

INTER-GOVERNMENTAL MARITIME
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PARTICIPATION IN OFFICIAL INQUIRIES INTO MARITIME CASUALTIES

RESOLUTION A.173(ES.IV)
adopted on 28 November 1968

THE ASSEMBLY,

NOTING that there is variation in the practices of Member States with regard to official inquiries into maritime casualties, and other proceedings directly consequent upon such inquiries,

WITH A VIEW TO ensuring that States seriously affected by or having a substantial interest in maritime casualties, particularly where oil pollution to their coasts has resulted, shall have an opportunity of being represented at inquiries into, or other such proceedings relating to, such casualties, and

DESIRING TO encourage international unification of practice in relation to such inquiries and proceedings,

RECOMMENDS to governments that if a State other than the State of the flag is known to have been seriously affected by or to have a substantial interest in a maritime casualty occurring to a ship of the flag State (particularly where the coast of that other State has been polluted by oil as a result of the casualty):

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- (1) (a) the State of the flag should, unless an inquiry is held by that State as a matter of course, consult with that other State as to the holding of an inquiry into the casualty by one or other of the States, complying with the provisions of sub-paragraph (2);
(b) if such an inquiry is held as a matter of course by the flag State, the other State should be informed of its time and place;
- (2) such an inquiry should be so conducted that, subject to the national rules relating to the special conditions under which inquiries are held in camera,
 - (a) the public is permitted to attend; and
 - (b) arrangements are made which would, subject to the discretion of the authority holding the inquiry, allow a representative of the other State concerned to attend and participate in the inquiry at least to the extent of:
 - (i) questioning witnesses or causing questions to be put through the authority concerned; and
 - (ii) viewing all relevant documents;
- (3) if an inquiry is held by a State seriously affected or having a substantial interest, a representative of the State of the flag should be given similar facilities.

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If one or other of the conditions of sub-paragraph (2) above cannot be complied with at the inquiry itself, this recommendation shall be treated as being complied with if the condition not previously satisfied is satisfied in proceedings directly consequent upon the inquiry. Nothing in this recommendation shall affect or apply to the holding of any preliminary or informal inquiry or any other proceedings.

A State shall not be treated for the purposes of the recommendation as being affected by or having a substantial interest in a maritime casualty by reason only that it is the flag State of one of two ships in collision, nor should the fact that one or more of its nationals has a commercial interest in the ship or its cargo in itself confer such an interest.
