

**AMENDMENTS TO THE ANNEX TO THE INTERNATIONAL  
CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974,  
INCLUDING CONSIDERATION AND ADOPTION OF THE  
INTERNATIONAL SHIP AND PORT FACILITY SECURITY (ISPS)  
CODE**

**(London, 12 December 2002)**

**Documents tabled on 14 May 2003:**

**National Interest Analysis**

**Text of the proposed treaty action**

**Regulation Impact Statement**

***Annexure for multilateral treaties:***

**Consultations**

**Current status list**

# NATIONAL INTEREST ANALYSIS: CATEGORY B TREATY

## SUMMARY PAGE

### **Amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, including consideration and adoption of the International Ship and Port Facility Security (ISPS) Code (London, 12 December 2002)**

#### **Date of Tabling of Proposed Treaty Action**

1. 14 May 2003.

#### **Nature and Timing of Proposed Treaty Action**

2. The proposed binding treaty action is the acceptance by Australia of the amendments to the Safety of Life at Sea (SOLAS) Convention, 1974. The amendments were adopted at the International Maritime Organization (IMO) Diplomatic Conference of Contracting Governments to SOLAS in London on 12 December 2002. Australia became party to the SOLAS Convention on 17 August 1983.
3. Three parts of SOLAS have been amended - Chapter V, Chapter XI-1 and XI-2. The International Ship and Port Facility Security (ISPS) Code is annexed to Chapter XI-2. The text of the amendments can be found in Conference Resolutions 1 and 2 of the IMO Diplomatic Conference of Contracting Governments.
4. In accordance with Article VIII(b)(vi)(2)(bb) of the SOLAS Convention the amendments to SOLAS will be deemed to have been accepted by 1 January 2004, unless prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments. On the basis that the amendments will be accepted on 1 January 2004, in accordance with SOLAS Article VIII(b)(vii)(2) they will automatically enter into force six months later on 1 July 2004.

#### **Overview and National Interest Summary**

5. The amendment to Chapter V is a change of date for compliance with a safety of navigation provision in SOLAS regarding the installation of automatic identification systems on ships. The amendments to Chapter XI-1 require better information on ship identity, through the permanent marking of a ship's identification number in a visible place on board a ship, and the issuing of a continuous synopsis record for each ship by its flag state. Amendments to maritime safety provisions in SOLAS are made regularly by the IMO and implemented in Australia through Marine Orders under the *Navigation Act 1912*.
6. Chapter XI-2 and the ISPS Code establish a preventive maritime security regime to enhance security on board ships and at ports. The Australian maritime sector will benefit from the IMO security measures which are aimed at reducing the risk of a terrorist incident on board a ship or at a port facility. Australia's major trading partners, in particular the US, are quickly moving to adopt the security measures in Chapter XI-2 and the ISPS Code domestically. Non-compliance could have the potential to cause serious damage to our trade. New legislation will be required in Australia to implement these amendments.

## **Reasons for Australia to Take the Proposed Treaty Action**

7. The amendments provide for:

- (a) maritime safety requirements to enhance information on ship identity and ownership (Chapters V and XI-1);
- (b) an internationally agreed mechanism to ensure a consistent global approach to prevent unlawful acts and terrorist attacks against the maritime industry, while minimising the impact on international trade (Chapter XI-2).

8. Events since the 11 September 2001, the attack on the French tanker Limburg and the Bali bombing indicate that there is an urgent need to re-appraise the adequacy of preventive security measures by industry, including the maritime industry. If Australia does not implement the IMO security measures, Australian ports and cities will be further exposed to the risk of a terrorist incident, as other ports around the world tighten their own security. The implementation of these security measures domestically will significantly improve the preparedness of Australia's maritime sector.

9. Failure to accept the IMO maritime security measures could seriously disadvantage Australia's trading interests, particularly to the USA. This is because international shipping companies may be reluctant to put their ships into ports that have not implemented the security measures for fear of being subject to delays at ports which have implemented the measures. Overseas ports that have implemented the measures may delay or refuse entry to ships coming from ports that do not comply with the measures.

### **Obligations**

10. Amendments to Chapter V (Regulation 19) advance the date required for certain types of ships to be fitted out with an automatic identification system.

11. Amendments to Chapter XI-1 (Regulation 3) require certain types of ships to have a ship identification number permanently marked in a visible place on board the ship.

12. Amendments to Chapter XI-1 (Regulation 5) require certain types of ships to carry a continuous synopsis record on board. The continuous synopsis record for a ship is issued by its flag state. It provides a continuous record of ownership and registration details.

13. The newly inserted Chapter XI-2 sets out a general framework for special measures to enhance maritime security. Chapter XI-2 places obligations on ship operators, port facility operators and Contracting Governments. These obligations are further specified in the two-part International Ship and Port Facility Security (ISPS) Code (Chapter XI-2, Regulation 1).

14. Part A of the ISPS Code sets out mandatory requirements, including responsibilities of Contracting Governments and maritime industry participants, designation of security officers, verification of ship security, issuing of International Ship Security Certificates to verified ships, cooperative arrangements, record keeping, training requirements, efficient collection of security related information (such as through a Declaration of Security), and a methodology for security assessments and the development of security plans. Part B has recommendations which refine and further clarify Chapter XI-2 and Part A of the ISPS Code.

15. Under Chapter XI-2 Contracting Governments must set security levels and provide information to affected ships and port facilities (Regulation 3). They must establish a point of contact for ships to receive security related information from and to report their security concerns to (Regulation 7). With regard to foreign ships entering ports or wishing to enter ports, the new security regime allows Contracting Governments to exercise control measures over a foreign ship if there is reason to believe that the ship is non-compliant with Chapter XI-2 and Part A of the ISPS Code (Regulation 9). Control measures include detention or expulsion of a ship. Contracting Governments are obliged to submit security-related information to the IMO (Regulation 13).

16. Chapter XI-2 requires operators of certain types of ships on international voyages and mobile offshore drilling units to comply with the relevant requirements in Chapter XI-2 and Part A of the ISPS Code (Regulation 4). Ships must comply with the security levels set by a Contracting Government prior to entering a port or whilst in a port. If compliance is not possible, a ship must inform the relevant authorities prior to conducting a ship/port interface or entering a port. A ship's master shall have on board at all times information about crew recruitment and if applicable details about the charterer (Regulation 5). A ship to which the new security measures apply must have a ship security alert system on board (Regulation 6). Ship operators are to ensure that the ship's master has the authority of decision making with regard to the ship's safety and security (Regulation 8).

17. Operators of port facilities which service ships subject to the new security regime are required to comply with the relevant provisions in Chapter XI-2 and Part A of the ISPS Code, and Contracting Governments are to ensure that port facility security assessments and port facility security plans are developed, reviewed, approved and implemented (Regulation 10).

18. Under Chapter XI-2 Contracting Governments are entitled to conclude bilateral or multilateral agreements with other Contracting Governments on alternative security arrangements covering short international voyages on fixed routes between port facilities located in their territories (Regulation 11). These arrangements must not compromise the security of other ships and/or port facilities not covered by such agreements.

19. Chapter XI-2 allows equivalent security arrangements for a particular ship or a group of ships, or a particular port facility or a group of port facilities located within the territory of a Contracting Government, to be approved by a Contracting Government (Regulation 12). The IMO must be advised of such arrangements.

## **Implementation**

20. The amendments automatically enter into force on 1 July 2004 (Item 4 refers). Contracting Governments are urged to implement the provisions in Chapter XI-2 and the ISPS Code prior to 1 July 2004 (Conference Resolution 6).

21. The Australian Maritime Safety Authority (AMSA) will implement the maritime safety requirements under Chapters V and XI-1 through Marine Orders made under the *Navigation Act 1912*. This is the standard procedure for the introduction of ship safety measures under the SOLAS Convention into Australian law.

22. Chapter XI-2 and the ISPS Code will require new implementing legislation. The Commonwealth is currently preparing the Maritime Transport Security Bill. The Bill is expected to be introduced into Parliament in the 2003 Winter Sittings.

23. Conference Resolution 7 invites Contracting Governments to extend the security requirements in Chapter XI-2 and the ISPS Code to ships not covered by Chapter XI-2. The Commonwealth Maritime Transport Security Bill 2003 will extend the application of the new security arrangements to Australian flagged passenger ships and trading ships of 500 gross tonnage and upwards on inter-state voyages and those port facilities serving these ships as well as oblige port authorities to take an active role in port security. The extension of security measures has been agreed to by State and Territory maritime transport authorities.

### **Costs**

24. AMSA will integrate the requirements of Chapters V and XI-1 into existing systems and is not expected to incur additional administrative costs for these activities.

25. Costs to the Government for implementing the new security requirements in Chapter XI-2 and the ISPS Code will be significant. DOTARS' regulatory roles and responsibilities will include the development of a new maritime industry security program for 70 Australian flagged ships, 70 ports and approximately 300 port facilities, efficient administration of this program, verification of ship security and issuing of International Ship Security Certificates, auditing of compliance with the security program, and regular reporting on compliance issues to the IMO.

26. DOTARS' estimate is that the maritime industry will need to invest up to \$313 million initially and up to \$96 million in subsequent years to improve ship, port and port facility security under the Commonwealth Maritime Transport Security Bill 2003.

### **Consultation**

27. DOTARS has been consulting extensively with representatives from the maritime industry, and relevant Commonwealth, State and Northern Territory authorities (Attachment A). The security measures have been supported at these meetings.

28. Representatives from the Australian shipping industry and port organisations attended the IMO forums debating the content of the SOLAS amendments. The representatives were fully engaged in developing the Australian delegation's position on the new security arrangements.

### **Regulation Impact Statement**

29. The Regulation Impact Statement provided by DOTARS for the maritime security requirements under Chapter XI-2 and the ISPS Code is attached.

30. The Office of Regulation Review has determined that the preparation of a Regulation Impact Statement is not required for the amendments to Chapter V and XI-1, which pertain to maritime safety issues, as these are minor and machinery in nature.

### **Future Treaty Action**

31. Future amendments to provisions in Chapters XI-1 and XI-2 should be adopted either by the Maritime Safety Committee of the International Maritime Organization in accordance with Article VIII(b) of SOLAS or by a Conference of Contracting Government in accordance with Article VIII(c).

32. Any such treaty action will be subject to the Australian treaty process, including consideration by the Joint Standing Committee on Treaties (JSCOT).

33. It should be noted that SOLAS Article VIII(b)(vii)(2) states that a Contracting Government can either tacitly accept an amendment, in which case it becomes binding six months later. Or, before the date set for entry into force of an amendment, a Contracting Government may give notice to the Secretary-General of the IMO 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 Contracting Governments present and voting in the expanded Maritime Safety Committee at the time of the adoption of the amendment. In addition, SOLAS Article VIII(b)(vi)(2) states that Contracting Governments can object to an amendment in which case it is not binding until the objection is withdrawn.

#### **34. Withdrawal or Denunciation**

35. SOLAS Article XI states that the present Convention may be denounced either by any Contracting Government at any time after the expiry of five years from the date on which the Convention enters into force for that Government. Or, the denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General of the IMO who must notify all the other Contracting Governments of the receipt of the denunciation and when it takes effect. Or, 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 of the IMO.

#### **Contact Details**

36. Transport Security Division, Department of Transport and Regional Services (DOTARS).

37. Australian Search and Rescue, Australian Maritime Safety Authority (AMSA).

**Amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, including consideration and adoption of the International Ship and Port Facility Security (ISPS) Code  
(London, 12 December 2002)**

**Record of consultation process**

**Maritime Security Working Group (MSWG)**

The primary vehicle for consultation relating to the IMO's security framework is the Maritime Security Working Group (MSWG), a Commonwealth/State/NT/industry group chaired by the Department of Transport and Regional Services (DOTARS) to:

- “advise on the development, implementation and operational aspects of the proposed IMO International Ship and Port Facility Security (ISPS) Code;
- undertake a review at a strategic level of the adequacy of security arrangements as they relate to a terrorist threat to ships, ports and offshore facilities (both fixed and floating);
- identify gaps and recommend measures to reduce the risk of a terrorist threat to these sectors;
- make appropriate linkages with other security reviews to address overlaps;
- report to the Federal Minister for Transport and Regional Services and the Australian Transport Council and other relevant ministers and Ministerial Councils as appropriate.” (MSWG, Terms of Reference, p. 1).

Membership of the MSWG include senior representatives of:

- key Commonwealth agencies including:
  - Department of Transport and Regional Services (DOTARS) (Chair/Secretariat);
  - Australian Maritime Safety Authority (AMSA);
  - Australian Customs Service (ACS);
  - Australian Federal Police (AFP);
  - Attorney-General's Department (AGs);
  - Department of Immigration, Multicultural and Indigenous Affairs (DIMIA);
  - Department of Industry, Tourism and Resources (DITR).
- State/NT maritime agencies including:
  - NSW Department of Transport;
  - NSW Waterways;
  - NT Department of Infrastructure, Planning and Environment;
  - Queensland Transport;
  - Transport SA;
  - Victorian Department of Infrastructure;
  - WA Department of Planning and Infrastructure;
  - Tasmanian Department of Infrastructure, Energy and Resources.
- Industry bodies including:

- The Australian Association of Ports and Marine Authorities (AAPMA);
- Australian Petroleum Production and Exploration Association (APPEA);
- Australian Shipowners Association (ASA);
- Customs Brokers and Forwarders Council of Australia (CBFCA);
- Shipping Australia Ltd (SAL).

The Departments of Defence, Foreign Affairs and Trade (DFAT) and Prime Minister and Cabinet (PM&C) are provided with information and Minutes of the meetings. Representatives of the New Zealand Ministry of Transport have observed recent meetings. Representatives of local ports (including Port of Brisbane, Sydney Ports, and Port of Melbourne) have observed meetings held in their cities.

The MSWG has met five times to date:

- 22 March 2002 - Sydney;
- 12 April 2002 - Sydney;
- 28 June 2002 - Sydney;
- 23 August 2002 - Melbourne;
- 11 November 2002 - Brisbane.

The MSWG has broadly backed DOTARS' approach to the implementation of the international maritime security framework as developed through the IMO. Through 2002 the Group had a considerable role in developing the Australian position taken to IMO meetings, and members of the Group joined the Australian delegation to the 2<sup>nd</sup> IMO Intersessional Working Group on Maritime Security (ISWG2) in September 2002 in London.

DOTARS has also met bilaterally with members of the MSWG at various points in time to discuss specific issues. For example, DOTARS staff have attended meetings of the AAPMA's Ports Operations and Technical Committee, ASA, met regularly with officers from ACS, AMSA and DIMIA, and consulted across the Commonwealth as part of the Cabinet Submission process which concluded on 5 March 2003.

### **Australian Transport Council (ATC)**

The Australian Transport Council (ATC) is a Ministerial forum for Commonwealth, State and Territory consultations and provides advice to governments on the coordination and integration of all transport policy issues at a national level. The new maritime security measures have been presented to ATC at meetings, including 8 August 2002 in Auckland, New Zealand, and 8 November 2002 in Sydney. The next meeting at which an update on the proposed maritime security regime will be presented will be on 23 May 2003 in Melbourne.

### **Standing Committee on Transport (SCOT)**

ATC is supported by the Standing Committee on Transport (SCOT) comprising a nominee of each ATC Minister, generally at Head of Department/Agency level. Maritime security issues have been presented to SCOT at the following meetings:

- 10 April 2002 - Hobart;
- 26 June 2002 - Sydney;
- 26 September 2002 - Perth;
- 10-11 April 2003 - Darwin.



## **Australian Maritime Group (AMG)**

The Australian Maritime Group is a forum of senior officials for Commonwealth, State and Territory consultations on the maritime sector. AMG provides advice to the SCOT and ATC.

AMG has discussed maritime security issues at its meetings of:

- 31 May 2002 - Sydney;
- 30 August 2002 - Darwin;
- 29 November 2002 - Adelaide;
- 28 February 2003 - Brisbane.

The AMG also set up an ad hoc group on maritime security which has met six times to date:

- 23 September 2002 - teleconference;
- 15 October 2002 - Melbourne;
- 12 November 2002 - Melbourne;
- 30 January 2003 - Canberra;
- 28 February 2003 - Brisbane;
- 26 March 2003 - Melbourne.

This ad hoc group has closely scrutinised the policy and implementation model developed by DOTARS from the perspective of State and Territory governments with constitutional responsibility for ports, and as the owners and operators of ports and port facilities in several jurisdictions.

The Minutes and reports from AMG and its ad hoc group describe DOTARS's consultations with them as "productive in identifying issues and progressing implementation of the IMO security measures". AMG has broadly endorsed Australia's implementation of the international security framework.

DOTARS has also met with representatives of individual State and Territory agencies on several occasions.

## **Industry**

Key industry stakeholders include:

- Port authorities/owners (70);
- Port facility operators (300);
- Australian shipping lines (27 which covers fleet of 70 Australian flag vessels);
- Foreign shipping lines (70 with offices in Australia and/or agents representing them in most states);
- Charterers/agents;
- Peak industry associations (including Association of Australian Ports & Marine Authorities, Australian Shipping Association, Shipping Australia Limited);
- National Bulk Commodities Group;
- Australian Logistics Council;
- Sea Freight Export Councils;
- Bulk charter/livestock carriers and tankers;

- Bunker supplies (BHP Billiton, BP Marine, Mobil Oil, Shell Company, BHP Steel, Bridgewater Australia, Caltex Australia, ESAR Bunkering, Adsteam Harbour);
- Towage operators;
- Cruise lines;
- Hazardous materials/dangerous goods suppliers;
- Marine insurers;
- Shipbuilders;
- Stevedores;
- Customs brokers and freight forwarders (responsible for imports and exports);
- Containers and ancillary services;
- Providers.

Bilaterals, briefings and general presentations have been provided to a range of key industry stakeholders, many of these at the invitation of the stakeholder organisation or group. These have included port authorities/port owners, shipping companies, State Counter-Terrorism Units and law enforcement, peak industry associations:

To date, these have included:

- 2 December 2002 - Melbourne and Geelong: port authority/port facility operations;
- 10 December 2002 - Cairns: port authority/port facility operations;
- 10 December 2003 - Canberra: Critical Infrastructure Protection Working Group;
- 11 December 2002 - Townsville: port authority/port facility operations;
- 12 December 2002 - Gladstone: port authority/port facility operations;
- 18 December 2002 - Sydney: Sydney Ports Corporation and Tour of International Cruise Line Operation;
- 29 January 2003 - Melbourne: Australian Shipping Association Membership;
- 4 February 2003 - Hobart: Invitation from Inspector Hank Timmerman, Counter Terrorism Project Leader, on behalf of Acting Deputy Commissioner, Luppó Prins, to present to maritime operators/stakeholders, Tasmania, on the proposed maritime preventive security regulatory framework;
- 7 February 2003 - Darwin: port authority/port facility operations;
- 10 February 2003 - Broome: port authority/port facility operations;
- 11 February 2003 - Port Hedland: port authority/port facility operations;
- 12 February 2003 - Dampier and Port Walcott: port authority/port facility operations;
- 13 February 2003 - Fremantle: port authority/port facility operations;
- 17 February 2003 - Albany: port authority/port facility operations;
- 18 February 2003 - Geraldton: port authority/port facility operations;
- 3 March 2003 - Canberra: Australian Maritime Defence Council;
- 12 March 2003 - Canberra: BP Australia, BP Refineries, BP Shipping;
- 13 March 2003 - Canberra: AMC Search Limited;
- 20 March 2003 - Sydney: Lloyd's Register (Class Society for Foreign Flag Shipping Operators);
- 24 March 2003 - Canberra: National Bulk Commodities Group;
- 10 April 2003 - Sydney: National Managers of P&O Ports and Patricks;
- 10 April 2003 - Sydney: Det Norske Veritas (Class Society for Foreign Flag Shipping Operators);
- 11 April 2003 - Fremantle Port Authority: WA Association of Port Authorities (Chief Executive Officers of Port Authorities/Port Owners).

DOTARS continues to have regular contact with the major ports including Port of Brisbane, Port of Fremantle, Port of Melbourne and Sydney Ports (Port Botany and Port Jackson).

Broadly, industry has accepted impending preventive maritime security measures and associated cost implications as a 'cost of doing business' globally.

**Participation and/or keynote speaker presentations**

- 17 December 2003 - National Security & ITS in Australia, Sydney;
- 21-23 January 2003 - International Maritime and Port Security Conference, Singapore;
- 24 February 2003 - Cargo 2003, Melbourne;
- 23-25 February 2003 - Secure Trade in APEC Conference, Bangkok;
- 28 April 2003 - Homeland Security, Sydney.

**Amendments to the Annex to the International Convention for the Safety of Life at Sea,  
1974, including consideration and adoption of the International Ship and Port Facility  
Security (ISPS) Code  
(London, 12 December 2002)**

**INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA (SOLAS), 1974  
AS AMENDED**

**Contracting States**

	<b>Date of signature or deposit of instrument</b>	<b>Date of entry into force or succession</b>
Algeria (accession)	3 November 1983	3 February 1984
Angola (accession)	3 October 1991	3 January 1992
Antigua and Barbuda (accession)	9 February 1987	9 May 1987
Argentina (ratification)	5 December 1979	25 May 1980
Australia (accession)	17 August 1983	17 November 1983
Austria (accession)	27 May 1988	27 August 1988
Azerbaijan (accession)	1 July 1997	1 October 1997
Bahamas (accession)	16 February 1979	25 May 1980
Bahrain (accession)	21 October 1985	21 January 1986
Bangladesh (accession)	6 November 1981	6 February 1982
Barbados (accession)	1 September 1982	1 December 1982
Belarus (acceptance)	7 January 1994	7 April 1994
Belgium (ratification)	24 September 1979	25 May 1980
Belize (accession)	2 April 1991	2 July 1991
Benin (accession)	1 November 1985	1 February 1986
Bolivia (accession)	4 June 1999	4 September 1999
Brazil (accession)	22 May 1980	25 May 1980
Brunei Darussalam (accession)	23 October 1986	23 January 1987
Bulgaria (approval)	2 November 1983	2 February 1984
Cambodia (accession)	28 November 1994	28 February 1995
Cameroon (accession)	14 May 1984	14 August 1984
Canada (accession)	8 May 1978	25 May 1980
Cape Verde (accession)	28 April 1977	25 May 1980
Chile (ratification)	28 March 1980	25 May 1980
China <sup>1</sup> (ratification) <sup>9</sup>	7 January 1980	25 May 1980
Colombia (accession)	31 October 1980	31 January 1981
Comoros (accession)	22 November 2000	22 February 2001
Congo (ratification)	10 September 1985	10 December 1985
Côte d'Ivoire (accession)	5 October 1987	5 January 1988
Croatia (succession)		8 October 1991
Cuba (accession)	19 June 1992	19 September 1992
Cyprus (accession)	11 October 1985	11 January 1986
Czech Republic (succession)		1 January 1993
Dominica (accession)	21 June 2000	21 September 2000
Democratic People's Republic of Korea (accession)	1 May 1985	1 August 1985
Denmark (ratification)	8 March 1978	25 May 1980
Djibouti (accession)	1 March 1984	1 June 1984
Dominican Republic (accession)	10 April 1980	25 May 1980
Ecuador (accession)	28 May 1982	28 August 1982
Egypt (ratification)	4 September 1981	4 December 1981
Equatorial Guinea (accession)	24 April 1996	24 July 1996
Eritrea (accession)	22 April 1996	22 July 1996
Estonia (accession)	16 December 1991	16 March 1992
Ethiopia (accession)	18 July 1985	18 October 1985
Fiji (accession)	4 March 1983	4 June 1983
Finland (accession)	21 November 1980	21 February 1981
France (approval) <sup>2</sup>	25 May 1977	25 May 1980
Gabon (accession)	21 January 1982	21 April 1982

	<b>Date of signature or deposit of instrument</b>	<b>Date of entry into force or succession</b>
Gambia (accession)	1 November 1991	1 February 1992
Georgia (accession)	19 April 1994	19 July 1994
Germany <sup>3</sup> (ratification) <sup>2</sup>	26 March 1979	25 May 1980
Ghana (ratification)	19 May 1983	19 August 1983
Greece (acceptance)	12 May 1980	25 May 1980
Guatemala (accession)	20 October 1982	20 January 1983
Guinea (accession)	19 January 1981	19 April 1981
Guyana (accession)	10 December 1997	10 March 1998
Haiti (accession)	6 April 1989	6 July 1989
Honduras (accession)	24 September 1985	24 December 1985
Hungary (approval)	9 January 1980	25 May 1980
Iceland (acceptance)	6 July 1983	6 October 1983
India (accession)	16 June 1976	25 May 1980
Indonesia (acceptance)	17 February 1981	17 May 1981
Iran (Islamic Republic of) (ratification)	17 October 1994	17 January 1995
Iraq (accession)	14 December 1990	14 March 1991
Ireland (acceptance)	29 November 1983	29 February 1984
Israel (ratification)	15 May 1979	25 May 1980
Italy (accession)	11 June 1980	11 September 1980
Jamaica (accession)	14 October 1983	14 January 1984
Japan (accession)	15 May 1980	25 May 1980
Jordan (accession) <sup>2</sup>	7 August 1985	7 November 1985
Kazakhstan (accession)	7 March 1994	7 June 1994
Kenya (accession)	21 July 1999	21 October 1999
Kuwait (accession) <sup>2</sup>	29 June 1979	25 May 1980
Latvia (accession)	20 May 1992	20 August 1992
Lebanon (accession)	29 November 1983	29 February 1984
Liberia (ratification)	14 November 1977	25 May 1980
Libyan Arab Jamahiriya (accession)	2 July 1981	2 October 1981
Lithuania (accession)	4 December 1991	4 March 1992
Luxembourg (accession)	14 February 1991	14 May 1991
Madagascar (accession)	7 March 1996	7 June 1996
Malawi (accession)	9 March 1993	9 June 1993
Malaysia (accession)	19 October 1983	19 January 1984
Maldives (accession)	14 January 1981	14 April 1981
Malta (accession)	8 August 1986	8 November 1986
Marshall Islands (accession)	26 April 1988	26 July 1988
Mauritania (accession)	24 November 1997	24 February 1998
Mauritius (accession)	1 February 1988	1 May 1988
Mexico (acceptance)	28 March 1977	25 May 1980
Monaco (signature)	1 November 1974	25 May 1980
Morocco (accession)	28 June 1990	28 September 1990
Mozambique (accession)	23 December 1996	23 March 1997
Myanmar (accession)	11 November 1987	11 February 1988
Namibia (accession)	27 November 2000	27 February 2001
Netherlands (accession) <sup>4</sup>	10 July 1978	25 May 1980
New Zealand (accession) <sup>5</sup>	23 February 1990	23 May 1990
Nigeria (accession)	7 May 1981	7 August 1981
Norway (ratification)	15 February 1977	25 May 1980
Oman (accession)	25 April 1985	25 July 1985
Pakistan (accession)	10 April 1985	10 July 1985
Panama (accession)	9 March 1978	25 May 1980
Papua New Guinea (accession)	12 November 1980	12 February 1981
Peru (accession)	4 December 1979	25 May 1980
Philippines (accession)	15 December 1981	15 March 1982
Poland (ratification)	15 March 1984	15 June 1984
Portugal (ratification) <sup>8</sup>	7 November 1983	7 February 1984
Qatar (accession)	22 December 1980	22 March 1981
Republic of Korea (ratification)	31 December 1980	31 March 1981
Romania (accession)	24 May 1979	25 May 1980
Russian Federation <sup>6</sup> (acceptance)	9 January 1980	25 May 1980
Saint Vincent and the Grenadines (accession)	28 October 1983	28 January 1984
Samoa (accession)	14 March 1997	14 June 1997
Sao Tome and Principe (accession)	29 October 1998	29 January 1999
Saudi Arabia (accession)	24 April 1985	24 July 1985
Senegal (accession)	16 January 1997	16 April 1997
Seychelles (accession)	10 May 1989	10 August 1988
Sierra Leone (accession)	13 August 1993	13 November 1993

	<b>Date of signature or deposit of instrument</b>	<b>Date of entry into force or succession</b>
Singapore (accession)	16 March 1981	16 June 1981
Slovakia (succession)		1 January 1993
Slovenia (succession)		25 June 1991
South Africa (accession)	23 May 1980	25 May 1980
Spain (ratification)	5 September 1978	25 May 1980
Sri Lanka (accession)	30 August 1983	30 November 1983
Sudan (accession)	15 May 1990	15 August 1990
Suriname (accession)	4 November 1988	4 February 1989
Sweden (acceptance)	7 July 1978	25 May 1980
Switzerland (ratification)	1 October 1981	1 January 1982
Syrian Arab Republic (accession)	20 July 2001	20 October 2001
Thailand (accession)	18 December 1984	18 March 1985
Togo (accession)	19 July 1989	19 October 1989
Tonga (accession)	12 April 1977	25 May 1980
Trinidad and Tobago (accession)	15 February 1979	25 May 1980
Tunisia (accession)	6 August 1980	6 November 1980
Turkey (accession)	31 July 1980	31 October 1980
Tuvalu (accession)	22 August 1985	22 November 1985
Ukraine (signature)	1 November 1974	25 May 1980
United Arab Emirates (accession)	15 December 1983	15 March 1984
United Kingdom (ratification) <sup>7</sup>	7 October 1977	25 May 1980
United Republic of Tanzania (accession)	28 March 2001	28 June 2001
United States (ratification)	7 September 1978	25 May 1980
Uruguay (accession)	30 April 1979	25 May 1980
Vanuatu (accession)	28 July 1982	28 October 1982
Venezuela (ratification)	29 March 1983	29 June 1983
Viet Nam (accession)	18 December 1990	18 March 1991
Yemen (accession)	6 March 1979	25 May 1980
Yugoslavia (approval)	11 June 1979	25 May 1980

Number of Contracting States: 145

(the combined merchant fleets of which constitute approximately 98% of the gross tonnage of the world's merchant fleet)

<sup>1</sup>Applies to the Hong Kong Special Administrative Region with effect from 1 July 1997.

<sup>2</sup> For the text of a declaration or reservation, see section 111.

<sup>3</sup> On 3 October 1990 the German Democratic Republic acceded to the Federal Republic of Germany. The German Democratic Republic had acceded to the Convention on 15 March 1979.

<sup>4</sup> Accession by the Netherlands was declared to be effective in respect of the Netherlands Antilles and, with effect from 1 January 1986, in respect of Aruba.

<sup>5</sup> Accession by New Zealand was declared not to extend to Tokelau.

<sup>6</sup> As from 26 December 1991 the membership of the USSR in the Convention is continued by the Russian Federation.

<sup>7</sup> Ratification by the United Kingdom was declared to be effective in respect of:

Hong Kong\* - with effect from 25 May 1980

Isle of Man - with effect from 1 July 1985

Cayman Islands - with effect from 23 June 1988

Bermuda - with effect from 23 June 1988

Gibraltar - with effect from 1 December 1988

\* Ceased to apply to Hong Kong with effect from 1 July 1997

<sup>8</sup> Applies to Macau with effect from 24 August 1999.\*\*

\*\* Ceased to apply to Macau with effect from 20 December 1999.

<sup>9</sup> Applies to the Macao Special Administrative Region with effect from 20 December 1999.

## Declarations, Reservations and Statements

### CHINA

At the time of signature of the Convention the representative of the People's Republic of China made the following statement:

*[Translation]*

"1. The People's Republic of China reserves the right to rationally implement, in conformity with the conditions of China, the regulations concerning fire detection and fire protection for tankers and passenger ships stipulated in the International Convention for the Safety of Life at Sea, 1974."

"2. The so-called 'signing' on the Convention by the perished Saigon puppet regime is illegal and null and void, and the sole legitimate representative of the South Vietnamese people is the Provisional Revolutionary Government of the Republic of South Viet Nam."

### FRANCE

The instrument of approval of the French Republic contained the following declaration:

*[Translation]*

"Article VIII, paragraph (d)(i): the Government of the French Republic enters a reservation concerning article VIII, paragraph (d)(i), to the effect that it will not recognize any invocation of that provision against it in respect of its own ships as the provision is contrary to international law."

### FEDERAL REPUBLIC OF GERMANY

The instrument of ratification of the Federal Republic of Germany was accompanied by a declaration (in the English language) "that with effect from the day on which the Convention enters into force for the Federal Republic of Germany it shall also apply to Berlin (West)".

### JORDAN<sup>1</sup>

The instrument of accession of the Hashemite Kingdom of Jordan was accompanied by the following reservation:

"The accession by the Hashemite Kingdom of Jordan to the International Convention on the Safety of Life at Sea in no way means recognition of or entry into treaty regulations with Israel under the Said Convention."

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<sup>1</sup> The depositary received the following communication dated 6 November 1985 from the Ambassador of Israel in London:

"The Government of the State of Israel has noted that the instrument of accession deposited by the Government of Jordan contains a declaration of a political character in respect of Israel. In the view of the Government of the State of Israel, this Convention is not the proper place for making such political pronouncements, which are in flagrant contradiction to the principles and purposes of the Convention. Moreover, the statement by the Government of the Hashemite Kingdom of Jordan cannot in any way affect whatever obligations are binding upon it under general international law or under particular conventions. Insofar as the substance of the matter is concerned, the Government of the State of Israel will adopt towards the Government of the Hashemite Kingdom of Jordan an attitude of complete reciprocity."

### KUWAIT'

The instrument of accession of the State of Kuwait was accompanied by an Understanding (in the English language), the text of which reads as follows:

"It is understood that the accession of the State of Kuwait to the International Convention for the Safety of Life at Sea, 1974, done at London on the 1st of November 1974 ... does not in any way mean recognition of Israel by the State of Kuwait. Furthermore, no treaty relations will arise between the State of Kuwait and Israel."

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<sup>1</sup> The depositary received the following communication dated 3 December 1979 from the Ambassador of Israel in London:

"The instrument of accession deposited by the Government of the State of Kuwait was accompanied by a statement of a political character in respect of Israel. In the view of the Government of Israel, this Convention is not the proper

place for making such political pronouncements. Moreover, the said declaration cannot in any way affect whatever obligations are binding upon Kuwait under general international law or under particular conventions. The Government of Israel will, so far as concerns the substance of the matter, adopt towards the Government of the State of Kuwait an attitude of complete reciprocity."