

## ANNEX 5

### **RESOLUTION MSC.155(78) (adopted on 20 May 2004)**

#### **ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979, AS AMENDED**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING FURTHER article III(2)(c) of the International Convention on Maritime Search and Rescue (SAR), 1979 (hereinafter referred to as "the Convention"), concerning the procedures for amending the Annex to the Convention, other than the provisions of paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 thereof,

NOTING resolution A.920(22) entitled "Review of safety measures and procedures for the treatment of persons rescued at sea",

RECALLING ALSO the provisions of the Convention relating to the provision of assistance to any person in distress at sea regardless of the nationality or status of such person or the circumstances in which that person is found,

NOTING ALSO article 98 of the United Nations Convention on the Law of the Sea, 1982 regarding the duty to render assistance,

NOTING FURTHER the initiative taken by the Secretary-General to involve competent United Nations specialized agencies and programmes in the consideration of the issues addressed in this resolution, for the purpose of agreeing on a common approach which will resolve them in an efficient and consistent manner,

REALIZING the need for clarification of existing procedures to guarantee that persons rescued at sea will be provided a place of safety regardless of their nationality, status or the circumstances in which they are found,

REALIZING FURTHER that the intent of paragraph 3.1.9 of the Annex to the Convention, as amended by this resolution, is to ensure that in every case a place of safety is provided within a reasonable time. It is further intended that the responsibility to provide a place of safety, or to ensure that a place of safety is provided, falls on the Party responsible for the SAR region in which the survivors were recovered,

HAVING CONSIDERED, at its seventy-eighth session, amendments to the Convention proposed and circulated in accordance with article III(2)(a) thereof,

1. ADOPTS, in accordance with article III(2)(c) of the Convention, amendments to the Convention, the text of which is set out in the Annex to the present resolution;

2. DETERMINES, in accordance with article III(2)(f) of the Convention, that the amendments shall be deemed to have been accepted on 1 January 2006, unless, prior to that date, more than one third of the Parties, have notified their objections to the amendments;
3. INVITES Parties to the Convention to note that, in accordance with article III(2)(h) of the Convention, the amendments shall enter into force on 1 July 2006 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article III(2)(d) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the Annex to all Parties to the Convention;
5. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its Annex to Members of the Organization, which are not Parties to the Convention;
6. REQUESTS ALSO the Secretary-General to take appropriate action in further pursuing his inter-agency initiative informing the Maritime Safety Committee of developments, in particular, with respect to procedures to assist in the provision of places of safety for persons in distress at sea, for action as the Committee may deem appropriate.

## ANNEX

# AMENDMENTS TO THE INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979, AS AMENDED

## CHAPTER 2 ORGANIZATION AND CO-ORDINATION

### 2.1 Arrangements for provision and co-ordination of search and rescue services

1 The following sentence is added at the end of the existing paragraph 2.1.1:

“The notion of a person in distress at sea also includes persons in need of assistance who have found refuge on a coast in a remote location within an ocean area inaccessible to any rescue facility other than as provided for in the annex.”

## CHAPTER 3 CO-OPERATION BETWEEN STATES

### 3.1 Co-operation between States

2 In paragraph 3.1.6, the word “and” is deleted in subparagraph .2, a full stop is replaced by “; and” in subparagraph .3 and the following new subparagraph .4 is added after the existing subparagraph .3:

“4 to make the necessary arrangements in co-operation with other RCCs to identify the most appropriate place(s) for disembarking persons found in distress at sea.”

3 The following new paragraph 3.1.9 is added after the existing paragraph 3.1.8:

“3.1.9 Parties shall co-ordinate and co-operate to ensure that masters of ships providing assistance by embarking persons in distress at sea are released from their obligations with minimum further deviation from the ships’ intended voyage, provided that releasing the master of the ship from these obligations does not further endanger the safety of life at sea. The Party responsible for the search and rescue region in which such assistance is rendered shall exercise primary responsibility for ensuring such co-ordination and co-operation occurs, so that survivors assisted are disembarked from the assisting ship and delivered to a place of safety, taking into account the particular circumstances of the case and guidelines developed by the Organization. In these cases, the relevant Parties shall arrange for such disembarkation to be effected as soon as reasonably practicable.”

## **CHAPTER 4 OPERATING PROCEDURES**

### **4.8 Termination and suspension of search and rescue operations**

4 The following new paragraph 4.8.5 is added after the existing paragraph 4.8.4:

“4.8.5 The rescue co-ordination centre or rescue sub-centre concerned shall initiate the process of identifying the most appropriate place(s) for disembarking persons found in distress at sea. It shall inform the ship or ships and other relevant parties concerned thereof.”

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