

RESOLUTION A.443(XI)

*Adopted on 15 November 1979
Agenda item 10(b)*

**DECISIONS OF THE SHIPMASTER WITH REGARD TO MARITIME SAFETY
AND MARINE ENVIRONMENT PROTECTION**

THE ASSEMBLY,

RECALLING Article 16(h) of the Convention on the Inter-Governmental Maritime Consultative Organization concerning the functions of the Assembly,

DESIRING to ensure that ships comply at all times with maritime safety and marine environmental protection standards and procedures prescribed by conventions in force,

NOTING the numerous reports of contraventions of the provisions of conventions,

CONSIDERING that maritime safety and the protection of the marine environment must be the shipmaster's prime concern in all situations which arise and that economic and other pressures on the shipmaster should not at any time interfere with the decisions he must take in that regard,

CONSIDERING FURTHER that the decisions on maritime safety and marine environment protection by the shipmaster should not be unduly influenced by instructions given by ship-owners, charterers or others concerned,

INVITES Governments to take necessary steps to safeguard the shipmaster in the proper discharge of his responsibilities in regard to maritime safety and the protection of the marine environment by ensuring that:

- (a) The shipmaster is not constrained by the shipowner, charterer or any other person from taking in this respect any decision which, in the professional judgement of the shipmaster, is necessary;
- (b) The shipmaster is protected by appropriate provisions, including the right of appeal, contained in, *inter alia*, national legislation, collective agreements or contracts of employment, from unjustifiable dismissal or other unjustifiable action by the shipowner, charterer or any other person as a consequence of the proper exercise of his professional judgement.