

Resolution A.773(18)

*Adopted on 4 November 1993
(Agenda item 11)*

**ENHANCEMENT OF SAFETY OF LIFE AT SEA BY THE PREVENTION
AND SUPPRESSION OF UNSAFE PRACTICES ASSOCIATED
WITH ALIEN SMUGGLING BY SHIPS**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

NOTING with great concern incidents involving the smuggling of aliens on board ships and the serious problems associated with such activities for safety of life at sea,

NOTING ALSO that numerous incidents involving the smuggling of aliens aboard ships have resulted in sickness, disease and death of the individuals concerned,

NOTING FURTHER the International Convention for the Safety of Life at Sea (SOLAS), 1974, relevant international law and, in particular, Article 94 of the 1982 United Nations Convention on the Law of the Sea which requires every State to exercise jurisdiction over ships flying its flag and to take such measures as are necessary to ensure safety at sea,

RECALLING ALSO the principle reflected in Article 226 of the 1982 United Nations Convention on the Law of the Sea that, as appropriate, "States shall co-operate to develop procedures for the avoidance of unnecessary physical inspection of vessels at sea",

RECOGNIZING the grave danger to life arising from unsafe practices associated with alien smuggling by ships,

BEING OF THE OPINION that Governments should co-operate and take, as a matter of the highest priority, all necessary action to prevent and suppress the unsafe practices associated with alien smuggling by ships,

1. INVITES Governments to co-operate in the interest of safety of life at sea and to increase their efforts to suppress and prevent unsafe practices associated with alien smuggling on ships and to ensure that effective and prompt action is taken against such unsafe practices;
2. FURTHER INVITES Governments to develop, as appropriate, agreements and procedures to facilitate co-operation in applying efficient and effective measures to prevent and suppress the unsafe practices associated with alien smuggling by ships;
3. INVITES ALSO Governments to co-operate and ensure that, to the maximum extent possible, information on ships believed to be engaged in unsafe practices associated with alien smuggling is collected and disseminated to the Organization and to all Governments which may be affected by such unsafe practices;
4. ENCOURAGES Governments, when notified by another Government that there are reasonable grounds to suspect that a ship entitled to fly their flag may be engaged in unsafe practices associated with alien smuggling, to request, or, if requested, to authorize the notifying Government to carry out a safety examination of the ship on their behalf, in accordance with relevant law and on such terms or conditions as the Governments may agree to be appropriate, pursuant to relevant bilateral or multilateral agreements;

5. REQUESTS Governments authorized under paragraph 4 to carry out a safety examination to take no additional actions, except those necessary for safety of life at sea or in accordance with relevant law or relevant bilateral or multilateral agreements, without the agreement of the Government whose flag the ship is entitled to fly,
6. URGES Governments when a ship is found engaged in unsafe practices associated with alien smuggling:
 - (a) to immediately report the findings of the safety examination to the Government whose flag the ship is entitled to fly; and
 - (b) after giving or receiving reports on the ship involved to immediately consult on the further actions to be taken;
7. URGES ALSO Governments, where there are reasonable grounds to suspect that a ship is engaged in unsafe practices associated with alien smuggling and that the ship is without nationality, to conduct a safety examination of the ship in accordance with relevant law and to take appropriate measures, if nationality is not established, in accordance with relevant law,
8. ALSO URGES Governments, when evidence exists that a ship entitled to fly their flag is involved in unsafe practices associated with alien smuggling to:
 - (a) ensure the safety and the humanitarian handling of the persons on board and that any actions taken with regard to the ship are environmentally sound; and
 - (b) take appropriate action in accordance with relevant law;
9. REQUESTS Governments to take required action, in accordance with international conventions, to detain an unsafe ship involved in alien smuggling and to report promptly to the Government whose flag the ship is entitled to fly and the Secretary-General all incidents concerning unsafe practices associated with alien smuggling which come to their attention;
10. FURTHER URGES Governments which are contracting Governments to SOLAS 1974, as amended, to ensure that, when a request is received to transfer a ship to their flag, the requirements listed in regulation I/14(g)(ii) are met, and appropriate inspections and surveys are conducted to ensure the ship will be used for the service specified in the certificates issued in accordance with chapter I of the 1974 SOLAS Convention;
11. REQUESTS ALSO the Secretary-General to circulate to Member Governments information received on unsafe practices associated with alien smuggling by ships;
12. FURTHER REQUESTS the Maritime Safety Committee to consider this matter and take such further action as it may consider necessary.