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ASSEMBLY
24th session
Agenda item 10

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Resolution A.988(24)

**Adopted on 1 December 2005
(Agenda item 10)**

**PROTOCOL OF 2002 TO THE ATHENS CONVENTION: RESERVATION
CONCERNING THE ISSUE AND ACCEPTANCE OF INSURANCE CERTIFICATES
WITH SPECIAL EXCEPTIONS AND LIMITATIONS**

THE ASSEMBLY,

RECALLING the adoption of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (hereinafter referred to as “the Athens Protocol”),

BEING AWARE that the Athens Protocol is intended to provide a viable and effective compensation system,

CONSCIOUS of the need to ensure the early entry into force of the Athens Protocol,

ACKNOWLEDGING that the Athens Protocol contains provisions which exclude liability resulting from an act of war and other specified events or any incident wholly caused by an intentional act or omission by a third party, but that not all acts of terrorism are excluded by those provisions,

RECOGNIZING that insurance cover for liabilities in relation to death and personal injury arising from terrorism or other special risks is currently either limited or unavailable,

RECOGNIZING ALSO that the continuing threat of terrorism has had a negative impact on the insurance market,

NOTING that, as a consequence, carriers, as defined in the Athens Protocol, may be unable to obtain the Certificate of Financial Security currently required by the Athens Protocol,

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1. RECOMMENDS that States ratify the Athens Protocol as soon as possible with the reservation that they reserve the right to issue and accept insurance certificates with such special exceptions and limitations as the insurance market conditions at the time of issue of the certificate may necessitate, examples being the biochemical clause and terrorism-related clauses;
 2. ACCEPTS that these arrangements will be applied in a uniform manner in accordance with guidance developed by the Legal Committee of the Organization as a matter of urgency;
 3. REQUESTS the Legal Committee to keep this resolution under review and report to the Assembly as appropriate.
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