

Memorial Introducing 88/11/2

Thank you, Mr. Chairman:

The United States is pleased to introduce 88/11/2. We commend Canada on its desire to improve marine safety and environmental protection in the Arctic waters off its coast. However, we have a number of serious marine safety concerns related to the recent enactment of Canada's NORDREG mandatory ship reporting and VTS system requirements, which was done without referring the regulations to this Organization for adoption. Such unilateral action is not consistent with the normal practice of IMO, and is contrary to both the letter and spirit of SOLAS.

The NORDREG, as we understand it, conditions entry into Canada's claimed territorial sea and EEZ on mandatory ship reporting of certain information from covered vessels – essentially all non-sovereign immune ships. It is not clear from the NORDREG or the other information provided by Canada that it complies with the communications capability guidelines or the operator training and proficiency skill sets set forth in the Organization's or IALA's guidelines for the development and implementation of a control VTS. That participation is mandatory for ships seeking to enter and transit claimed Canada's EEZ is also problematic under SOLAS V/12.

Mr. Chairman, this Organization is the only international body competent to develop guidelines and criteria for regulations of ship reporting systems on an international level, and SOLAS does not permit unilateral adoption of this kind of mandatory ship reporting system. Additionally, SOLAS also provides that a Contracting Government's VTS may only be made mandatory in that State's territorial sea. SOLAS V/11 and 12 are very clear in that respect.

Our paper requests a declaration from MSC that the NORDREG is not consistent with the requirements of SOLAS V for a mandatory ship reporting system, and for vessel traffic services.

Finally, Mr. Chairman, we reiterate our desire to work cooperatively with Canada and others in this Organization on adoption by this Organization of a mandatory ship reporting system and VTS system to be proposed by Canada that is consistent with SOLAS and the other guidelines of the Organization. In the meantime, the Committee may wish to urge IMO member States to encourage ships entitled to fly their flag to comply voluntarily with Canada's NORDREG (but not as a matter of law).

Thank you, Mr. Chairman.