应被认为是适用于按修正案已作修改的公约。

第十五条

１．本公约应自有８个国家政府作了对批准、接受或承认没有保留的签字，或已将批准、接受、承认或加入的文件送交海协秘书长收存之后第９０天起生效，该８个国家中的５个国家应各拥有不少于１００万总吨位的油轮。

２．对于以后批准、接受、承认或加入的每一国家，本公约应自该国交存相应文件之后第９０天起生效。

第十六条

１．各缔约国在本公约对各该国生效之后可随时退出本公约。

２．退出本公约应以文件送交海协秘书处收存，方为有效。

３．退出本公约应在海协秘书长收到文件后一年，或文件中载明的较此为长的期限后开始生效。

第十七条

１．联合国如是某一领土的管理当局，或本公约的任何缔约国如对某一领土的国际关系负有责任，应尽早与该领土的相应当局协商或采取其他适当的措施，使本公约扩大适用于上述领土，并可随时书面通知海协秘书长，声明本公约扩大适用于上述领土。

２．本公约自收到通知之日起或通知中指定之日起扩大适用于通知中所述领土。

３．根据本条第１款提出声明的联合国或任何缔约国，自本公约扩大适用于任何领土之日起可以随时书面通知海协秘书长，声明本公约终止扩大适用于通知中所述领土。

４．自海协秘书长收到通知之日起１年后，或在通知中所载明的较此为长的期限后，本公约应终止扩大适用于该通知中所述任何领土。

第十八条

１．修订或修正本公约的会议可由海协召集。

２．在不少于１／３缔约国提出要求时，海协应召开缔约国代表会议，以修订或修正本公约。

第十九条

１．本公约应送交海协秘书长收存。

２．海协秘书长应：

（１）将下列情况通知所有签字或接受本公约的国家：

①每一新的签字或文件的交存，以及交存文件的日期；

②交存退出本公约的任何文件以及交存的日期；

③按照第十七条第１款规定本公约对任何领土的扩大适用和根据该条第４款的规定终止任何上述扩大适用，并注明扩大适用或终止扩大适用本公约每一情况的日期；

（２）将本公约验证无误的副本分送给签字和接受本公约的所有国家。

第二十条 本公约一经生效，海协秘书长应将公约文本送交联合国秘书处，以便根据联合国宪章第一百零二条进行登记与公布。

第二十一条 本公约原本一份，用英文和法文写成，两种文本具有同等效力。应制成俄文和西班牙文的正式译本并与签字的原本一并存档。

为此，下面签字的各国政府正式授权的代表（略），特签订本公约，以昭信守。

１９６９年１１月２９日订于布鲁塞尔。

附录 关于油污损害民事责任保险或其他财务保证证书

根据１９６９年国际油污损害民事责任公约第七条各项规定发给。

－－－－－－－－－－－－－－－－－－－－－－－－－－－－－－－－－－－－－－

｜ 船 名 ｜ 船舶编号或呼号 ｜ 船 籍 港 ｜ 船舶所有人名称及地址｜

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兹证明，上述船舶按照１９６９年国际油污损害民事责任公约第七条的要求取得的保险单或

其他财务保证是有效的。

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保险人及／或保证人姓名和地址

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本证书有效期至 由 （颁发国全名） 政府签发或证明

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（颁发或证明人员的签字和头衔）

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注解：

１．如果愿意，颁发国名称中可以包括颁发证书国家的主管机关名称。

２．如保证总额由２个以上来源所提供，每一来源的数额应予说明。

３．如果以若干方式提供保证，应将各种方式一一列举。

４．填写“保证的期限”时必须注明该保证生效日期。

INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTIONDAMAGE, 1969

THE STATES PARTIES TO THE PRESENT CONVENTION,

CONSCIOUS of the dangers of pollution posed by the worldwide maritime

carriage of oil in bulk,

CONVINCED of the need to ensure that adequate compensation is

available to persons who suffer damage caused by pollution resulting from

the escape of discharge of oil from ships,

DESIRING to adopt uniform international rules and procedures for

determining questions of liability and providing adequate compensation in

such cases,

HAVE AGREED as follows:

Article I

For the purposes of this Convention:

1. "Ship" means any sea-going vessel and any seaborne craft of any

type whatsoever, actually carrying oil in bulk as cargo.

2. "Person" means any individual or partnership or any public or

private body, whether corporate or not, including a State or any of its

constituent subdivisions.

3. "Owner" means the person or persons registered as the owner of the

ship or, in the absence of registration, the person or persons owning the

ship. However, in the case of a ship owned by a State and operated by a

company which in that States is registered as the ship's operator, "owner"

shall mean such company.

4. "State of the ship's registry" means in relation to registered

ships the State of registration of the ship, and in relation to

unregistered ships the State whose flag the ship is flying.

5. "Oil" means any persistent oil such as crude oil, fuel oil, heavy

diesel oil, lubricating oil and whale oil, whether carried on board a ship

as cargo or in the bunkers of such a ship.

6. "Pollution damage" means loss or damage caused outside the ship

carrying oil by contamination resulting from the escape or discharge of

oil from the ship, wherever such escape or discharge may occur, and

includes the costs of preventive measures and further loss or damages

caused by preventive measures.

7. "Preventive measures" means any reasonable measures taken by any

person after an incident has occurred to prevent or minimize pollution

damage.

8. "Incident" means any occurrence, or series of occurrences having

the same origin, which causes pollution damage.

9. "Organization" means the Inter-Governmental Maritime Consultative

Organization.

Article II

This Convention shall apply exclusively to pollution damage caused on

the territory including the territorial sea of a Contracting State and to

preventive measures taken to prevent or minimize such damage.

Article III

1. Except as provided in paragraphs 2 and 3 of this Article, the owner

of a ship at the time of an incident, or where the incident consists of a

series of occurrences at the time of the first such occurrence, shall be

liable for any pollution damage caused by oil which has escaped or been

discharged from the ship as a result of the incident.

2. No liability for pollution damage shall attach to the owner if he

proves that the damage:

(a) resulted from an act of war, hostilities, civil war,

insurrection or a natural phenomenon of an exceptional, inevitable and

irresistible character, or

(b) was wholly caused by an act or omission done with intent to

cause damage by a third party, or

(c) was wholly caused by the negligence or other wrongful act of

any Government or other authority responsible for the maintenance of

lights or other navigational aids in the exercise of that function.

3. If the owner proves that the pollution damage resulted wholly or

partially either from an act or omission done with intent to cause damage

by the person who suffered the damage or from the negligence of that

person, the owner may be exonerated wholly or partially from his liability

to such person.

4. No claim for compensation for pollution damage shall be made

against the owner otherwise than in accordance with this Convention. No

claim for pollution damage under this Convention or otherwise may be made

against the servants or agents of the owner.

5. Nothing in this Convention shall prejudice any right of recourse of

the owner against third parties.

Article IV

When oil has escaped or has been discharged from two or more ships,

and pollution damage results therefrom, the owners of all the ships

concerned, unless exonerated under Article III, shall be jointly and

severally liable for all such damage which is not reasonably separable.

Article V

1. The owner of a ship shall be entitled to limit his liability under

this Convention in respect of any one incident to an aggregate amount of

2,000 francs for each ton of the ship's tonnage. However, this aggregate

amount shall not in any event exceed 210 million francs.

2. If the incident occurred as a result of the actual fault or privity

of the owner, he shall not be entitled to avail himself of the limitation

provided in paragraph 1 of this Article.

3. For the purpose of availing himself of the benefit of limitation

provided for in paragraph 1 of this Article the owner shall constitute a

fund for the total sum representing the limit of his liability with the

Court or other competent authority of any one of the Contracting States in

which action is brought under Article IX. The fund can be constituted

either by depositing the sum or by producing a bank guarantee or other

guarantee, acceptable under the legislation of the Contracting State where

the fund is constituted, and considered to be adequate by the Court or

another competent authority.

4. The fund shall be distributed among the claimants in proportion to

the amounts of their established claims.

5. If before the fund is distributed the owner or any of his servants

or agents or any person providing him insurance or other financial

security has as a result of the incident in question, paid compensation

for pollution damage, such person shall, up to the amount he has paid,

acquire by subrogation the rights which the person so compensated would

have enjoyed under this Convention.

6. The right of subrogation provided for in paragraph 5 of this

Article may also be exercised by a person other than those mentioned

therein in respect of any amount of compensation for pollution damage

which he may have paid but only to the extent that such subrogation is

permitted under the applicable national law.

7. Where the owner or any other person establishes that he may be

compelled to pay at a later date in whole or in part any such amount of

compensation, with regard to which such person would have enjoyed a right

of subrogation under paragraphs 5 or 6 of this Article, had the

compensation been paid before the fund was distributed, the Court or other

competent authority of the State where the fund has been constituted may

order that a sufficient sum shall be provisionally set aside to enable

such person at such later date to enforce his claim against the fund.

8. Claims in respect of expenses reasonably incurred or sacrifices

reasonably made by the owner voluntarily to prevent or minimize pollution

damage shall rank equally with other claims against the fund.

9. The franc mentioned in this Article shall be a unit consisting of

sixty-five and a half milligrams of gold of millesimal fineness nine

hundred. The amount mentioned in paragraph 1 of this Article shall be

converted into the national currency of the State in which the fund is

being constituted on the basis of the official value of that currency by

reference to the unit defined above on the date of the fund.

10. For the purpose of this Article the ship's tonnage shall be the

net tonnage of the ship with the addition of the amount deducted from the

gross tonnage on account of engine room space for the purpose of

ascertaining the net tonnage. In the case of a ship which cannot be

measured in accordance with the normal rules of tonnage measurement, the

ship's tonnage shall be deemed to be 40 per cent of the weight in tons (of

2,240 lbs.) of oil which the ship is capable of carrying.

11. The insurer or other person providing financial security shall be

entitled to constitute a fund in accordance with this Article on the same

conditions and having the same effect as if it were constituted by the

owner. Such a fund may be constituted even in the event of the actual

fault or privity of the owner but its constitution shall in that case not

prejudice the rights of any claimant against the owner.

Article VI

1. Where the owner, after an incident, has constituted a fund in

accordance with Article V, and is entitled to limit his liability,

(a) no person having a claim for pollution damage arising out of

that incident shall be entitled to exercise any right against any other

assets of the owner in respect of such claim;

(b) the Court or other competent authority of any Contracting

State shall order the release of any ship or other property belonging to

the owner which has been arrested in respect of a claim for pollution

damage arising out of that incident, and shall similarly release any bail

or other security furnished to avoid such arrest.

2. The foregoing shall, however, only apply if the claimant has access

to the Court administering the fund and the fund is actually available in

respect of his claim.

Article VII

1. The owner of a ship registered in a Contracting State and carrying

more than 2,000 tons of oil in bulk as cargo shall be required to maintain

insurance or other financial security, such as the guarantee of a bank or

a certificate delivered by an international compensation fund, in the sums

fixed by applying the limits of liability prescribed in Article V,

paragraph 1 to cover his liability for pollution damage under this

Convention.

2. A certificate attesting that insurance or other financial security

is in force in accordance with the provisions of this Convention shall be

issued to each ship. It shall be issued or certified by the appropriate

authority of the State of the ship's registry after determining that the

requirements of paragraph 1 of this Article have been complied with. This

certificate shall be in the form of the annexed model and shall contain

the following particulars:

(a) name of ship and port of registration;

(b) name and principal place of business of owner;

(c) type of security;

(d) name and principal place of business of insurer or other

person giving security and, where appropriate, place of business where

the insurance or security is established;

(e) period of validity of certificate which shall not be longer than

the period of validity of the insurance or other security.

3. The certificate shall be in the official language or languages of

the issuing State. If the language used is neither English nor French the

text shall include a translation into one of these languages.

4. The certificate shall be carried on board the ship and a copy shall

be deposited with the authorities who keep the record of the ship's

registry.

5. An insurance or other financial security shall not satisfy the

requirements of this Article if it can cease, for reasons other than the

expiry of the period of validity of the insurance or security specified in

the certificate under paragraph 2 of this Article, before three months

have elapsed from the date on which notice of its termination is given to

the authorities referred to in paragraph 4 of this Article, unless the

certificate has been surrendered to these authorities or a new certificate

has been issued within the said period. The foregoing provisions shall

similarly apply to any modification which results in the insurance or

security no longer satisfying the requirements of this Article.

6. The State of registry shall, subject to the provisions of this

Article, determine the conditions of issue and validity of the

certificate.

7. Certificates issued or certified under the authority of a

Contracting State shall be accepted by other Contracting States for the

purposes of this Convention and shall be regarded by other Contracting

States as having the same force as certificates issued or certified by

them. A Contracting State may at any time request consultation with the

State of a ship's registry should it believe that the insurer or guarantor

named in the certificate is not financially capable of meeting the

obligations imposed by this Convention.

8. Any claim for compensation for pollution damage may be brought

directly against the insurer or other person providing financial security

for the owner's liability for pollution damage. In such case the defendant

may, irrespective of the actual fault or privity of the owner, avail

himself of the limits of liability prescribed in Article V, paragraph 1.

He may further avail himself of the defences (other than the bankruptcy or

winding-up of the owner) which the owner himself would have been entitled

to invoke. Furthermore, the defendant may avail himself of the defence

that the pollution damage resulted from the wilful misconduct of the owner

himself, but the defendant shall not avail himself of any other defence

which he might have been entitled to invoke in proceedings brought by the

owner against him. The defendant shall in any event have the right to

require the owner to be joined in the proceedings.

9. Any sums provided by insurance or by other financial security

maintained in accordance with paragraph 1 of this Article shall be

available exclusively for the satisfaction of claims under this

Convention.

10. A Contracting State shall not permit a ship under its flag to

which this Article applies to trade unless a certificate has been issued

under paragraph 2 or 12 of this Article.

11. Subject to the provisions of this Article, each Contracting State

shall ensure, under its national legislation, that insurance or other

security to the extent specified in paragraph 1 of this Article is in

force in respect of any ship, wherever registered, entering or leaving a

port in its territory, or arriving at or leaving an off-shore terminal in

its territorial sea, if the ship actually carries more than 2,000 tons of

oil in bulk as cargo.

12. If insurance or other financial security is not maintained in

respect of a ship owned by a Contracting State, the provisions of this

Article relating thereto shall not be applicable to such ship, but the

ship shall carry a certificate issued by the appropriate authorities of

the State of the ship's registry stating that the ship is owned by that

State and that the ship's liability is covered within the limits

prescribed by Article V, paragraph 1. Such a certificate shall follow as

closely as practicable the model prescribed by paragraph 2 of this

Article.

Article VIII

Rights of compensation under this Convention shall be extinguished

unless an action is brought thereunder within three years from the date

when the damage occurred. However, in no case shall an action be brought

after six years from the date of the incident which caused the damage.

Where this incident consists of a series of occurrences, the six years'

period shall run from the date of the first such occurrence.

Article IX

1. Where an incident has caused pollution damage in the territory

including the territorial sea of one or more Contracting States, or

preventive measures have been taken to prevent or minimize pollution

damage in such territory including the territorial sea, actions for

compensation may only be brought in the Courts of any such Contracting

State or States. Reasonable notice of any such action shall be given to

the defendant.

2. Each Contracting State shall ensure that its Courts possess the

necessary jurisdiction to entertain such actions for compensation.

3. After the fund has been constituted in accordance with Article V

the Courts of the State in which the fund is constituted shall be

exclusively competent to determine all matters relating to the

apportionment and distribution of the fund.

Article X

1. Any judgment given by a Court with jurisdiction in accordance with

Article IX which is enforceable in the State of origin where it is no

longer subject to ordinary forms of review, shall be recognized in any

Contracting State, except:

(a) where the judgment was obtained by fraud; or

(b) where the defendant was not given reasonable notice and a fair

opportunity to present his case.

2. A judgment recognized under paragraph 1 of this Article shall be

enforceable in each Contracting State as soon as the formalities required

in that State have been complied with. The formalities shall not permit

the merits of the case to be re-opened.

Article XI

1. The provisions of this Convention shall not apply to warships or

other ships owned or operated by a State and used, for the time being,

only on Government non-commercial service.

2. With respect to ships owned by a Contracting State and used for

commercial purposes, each State shall be subject to suit in the

jurisdictions set forth in Article IX and shall waive all defences based

on its status as a sovereign State.

Article XII

This Convention shall supersede any International Conventions in force

or open for signature, ratification or accession at the date on which the

Convention is opened for signature, but only to the extent that such

Conventions would be in conflict with it; however, nothing in this Article

shall affect the obligations of Contracting States to non-Contracting

States arising under such International Conventions.

Article XIII

1. The present Convention shall remain open for signature until

December 31, 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized

Agencies or of the International Atomic Energy Agency or Parties to the

Statute of the International Court of Justice may become Parties to this

Convention by:

(a) signature without reservation as to ratification, acceptance

or approval;

(b) signature subject to ratification, acceptance or approval

followed by ratification, acceptance or approval; or

(c) accession.

Article XIV

1. Ratification, acceptance, approval or accession shall be effected

by the deposit of a formal instrument to that effect with the

Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession

deposited after the entry into force of an amendment to the present

Convention with respect to all existing Contracting States, or after the

completion of all measures required for the entry into force of the

amendment with respect to those Contracting States shall be deemed to

apply to the Convention as modified by the amendment.

Article XV

1. The present Convention shall enter into force on the ninetieth day

following the date on which Governments of eight States including five

States each with not less than 1,000,000 gross tons of tanker tonnage have

either signed it without reservation as to ratification, acceptance or

approval or have deposited instruments of ratification, acceptance,

approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or

accedes to it the present Convention shall come into force on the

ninetieth day after deposit by such State of the appropriate instrument.

Article XVI

1. The present Convention may be denounced by any Contracting State at

any time after the date on which the Convention comes into force for that

State.

2. Denunciation shall be effected by the deposit of an instrument with

the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as

may be specified in the instrument of denunciation, after its deposit with

the Secretary-General of the Organization.

Article XVII

1. The United Nations, where it is the administering authority for a

territory, or any Contracting State responsible for the international

relations of a territory, shall as soon as possible consult with the

appropriate authorities of such territory or take such other measures as

may be appropriate, in order to extend the present Convention to that

territory and may at any time by notification in writing to the

Secretary-General of the Organization declare that the present Convention

shall extend to such territory.

2. The present Convention shall, from the date of receipt of the

notification or from such other date as may be specified in the

notification, extend to the territory named therein.

3. The United Nations, or any Contracting State which has made a

declaration under paragraph 1 of this Article may at any time after the

date on which the Convention has been so extended to any territory declare

by notification in writing to the Secretary-General of the Organization

that the present Convention shall cease to extend to any such territory

named in the notification.

4. The present Convention shall cease to extend to any territory

mentioned in such notification one year, or such longer period as may be

specified therein, after the date of receipt of the notification by the

Secretary-General of the Organization.

Article XVIII

1. A Conference for the purpose of revising or amending the present

Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the Contracting

States for revising or amending the present Convention at the request of

not less than one-third of the Contracting States.

Article XIX

1. The present Convention shall be deposited with the

Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed or acceded to the

Convention of

(i) each new signature or deposit of instrument together with

the date thereof;

(ii) the deposit of any instrument of denunciation of this

Convention together with the date of the deposit;

(iii) the extension of the present Convention to any territory

under paragraph 1 of Article XVII and of the termination of any such

extension under the provisions of paragraph 4 of that Article stating in

each case the date on which the present Convention has been or will cease

to be so extended;

(b) transmit certified true copies of the present Convention to

all Signatory States which accede to the present Convention.

Article XX

As soon as the present Convention comes into force, the text shall be

transmitted by the Secretary-General of the Organization to the

Secretariat of the United Nations for registration and publication in

accordance with Article 102 of the Charter of the United Nations.

Article XXI

The present Convention is established in a single copy in the English

and French languages, both texts being equally authentic. Official

translations in the Russian and Spanish languages shall be prepared and

deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their

respective Governments for that purpose have signed the present

Convention.

DONE AT BRUSSELS this twenty-ninth day of November, 1969.

ANNEX CERTIFICATE OF INSURANCE OF OTHER FINANCIAL SECURITY IN RE-SPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Issued in accordance with the provisions of Article VII of the

International Convention on Civil Liability for Oil Pollution Damage,

1969.

|-----------------------------------------------------------------

| |Distinctive Number | Port of | Name and Address |

| Name of Ship | | | |

| | of Letters | Registry | of Owner |

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This is to certify that there is in force in respect of the

above-named ship a policy of insurance or other financial security

satisfying the requirements of Article VII of the International Convention

on Civil Liability for Oil Pollution Damage, 1969.

Type of Security\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Duration of Security\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Name and Address of the Insurer(s) and/or Guarantor(s)

Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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This certificate is valid until\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Issued or certified by the Government of\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Full designation of the State)

At\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_On\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Place) (Date)

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Signature and Title of issuing or certifying

officials

Explanatory Notes:

1. If desired, the designation of the State may include a reference to

the competent public authority of the country where the certificate is

issued.

2. If the total amount of security has been furnished by more than one

source, the amount of each of them should be indicated.

3. If security is furnished in several forms, these should be

enumerated.

4. The entry "Duration of the Security" must stipulate the date on

which such security takes effect.

RESOLUTION ON ESTABLISHMENT OF AN INTERNATIONAL COMPENSATION FUNDFOR OIL POLLUTION DAMAGE

The International Legal Conference on Marine Pollution Damage, 1969,

Noting that the International Convention on Civil Liability for Oil

Pollution Damage 1969, although it lays down the principle of strict

liability and provides for a system of compulsory insurance or other

financial guarantee for ships carrying oil in bulk as cargo, does not

afford full protection for victims in all cases.

Recognizing the view having emerged during the Conference that some

form of supplementary scheme in the nature of an international fund is

necessary to ensure that adequate compensation will be available for

victims of large scale oil pollution incidents.

Taking account of the report submitted by the working party set up by

the Committee of the Whole II to study the problems relating to the

constitution of an international compensation fund.

Realising, however, that the time available for the Conference has not

made it possible to give full consideration to all aspects of such a

compensation scheme,

Requests the Inter-Governmental Maritime Consultative Organization to

elaborate as soon as possible, through its Legal Committee and other

appropriate legal bodies, a draft for a compensation scheme based upon the

existence of an International Fund.

Considers that such a compensation scheme should be elaborated taking

into account as a foundation the following principles:

1. Victims should be fully and adequately compensated under a system

based upon the principle of strict liability.

2. The fund should in principle relieve the shipowner of the

additional financial burden imposed by the present Convention.

Requests IMCO to convene, not later than the year 1971, an

International Legal Conference for the consideration and adoption of such

a compensation scheme.

RESOLUTION ON REPORT OF THE WORKING GROUP ON THE "FUND"

The Conference,

Having taken note of the report of the Working Group on the "Fund",

LEG/CONF/ C.2/WP.45,

Requests the Inter-Governmental Maritime Consultative Organization to

consider this report in connection with further work with regard to the

"Fund".