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TRADE AND DEVELOPMENT BOARD

Committee on Shipping  
Third special session  
Geneva, 27 May 1981  
Agenda item 2

ACTION ON THE QUESTION OF OPEN REGISTRIES

Note by the UNCTAD secretariat

The UNCTAD secretariat has received the following communication, dated 29 May 1981, together with a document containing the "Basic Legal Principles of the Registration of Commercial Vessels under a National Flag", from the delegation of the Union of Soviet Socialist Republics for circulation to the Committee on Shipping.

GE.81-53101

Dear Mr. Al-Jadir,

At the IXth session of the Shipping Committee various delegations from different groups of countries were interested to know more details about possible contents of a convention which may regulate conditions of vessels' registration under national flag if the Committee decides to proceed with the elaboration of such an instrument.

... Attached hereto are some legal principles prepared by Group "D" experts which may serve as a basis for further consideration.

I would kindly request you to distribute this letter of mine and the attached principles among the Committee members on behalf of Group "D" countries.

Sincerely yours,

Igor M. Averin

Head of the USSR Delegation

Mr. Adib Al-Jadir  
Director  
Shipping Division  
UNCTAD  
Palais des Nations  
1211 Geneva 10

ANNEX

THE BASIC LEGAL PRINCIPLES OF THE REGISTRATION OF COMMERCIAL  
VESSELS UNDER A NATIONAL FLAG

Principle 1

Based upon these legal principles each State shall establish conditions for the grant of its nationality to ships, their registration in its territory and for the right to fly its flag.

Principle 2

A ship has the nationality of the State whose flag it is entitled to fly. A ship acquires the nationality only after having been entered in the register of shipping of the State. The State shall provide the ships to which it has granted the right to fly its flag with the appropriate documents specified in international treaties and conventions in force.

Principle 3

Each ship may be registered in one State only. A ship has no right to change registration or the flag of a ship when at sea.

When changing registration in a port the master of a ship shall inform in writing the port authorities concerned of this fact.

Principle 4

A ship may be entered in the register of the State provided it is owned by:

(a) juridical person registered and operating under the laws of the State of registration, provided that the head office of the juridical person is located in the State of registration; or

(b) a citizen (a subject) of the State of registration; or

(c) a foreign citizen (a subject), with permanent residence in the State of registration, provided that an appropriate share in the ownership of this vessel belongs to the nationals of the flag State.

Principle 5

The capital invested or used for acquisition, operation and maintenance of a ship shall belong to the shipowner as described in "Principle 3" in such a share that ensures for the shipowner effective management of the ship and for the State of registration necessary control and all authoritative functions with respect to the shipowner and the ship.

Principle 6

The State of registration shall effectively exercise its jurisdiction and control over the ship securing to ensure compliance with applicable international rules and practices concerning safety at sea including vessels' design and equipment, its technical state, the use of code of signals, the radio communication standards, the prevention of collisions, the prevention of marine pollution and the manning.

Principle 7

The manning of a ship shall be such that the number and qualifications of the crew ensure the appropriate operation of the ship. The national set-up of the crew shall permit the State of registration to ensure the proper manning of a ship, labour conditions and the training of crews based upon the applicable international regulations. A part of the crew will be nationals of the State of registration.

Principle 8

The compliance of a ship with applicable international rules, requirements, regulations and standards as well as the right to fly a flag of State shall be confirmed by official documents issued by the competent authorities of the State of registration.

Principle 9

The State of registration ensures that a ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships to confirm its compliance with applicable international regulations and the present principles.

Principle 10

Violation of any of the present principles shall lead to the exclusion of the ship from the register of the State concerned and the loss of right to fly its flag. Such a fact should be announced in the respective official publication of the State of registration.

Principle 11

Whilst exercising control over a ship in port the competent authorities of a port State shall report to the State of registration any facts of violation by the ship of these legal principles, revealed.