

# **INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979**

*(Hamburg, 27 April 1979)*

## **THE PARTIES TO THE CONVENTION,**

**NOTING** the great importance attached in several conventions to the rendering of assistance to persons in distress at sea and to the establishment by every coastal State of adequate and effective arrangements for coast watching and for search and rescue services,

**HAVING CONSIDERED** Recommendation 40 adopted by the International Conference on Safety of Life at Sea, 1960, which recognizes the desirability of co-ordinating activities regarding safety on and over the sea among a number of inter-governmental organizations,

**DESIRING** to develop and promote these activities by establishing an international maritime search and rescue plan responsible to the needs of maritime traffic for the rescue of persons in distress at sea,

**WISHING** to promote co-operation among search and rescue organizations around the world and among those participating in search and rescue operations at sea.

**HAVE AGREED as follows:**

## **ARTICLE I**

### **GENERAL OBLIGATIONS UNDER THE CONVENTION**

The Parties undertake to adopt all legislative or other appropriate measures necessary to give full effect to the Convention and its Annex, which is an integral part of the Convention. Unless expressly provided otherwise, a reference to the Convention constitutes at the same time a reference to its Annex.

## **ARTICLE II**

### **OTHER TREATIES AND INTERPRETATION**

1. Nothing in the Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750(XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.
2. No provision of the Convention shall be construed as prejudicing obligations or rights of vessels provided for in other international instruments.

## **ARTICLE III**

### **AMENDMENTS**

1. The Convention may be amended by either of the procedures specified in paragraphs 2 and 3 hereinafter.

2. Amendment after consideration within the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as the Organization):
- (a) Any amendment proposed by a Party and transmitted to the Secretary-General of the Organization (hereinafter referred to as the Secretary-General), or any amendment deemed necessary by the Secretary-General as a result of an amendment to a corresponding provision of Annex 12 to the Convention on International Civil Aviation, shall be circulated to all Members of the Organization and all Parties at least six months prior to its consideration by the Maritime Safety Committee of the Organization.
  - (b) Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.
  - (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee on condition that at least one third of the Parties shall be present at the time of adoption of the amendment.
  - (d) Amendments adopted in accordance with sub-paragraph (c) shall be communicated by the Secretary-General to all Parties for acceptance.
  - (e) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall be deemed to have been accepted on the date on which the Secretary-General has received an instrument of acceptance from two thirds of the Parties.
  - (f) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall be deemed to have been accepted at the end of one year from the date on which it is communicated to the Parties for acceptance. However, if within such period of one year more than one third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
  - (g) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall enter into force:
    - (i) with respect to those Parties which have accepted it, six months after the date on which it is deemed to have been accepted;
    - (ii) with respect to those Parties which accept it after the condition mentioned in sub-paragraph (e) has been met and before the amendment enters into force, on the date of entry into force of the amendment;
    - (iii) with respect to those Parties which accept it after the date on which the amendment enters into force, 30 days after the deposit of an instrument of acceptance.
  - (h) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall enter into force with respect to all Parties, except those which have objected to the amendment under sub-paragraph (f) and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force, any Party may give notice to the Secretary-General that it exempts itself

from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee at the time of the adoption of the amendment.

3. Amendment by a conference:
  - (a) Upon the request of a Party concurred in by at least one third of the Parties, the Organization shall convene a conference of Parties to consider amendments to the Convention. Proposed amendments shall be circulated by the Secretary-General to all Parties at least six months prior to their consideration by the conference.
  - (b) Amendments shall be adopted by such a conference by a two-thirds majority of the Parties present and voting, on condition that at least one third of the Parties shall be present at the time of adoption of the amendment. Amendments so adopted shall be communicated by the Secretary-General to all Parties for acceptance.
  - (c) Unless the conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in sub-paragraphs 2(e), 2(f), 2(g) and 2(h) respectively, provided that reference in sub-paragraph 2(h) to the Maritime Safety Committee expanded in accordance with sub-paragraph 2(b) shall be taken to mean reference to the conference.
4. Any declaration of acceptance of, or objection to, an amendment or any notice given under sub-paragraph 2(h) shall be submitted in writing to the Secretary-General who shall inform all Parties of any such submission and the date of its receipt.
5. The Secretary-General shall inform States of any amendments which enter into force, together with the date on which each such amendment enters into force.

#### **ARTICLE IV**

#### **SIGNATURE, RATIFICATION, ACCEPTANCE APPROVAL AND ACCESSION**

1. The Convention shall remain open for signature at the Headquarters of the Organization from 1 November 1979 until 31 October 1980 and shall thereafter remain open for accession. States may become Parties to the Convention by:
  - (a) signature without reservation as to ratification, acceptance or approval; or
  - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
  - (c) accession.
2. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.
3. The Secretary-General shall inform States of any signature or of the deposit of any instrument of ratification, acceptance, approval or accession and the date of its deposit.

**ARTICLE V**  
**ENTRY INTO FORCE**

1. The Convention shall enter into force 12 months after the date on which 15 States have become Parties to it in accordance with Article IV.
2. Entry into force for States which ratify, accept, approve or accede to the Convention in accordance with Article IV after the condition prescribed in paragraph 1 has been met and before the Convention enters into force, shall be on the date of entry into force of the Convention.
3. Entry into force for States which ratify, accept, approve or accede to the Convention after the date on which the Convention enters into force shall be 30 days after the date of deposit of an instrument in accordance with Article IV.
4. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to the Convention in accordance with Article III shall apply to Convention, as amended, and the Convention, as amended, shall enter into force for a State depositing such an instrument 30 days after the date of its deposit.
5. The Secretary-General shall inform States of the date of entry into force of the Convention.

**ARTICLE VI**  
**DENUNCIATION**

1. The Convention may be denounced by any Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party.
2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General who shall notify States of any instrument of denunciation received and of the date of its receipt as well as the date on which such denunciation takes effect.
3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Secretary-General.

**ARTICLE VII**  
**DEPOSIT AND REGISTRATION**

1. The Convention shall be deposited with the Secretary-General who shall transmit certified true copies thereof to States.
2. As soon as the Convention enters into force, the Secretary-General shall transmit the text thereof to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

**ARTICLE VIII  
LANGUAGES**

The Convention is established in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German and Italian languages shall be prepared and deposited with the signed original.

**DONE AT HAMBURG** this twenty-seventh day of April one thousand nine hundred and seventy-nine.

**IN WITNESS WHEREOF** the undersigned, being duly authorized by their respective Governments for the purpose, have signed the Convention.

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