

ASSEMBLY
31st session
Agenda item 11

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**CONSIDERATION OF THE REPORTS AND RECOMMENDATIONS
OF THE LEGAL COMMITTEE**

Note by the Secretary-General

SUMMARY

<i>Executive summary:</i>	This document reports on the work of the Legal Committee since the thirtieth regular session of the Assembly
<i>Strategic direction, if applicable:</i>	Refer to resolution A.1110(30)
<i>Output:</i>	Refer to resolution A.1110(30)
<i>Action to be taken:</i>	Paragraph 5
<i>Related documents:</i>	LEG 105/14; LEG 106/16; C 120/9, C 120/D (paragraphs 9.1 to 9.3); C 122/8 and C 122/D (paragraphs 8.1 to 8.6)

1 Since the thirtieth regular session of the Assembly, the Legal Committee has held its 105th session from 23 to 25 April 2018 and 106th session from 27 to 29 March 2019.

2 Both sessions were chaired by Mr. Volker Schöfisch (Germany). The Vice-Chair at both sessions was Ms. Gillian Grant (Canada).

3 The reports of the 105th and 106th sessions (LEG 105/14 and LEG 106/16) have been circulated to all IMO Member Governments and were subsequently considered by the Council at its 120th and 122nd sessions, respectively (C 120/9 and C 122/8). The Assembly is invited to refer to those documents, which will not be reissued.

4 The Committee approved the draft Assembly resolution on Measures to prevent the fraudulent registration and fraudulent registries of ships, for adoption by the thirty-first regular session of the Assembly.

Action requested of the Assembly

- 5 The Assembly is invited to:
- .1 take note of the reports on the work of the Legal Committee at its 105th and 106th sessions and approve them in general; and
 - .2 consider and adopt the draft Assembly resolution on Measures to prevent the fraudulent registration and fraudulent registries of ships, referred to in paragraph 4 above, and attached in the annex to this document.

ANNEX

DRAFT ASSEMBLY RESOLUTION

**MEASURES TO PREVENT THE FRAUDULENT REGISTRATION AND
FRAUDULENT REGISTRIES OF SHIPS**

THE ASSEMBLY,

RECALLING Article 15 of the Convention on the International Maritime Organization regarding the functions of the Assembly,

NOTING the duties of the flag State under the international law of the sea, including the provisions of articles 91 and 94 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS),

NOTING ALSO the increase in the number of cases of fraudulent registration and related practices and fraudulent registries of ships received by the Organization,

RECALLING the Legal Committee's discussions about measures to prevent such unlawful practices,

RECOGNIZING that the fraudulent registration of ships and the operation of fraudulent registries endanger the integrity of maritime transport, and undermine the legal foundation of the Organization's treaty and regulatory regime,

ACKNOWLEDGING that the consequences of not addressing the issues could contribute to the proliferation of fraudulent registries and may lead to adverse impacts on maritime safety, security and protection of the environment,

BEING DEEPLY CONCERNED that some ships have been registered on the basis of false or forged documentation,

RECOGNIZING the undesirability of the registration of ships through unlawful practices,

BEARING IN MIND that existing instruments of IMO or the United Nations do not adequately address the fraudulent registration and fraudulent registries of ships,

BELIEVING that these issues could be better prevented if accurate and complete information on the legitimate bodies authorized to register ships for Governments is available to all maritime users at all times,

RECOGNIZING that the Global Integrated Shipping Information System (GISIS) could be used as a centralized repository of this information,

RECOGNIZING ALSO that the information regarding the legitimate registries should be transmitted securely to the Secretary-General,

CONVINCED that the efforts of Governments and the Secretary-General will be assisted by procedures of communication designed to secure the transmission of information between Governments and the Secretary-General,

HAVING CONSIDERED the recommendations made by the Legal Committee at its 106th session,

1 ADOPTS the Procedure for the communication of information to the Organization on Registries of ships in the Contact Points module in GISIS, as set out in the annex to the present resolution;

2 URGES Governments to submit information on their Registries of ships to the Organization using the Procedure in the annex;

3 REQUESTS the Legal Committee to keep the Procedure under review and to take further action as it may consider necessary in light of developments;

4 REQUESTS the Secretary-General to bring this Assembly resolution to the attention of the Secretary-General of the United Nations for information.

ANNEX

**PROCEDURE FOR THE COMMUNICATION OF INFORMATION TO THE ORGANIZATION
ON REGISTRIES OF SHIPS IN THE CONTACT POINTS MODULE IN GISIS**

1 Governments should transmit to the Secretary-General the name of their national governmental body(ies), or authorized/delegated entities in charge of registration of ships, together with the list of any field offices maintained by that/those body(ies) or entities, accompanied by the name(s), address(es), telephone/fax numbers and email(s) of the person(s) and/or entities authorized to register ships, as well as the website(s) of the national and field office(s).

2 Governments may provide additional information, such as the date from which authority to register ships for the country concerned has been given to an entity and the date from which withdrawal of authority to register ships for the country concerned takes effect, as well as information on an entity that has tried to fraudulently register ships, or has actually fraudulently registered ships.

3 The complete information shall be communicated to the Secretary-General in writing. It should be communicated through the Embassy/High Commission or Permanent Mission of the Government concerned in the United Kingdom, if so established.

4 If the Government concerned does not have an Embassy or High Commission in the United Kingdom or a Permanent Mission, the information should be communicated through the Embassy/High Commission in another country or the Permanent or Accredited Representation to the Organization. If none of these exists, the Secretariat shall liaise directly with the Government concerned.

5 The Secretariat shall verify the information received, through direct communication with the Ambassadors, Permanent or Accredited Representatives, Members of Permanent Missions or Liaison Officers to ensure its accuracy before accepting it. If none of these exists, the Secretariat shall liaise directly with the Government concerned.

6 The Secretariat shall enter the verified information on the Registries of ships in the Contact Points module in GISIS without delay.

7 The information on the Registries of ships shall be regularly reviewed and updated as needed by the Governments.

8 Any change to the name and/or contact details of the Registries of ships shall be made known in writing to the Secretary-General, without delay, following the procedure described in paragraphs 1 and 2 above.