

RESOLUTION MSC.519(106) (adopted on 11 November 2022)  
MEMBER STATES' OBLIGATIONS IN CONNECTION WITH SEARCH AND RESCUE SERVICES  
UNDER THE SOLAS AND SAR CONVENTIONS IN THE CONTEXT OF ARMED CONFLICTS

## ANNEX 1

### **RESOLUTION MSC.519(106) (adopted on 11 November 2022)**

#### **MEMBER STATES' OBLIGATIONS IN CONNECTION WITH SEARCH AND RESCUE SERVICES UNDER THE SOLAS AND SAR CONVENTIONS IN THE CONTEXT OF ARMED CONFLICTS**

THE MARITIME SAFETY COMMITTEE,

RECALLING article 28 of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO the purposes of the International Maritime Organization (IMO) as set forth in Article 1 of the Convention, and the mission in the Strategic Plan of IMO to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation,

NOTING that the Council, at its thirty-fifth extraordinary session, relating to the conflict in Ukraine:

- .1 recalled that United Nations General Assembly resolution A/RES/ES-11/1 of 2 March 2022, inter alia, condemned the declaration by the Russian Federation of a "special military operation" in Ukraine, deplored in the strongest terms the aggression by the Russian Federation against Ukraine in violation of article 2(4) of the Charter of the United Nations, and demanded that the Russian Federation immediately cease its use of force against Ukraine and refrain from any further unlawful threat or use of force against any Member State;
- .2 strongly condemned the Russian Federation's violation of the territorial integrity and the sovereignty of a United Nations Member State, extending to its territorial waters, which was inconsistent with the principles of the Charter of the United Nations and the purposes of the Organization as set forth in Article 1 of the Convention and represented a grave danger to life and a serious risk to the safety of navigation and the marine environment;
- .3 deplored the attacks of the Russian Federation aimed at commercial vessels, their seizures, including search and rescue vessels, threatening the safety and welfare of seafarers and the marine environment;
- .4 demanded that the Russian Federation cease its unlawful activities to ensure the safety and welfare of seafarers and the security of international shipping and the marine environment in all affected areas, and respect its obligations under relevant international treaties and conventions;
- .5 requested IMO committees to consider the implications of this situation for the implementation of the Organization's instruments, take appropriate action and report back to the Council,

RECALLING that resolution MSC.495(105) on *Actions to facilitate the urgent evacuation of seafarers from the war zone area in and around the Black Sea and the Sea of Azov as a result of the Russian Federation aggression against Ukraine* expressed alarm at the reports of illegal seizure and detention of search and rescue vessels, and their crews, all of which enjoy special protection under international humanitarian law,

RECOGNIZING that States are obliged to promote the operation and maintenance of an effective search and rescue service and ensure that necessary arrangements are made for distress communication, including the establishment of relevant shore-based infrastructure and operational coordination in their area of responsibility, where necessary, with those of neighbouring States to effectively support search and rescue service, as set out in article 98 of the United Nations Convention on the Law of the Sea (UNCLOS), regulations V/7 and V/33 of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), paragraph 2.1.1 of the International Convention on Maritime Search and Rescue, 1979 (SAR Convention), as well as in relevant provisions of the International Aeronautical and Maritime Search and Rescue Manual,

RECALLING that chapter 3 of the SAR Convention provides for the mechanism of cooperation between States, in particular coordination with those of neighbouring States,

CONSIDERING that seafarers constitute a special category of workers who need particular protection according to the *Guidelines on fair treatment of seafarers in the event of a maritime accident*, as adopted by resolution LEG.3(91) of 27 April 2006,

1 REAFFIRMS that all States that are Parties to the SAR Convention shall ensure the provision of effective and efficient SAR services that include the coordination of SAR operations upon notification of persons in distress at sea;

2 ALSO REAFFIRMS that SAR services should be provided regardless of the nationality or status of the person or the circumstances in which that person is found;

3 URGES Member States to refrain during an armed conflict from:

- .1 preventing SAR units and facilities available to render assistance to persons in distress from performing their functions and hampering the effective and efficient coordination of SAR operations by rescue coordination centres (RCC) and rescue sub-centres (RSC) within their search and rescue regions;
- .2 hindering SAR services by the seizure of SAR units and facilities and their crews, RCCs and RSCs;
- .3 detaining crew members of SAR units and facilities and RCC/RSC personnel;

4 CALLS on Member States to take measures to coordinate the provision of SAR services and any other assistance in situations of distress in accordance with relevant provisions of the SOLAS and SAR conventions, while evaluating the situation and risks to people and resources in providing the SAR service;

5 ALSO CALLS on Member States, should they consider that SAR services under their authority have been obstructed, to inform the Organization about the circumstances and request support to address concerns, as appropriate.

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