

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2008 Nr. 117**

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A. TITEL

*Internationaal Verdrag inzake opsporing en redding op zee, 1979;  
(met Bijlage)  
Hamburg, 27 april 1979*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1980, 181.

Voor wijzigingen van de Bijlage zie *Trb.* 2006, 41.

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*Resolutie MSC.155(78) van 20 mei 2004*

Bij Resolutie MSC.155(78) heeft de Maritieme Veiligheidscommissie van de Internationale Maritieme Organisatie op 20 mei 2004 in overeenstemming met artikel III, tweede lid, onderdeel c, van het Verdrag wijzigingen aangenomen. De Engelse tekst<sup>1)</sup> van de Resolutie en de wijzigingen luidt als volgt:

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<sup>1)</sup> De Chinese, de Franse, de Russische en de Spaanse tekst zijn niet afgedrukt. Het voor eensluidend gewaarmerkt afschrift is nog niet ontvangen. In de tekst kunnen derhalve onjuistheden voorkomen, die in een volgend Tractatenblad zullen worden gecorrigeerd.

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

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### **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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C. VERTALING

Zie *Trb.* 1980, 181 en *Trb.* 2006, 41.

D. PARLEMENT

Zie *Trb.* 1984, 109 en *Trb.* 2006, 41.

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*Resolutie MSC.155(78) van 20 mei 2004*

De wijzigingen behoeften in overeenstemming met artikel 7, onderdeel f, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

E. PARTIJGEGEVENS

Zie *Trb.* 2006, 41.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië		19-06-03	T	19-07-03		
Algerije		05-01-83	T	22-06-85		
Angola		04-10-01	T	03-11-01		
Argentinië		18-05-81	T	22-06-85		
Australië		07-11-83	T	22-06-85		
Barbados		25-07-83	T	22-06-85		
België		28-02-85	T	22-06-85		
Belize <sup>1)</sup>						
Brazilië		22-09-82	T	22-06-85		
Bulgarije		08-07-99	T	07-08-99		
Canada		18-06-82	T	22-06-85		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Chili	31-10-80	07-10-81	R	22-06-85		
China	11-09-80	24-06-85	R	24-07-85		
Colombia		10-07-01	T	09-08-01		
Congo, Demo- cratische Repu- bliek		07-08-02	T	06-09-02		
Cuba		16-07-98	T	15-08-98		
Cyprus		29-07-94	T	28-08-94		
Denemarken	10-10-80	21-06-84	R	22-06-85		
Dominica		31-08-01	T	30-09-01		
Duitsland	06-11-79	21-01-82	R	22-06-85		
Ecuador		17-05-88	T	16-06-88		
Estland		30-04-01	T	30-05-01		
Finland		06-11-86	T	06-12-86		
Frankrijk		09-04-80	O	22-06-85		
Gambia		01-11-91	T	01-12-91		
Georgië		25-08-95	T	24-09-95		
Griekenland	20-08-80	04-09-89	R	04-10-89		
Hongarije		27-01-00	T	26-02-00		
Ierland		01-11-93	T	01-12-93		
IJsland		21-03-95	T	20-04-95		
India		17-04-01	T	17-05-01		
Iran		26-09-95	T	26-10-95		
Italië		02-06-89	T	02-07-89		
Ivoorkust		05-10-87	T	04-11-87		
Jamaica		10-06-88	T	10-07-88		
Japan		10-06-85	T	22-06-85		
Jordanië		02-06-06	T	02-07-06		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Kaapverdië		04-07-03	T	03-08-03		
Kameroen		09-01-87	T	08-02-87		
Kenia		15-12-92	T	14-01-93		
Kiribati		05-02-07	T	07-03-07		
Kroatië		12-01-98	T	11-02-98		
Letland		30-11-98	T	30-12-98		
Libië		28-04-05	T	28-05-05		
Litouwen		23-01-01	T	22-02-01		
Luxemburg		14-02-91	T	16-03-91		
Malta		24-09-02	T	24-10-02		
Marokko		10-05-99	T	09-06-99		
Mauritius		04-05-99	T	03-06-99		
Mexico		26-03-86	T	25-04-86		
Monaco		19-11-91	T	19-12-91		
Montenegro		03-06-06	VG	03-06-06		
Mozambique		23-12-96	T	22-01-97		
Namibië		12-03-04	T	11-04-04		
<b>Nederlanden, het Koninkrijk der</b> – Nederland – Ned. Antillen – Aruba	27-10-80	08-07-82 – –	R	22-06-85 – –		
Nieuw-Zeeland		26-04-85	T	22-06-85		
Nigeria		24-05-02	T	23-06-02		
Noorwegen	30-10-80	09-12-81	R	22-06-85		
Oekraïne		05-03-93	T	04-04-93		
Oman		17-05-93	T	16-06-93		
Pakistan		11-11-85	T	11-12-85		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Papua-Nieuw Guinea		03-08-92	T	02-09-92		
Peru		04-07-88	T	03-08-88		
Polen	13-10-80	26-02-88	R	27-03-88		
Portugal		30-10-85	T	29-11-85		
Roemenië		19-03-99	T	18-04-99		
Russische Fede- ratie	31-10-80	25-03-88	R	24-04-88		
Samoa		18-05-04	T	17-06-04		
Saudi-Arabië		07-03-06	T	06-04-06		
Senegal		24-03-94	T	23-04-94		
Servië		20-09-05	T	20-10-05		
Singapore		20-01-97	T	19-02-97		
Sint Kitts en Nevis		07-10-04	T	06-11-04		
Sint Lucia		20-05-04	T	19-06-04		
Slovenië		31-05-01	T	30-06-01		
Spanje		11-02-93	T	13-03-93		
Syrië		18-06-03	T	18-07-03		
Tanzania		16-05-06	T	16-06-06		
Tonga		18-09-03	T	18-10-03		
Trinidad en Tobago		04-05-89	T	03-06-89		
Tunesië		31-07-98	T	30-08-98		
Turkije	24-10-80	21-11-85	R	21-12-85		
Uruguay		15-12-87	T	14-01-88		
Vanuatu		14-09-92	T	14-10-92		
Venezuela		08-07-86	T	07-08-86		
Verenigd Koninkrijk, het		22-05-80	O	22-06-85		



Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Verenigde Arabi-sche Emiraten, de		04-10-93	T	03-11-93		
Verenigde Staten van Amerika, de	06-11-79	12-08-80	R	22-06-85		
Vietnam		16-03-07	T	15-04-07		
Zuid-Afrika		25-08-87	T	24-09-87		
Zuid-Korea		04-09-95	T	04-10-95		
Zweden		27-09-82	T	22-06-85		
Zwitserland	14-11-79					

\* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

1) Voorlopige toepassing door Belize vanaf 22 juni 1985.

### Uitbreidingen

#### China

Uitgebreid tot	In werking	Buiten werking
Hong Kong SAR	01-07-1997	
Macau SAR	24-06-2005	

#### Denemarken

Uitgebreid tot	In werking	Buiten werking
Faeröer	22-06-1985	
Groenland	22-06-1985	

**Nieuw-Zeeland**

Uitgebreid tot	In werking	Buiten werking
Cook-eilanden	22-06-1985	
Niue	22-06-1985	

**Verenigd Koninkrijk, het**

Uitgebreid tot	In werking	Buiten werking
Anguilla	22-06-1985	
Bermuda	22-06-1985	
Britse Maagden-eilanden	22-06-1985	
Gibraltar	22-06-1985	
Guernsey	22-06-1985	
Hong Kong (< 01-07-1997)	22-06-1985	01-07-1997
Jersey	22-06-1985	
Man	22-06-1985	

**Verklaringen, voorbehouden en bezwaren**

Australië, 7 november 1983

Australia has a federal constitutional system in which legislative, executive and judicial powers are shared or distributed between the Commonwealth and the constituent States.

The implementation of the Treaty throughout Australia will be effected by the Commonwealth, State and Territory authorities having regard to their respective constitutional powers and arrangements concerning their exercise.

Chili, 14 oktober 1983

The Government of Chile states that the creation of the maritime search and rescue services and the delimitation of the corresponding regions must be carried out strictly in conformity with the standards set forth in paragraph 2.1.4 and 2.1.5 of chapter 2 of the Convention.

The Government of Chile states further that, without prejudice to cooperation with the International Civil Aviation Organization to harmonize aeronautical and maritime search and rescue plans and procedures, as recommended in resolution 1 of the Conference, the Parties to the Convention have full and sovereign liberty to establish within their ter-

ritory and the waters under their jurisdiction such maritime search and rescue regions as they consider best suited to their interests.

China, 24 juni 1985

The delimitation of search and rescue regions, as stipulated in the Annex to the Convention 2.1.7, is not related to and shall not prejudice the delimitation of any boundary between States, either is not related to and shall not prejudice the delimitation of any exclusive economic zone and continental shelf between States.

Colombia, 10 juli 2001

For the purposes of the said instrument, the Republic of Colombia will recognize as regions of search and rescue only those which are established in conformity with the standards established in paragraph 2.1.4 of SAR 79, that is by agreement between the interested Parties. Exceptionally, and for humanitarian reasons only, will the Republic of Colombia provisionally accept the application of other equivalent global means of search and rescue services, strictly subject to the standards established in paragraph 2.1.7 of SAR 79.

Cyprus, 29 juli 1994

As far as the Republic of Cyprus is concerned, the search and rescue region referred to in paragraphs 2.1.4 and 2.1.5 of the Annex to the present Convention, is the sea area which is included in the region of responsibility of the Republic of Cyprus, which has been delimited on the basis of the Convention on International Civil Aviation of 1944, including the Thirteen Protocols attached thereon from 1947 to 1984, and ratified by the subsequent law of the Republic of Cyprus No. 213 of 1988.

Griekenland, 4 september 1989

Region of responsibility: As far as Greece is concerned, the search and rescue region referred to in paragraph 2.1.4 and 2.1.5 of the Annex to the present Convention is the region within which Greece has already assumed the responsibility for search and rescue purposes, established in accordance with the relevant Chicago Convention on International Civil Aviation of 7 December 1944, the regional air navigation plans of the International Civil Aviation Organization (ICAO) and the regulation 15 of Chapter V of the International Convention for Safety of Life at Sea of 17 June 1960 (SOLAS 1960).

Such region, which constitutes the most appropriate arrangement in the sense of paragraph 2.1.5 of the Annex to that Convention, was notified to the International Maritime Organization by document No.44/7.1.1975 of the Greek Ministry of Merchant Marine, and Greece has been continuously carrying out within it search and rescue operations.

Bezwaar door Turkije, 13 november 1989

With reference to the IMO document SAR/Circ.41, regarding the ratification of the International Convention on Maritime Search and Rescue, 1979, by the Government of Greece, I am writing to inform you that the Government of Turkey would like to record its formal objection to the reservation made by the Government of Greece on 4 September 1989 at the time of the ratification of the International Convention on Maritime Search and Rescue, 1979.

Paragraphs 2.1.4 and 2.1.5 of the Annex to the Convention clearly stipulate that regions shall be established by agreement and cannot be established unilaterally.

On the other hand, Search and Rescue regions established in accordance with the Chicago Convention on International Civil Aviation of 7 December 1944, as referred by Greece, pertains exclusively to the SAR services regarding air navigation and as such remains outside the scope of and does not prejudice the Annex to the International Convention on Maritime Search and Rescue 1979.

In view of the above, the Government of Turkey considers that the Greek reservation is incompatible with the object and purpose of the Convention and cannot be construed as a reservation under the international law.

A similar communication dated 30 December 1980 from the Ambassador of Turkey in London was received by the depositary recording "the formal objection" of the Government of Turkey to the same reservation made by the Government of Greece at the time of the signature of the Convention.

Malta, 22 december 2005

... the Ministry wishes to inform that, after careful consideration of the said amendments [of 2004], in accordance with article III(2)(f) of this Convention, the Government of Malta, as a Contracting Party to the said Convention, declares that it is not yet in a position to accept these amendments.

Noorwegen, 23 december 2005

Acting under instructions from the Norwegian Government, the Embassy regrets having to inform the Secretary-General that Norway has not completed the internal procedures necessary for formal acceptance of the said amendments [of 2004] prior to the tacit acceptance deadline of 1 January 2006. The issue is now before the Parliament, and a final decision is expected towards the end of January 2006. The Secretary-General will immediately be informed of the decision of the Parliament.

Noorwegen, 5 juli 2006

Intrekking bezwaar van 23 december 2005.

Russische Federatie, 25 maart 1988

Search and rescue operations in and over the territorial waters (the territorial sea), the inland waters, the land territory of the USSR are performed as a rule by the Soviet rescue units. In exceptional cases entry of the foreign rescue units into and over the Soviet territorial waters (territorial sea), the inland waters and the land territory of the USSR for the purpose of searching and rescuing of the survivors of maritime casualties is performed in accordance with the procedures provided under the laws and regulations of the USSR unless otherwise is provided for by the treaties of the USSR.

Trinidad en Tobago, 4 mei 1989

The Republic of Trinidad and Tobago declares that the delimitation of maritime search and rescue regions pursuant to the provisional Caribbean Maritime Search and Rescue Plan is not related to and does not prejudice in any way the delimitation of maritime boundaries between Trinidad and Tobago and other States.

Verenigd Koninkrijk, het, 22 mei 1980

... that the Convention will not enter into force for Gibraltar until 30 days after the date on which the Government of the United Kingdom notify the Secretary-General of the Inter-Governmental Maritime Consultative Organization that the measures required to implement the provisions of the Convention in Gibraltar have been taken.

#### G. INWERKINGTREDING

Zie *Trb.* 1984, 109 en *Trb.* 2006, 41.

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#### *Resolutie MSC.155(78) van 20 mei 2004*

De wijzigingen zijn in overeenstemming met artikel III, tweede lid, onderdeel h, van het Verdrag op 1 juli 2006 in werking getreden voor alle partijen bij het Verdrag, behalve voor Malta, terwijl de wijzigingen ingevolge hetzelfde artikel voor Noorwegen op 5 juli 2006 in werking zijn getreden.

Wat het Koninkrijk der Nederlanden betreft, gelden de wijzigingen alleen voor Nederland.

J. VERWIJZINGEN

Zie *Trb.* 1980, 181, *Trb.* 1984, 109, *Trb.* 1996, 215 en *Trb.* 2006, 41.

Titel : Verdrag inzake de Internationale Maritieme Organisatie;  
Genève, 6 maart 1948  
Laatste *Trb.* : *Trb.* 2008, 26

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In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat de wijzigingen zullen zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *zevenentwintigste* mei 2008.

*De Minister van Buitenlandse Zaken,*

M. J. M. VERHAGEN