

INTERNATIONAL MARITIME ORGANIZATION



IMO

E

ASSEMBLY
25th session
Agenda item 19(a)

A 25/Res.1002
6 December 2007
Original: ENGLISH

Resolution A.1002(25)

**Adopted on 29 November 2007
(Agenda item 19(a))**

**PIRACY¹ AND ARMED ROBBERY AGAINST SHIPS²
IN WATERS OFF THE COAST OF SOMALIA**

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,

RECALLING ALSO article 1 of the Charter of the United Nations, which includes, among the purposes of the United Nations, the maintenance of international peace and security,

¹ “Piracy” is defined in article 101 of the United Nations Convention on the Law of the Sea as follows:

“Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b).”

² “Armed robbery against ships” is defined in the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships (resolution A.922(22), annex, paragraph 2.2), as follows:

“Armed robbery against ships means any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of “piracy”, directed against a ship or against persons or property on board such ship, within a State’s jurisdiction over such offences.”

ALSO RECALLING article 100 of the United Nations Convention on the Law of the Sea (UNCLOS), which requires all States to co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State,

RECALLING FURTHER article 105 of UNCLOS which, *inter alia*, provides that, on the high seas or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates and arrest the persons and seize the property on board,

BEARING IN MIND article 110 of UNCLOS which, *inter alia*, enables warships, military aircraft, or other duly authorized ships or aircraft clearly marked and identifiable as being on government service to board any ship, other than a ship entitled to complete immunity in accordance with article 95 and article 96 of UNCLOS, when there are reasonable grounds for suspecting that the ship is, *inter alia*, engaged in piracy,

REAFFIRMING resolution A.545(13) on “Measures to prevent acts of piracy and armed robbery against ships”, adopted on 17 November 1983; resolution A.683(17) on “Prevention and suppression of acts of piracy and armed robbery against ships”, adopted on 6 November 1991; and resolution A.738(18) on “Measures to prevent and suppress piracy and armed robbery against ships”, adopted on 4 November 1993,

BEARING IN MIND resolution A.922(22), through which the Assembly adopted the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships (“the Code”) and which, *inter alia*, urges Governments to take action, as set out in the Code, to investigate all acts of piracy and armed robbery against ships occurring in areas or on board ships under their jurisdiction; and to report to the Organization pertinent information on all investigations and prosecutions concerning these acts,

BEARING IN MIND ALSO resolution A.979(24) on “Piracy and armed robbery against ships in waters off the coast of Somalia”, by means of which the Assembly, *inter alia*:

- recommended a number of measures to protect ships from piracy and armed robbery attacks in waters off the coast of Somalia and by means of which the situation was brought to the attention of the Security Council of the United Nations (“the Security Council”);
- requested the Secretary-General to continue monitoring the situation in relation to threats to ships sailing in waters off the coast of Somalia and to report to the Council, as and when appropriate, on developments and any further actions which might be required; and
- requested the Council to monitor the situation in relation to threats to ships sailing in waters off the coast of Somalia and to initiate any actions it might deem necessary to ensure the protection of seafarers and ships sailing in waters off the coast of Somalia,

NOTING WITH SATISFACTION the actions taken by the Council and the Secretary-General pursuant to resolution A.979(24),

CONSIDERING that the Maritime Safety Committee has approved MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.3 containing recommendations to Governments and guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships and has established a special signal for use by ships under attack or threat of attack,

NOTING that the General Assembly of the United Nations, at its sixty-first session, by resolution A/RES/61/222 on “Oceans and the law of the sea”, adopted on 20 December 2006, *inter alia*:

- .1 encourages States to co-operate to address threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats;
- .2 urges all States, in co-operation with the Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration; and
- .3 calls upon States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; invites States to consider becoming parties to the 2005 Protocols amending those instruments; and also urges States parties to take appropriate measures to ensure the effective implementation of those instruments, through the adoption of legislation, where appropriate,

NOTING ALSO, with great concern, the increasing number of incidents of piracy and armed robbery against ships occurring in waters off the coast of Somalia, some of which have reportedly taken place more than 200 nautical miles from the nearest land,

MINDFUL OF the grave danger to life and the serious risks to navigational safety and the environment to which such incidents may give rise,

BEING PARTICULARLY CONCERNED that the Monitoring Group³ on Somalia, in its report⁴ of 27 June 2007 to the Security Council, confirmed, *inter alia*, that piracy and armed robbery against ships in waters off the coast of Somalia, unlike in other parts of the world, is caused by lack of lawful administration and the inability of the authorities to take affirmative action against the perpetrators, which allows the “pirate command centres” to operate without hindrance at many points along the coast of Somalia,

³ Established by the Security Council through resolution S/Res/1519(2003); its mandate was renewed and expanded through resolutions S/Res/1558(2004), S/Res/1587(2005), S/Res/1630(2005), S/Res/1676(2006), S/Res/1724(2006) and S/Res/1766(2007).

⁴ See United Nations document S/2007/436, paragraphs 89 to 91 and 118 and 119; Report of the Monitoring Group on Somalia pursuant to Security Council resolution S/Res/1724(2006).

BEING AWARE of the serious safety and security concerns the shipping industry and the seafaring community continue to have as a result of the attacks against ships sailing in waters off the coast of Somalia referred to above,

BEING CONCERNED at the negative impact such attacks continue to have on the prompt and effective delivery of food aid and of other humanitarian assistance to Somalia and the serious threat this poses to the health and well-being of the people of Somalia,

NOTING, with appreciation, the “Sub-regional seminar and workshop on piracy and armed robbery against ships” held by IMO in Sana’a, Yemen, from 9 to 13 April 2005, for countries in the Red Sea and Gulf of Aden region; and the follow-up meeting held in Muscat, Oman, from 14 to 18 January 2006,

BEING AWARE that the Security Council has, through resolution S/Res/1425(2002), adopted on 22 July 2002, stipulated that the arms embargo on Somalia prohibits the direct or indirect supply to Somalia of technical advice, financial and other assistance, and training related to military activities,

NOTING that the Security Council, by resolution S/Res/1766(2007) adopted on 23 July 2007, decided, *inter alia*, to re-establish the Monitoring Group on Somalia and directed it to continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit violations of the embargo on all delivery of weapons and military equipment to Somalia, which the Security Council had established by resolution S/Res/733(1992),

NOTING ALSO that the Security Council, being concerned at the continuing incidence of acts of piracy and armed robbery against ships in waters off the coast of Somalia:

- .1 on 15 March 2006, in response to resolution A.979(24), through a Statement⁵ by the President of the Security Council, *inter alia*, encouraged Member States of the United Nations whose naval vessels and military aircraft operate in international waters and airspace adjacent to the coast of Somalia to be vigilant to any incident of piracy therein and to take appropriate action to protect merchant shipping, in particular the transportation of humanitarian aid, against any such act, in line with relevant international law and further urged co-operation among all States, particularly regional States, and active prosecution of piracy offences; and
- .2 on 20 August 2007, in operative paragraph 18 of resolution S/Res/1772(2007) encouraged Member States of the United Nations, whose naval vessels and military aircraft operate in international waters and airspace adjacent to the coast of Somalia, to be vigilant to any incident of piracy therein and to take appropriate action to protect merchant shipping, in particular the transportation of humanitarian aid, against any such act, in line with relevant international law,

NOTING WITH APPRECIATION the action taken by the Secretary-General of the United Nations in response to the request of the Council, at its ninety-eighth session, in particular, to bring the Organization’s concerns to the attention of the President of the Security Council with a request to bring them to the attention of the members of the Security Council,

⁵ See United Nations document S/PRST/2006/11.

RECOGNIZING that the particular character of the present situation in Somalia requires an exceptional response to safeguard the interests of the maritime community making use of the sea off the coast of Somalia,

RECOGNIZING ALSO the strategic importance of the navigational routes along the coast of Somalia for regional and global seaborne trade and the need to ensure that they remain safe at all times,

RECOGNIZING FURTHER, in view of the continuing situation in Somalia giving rise to grave concern, the need for the immediate establishment of appropriate measures to protect ships sailing in waters off the coast of Somalia from piracy and armed robbery attacks,

APPRECIATING the efforts of those who have responded to calls from, or have rendered assistance to, ships under attack in waters off the coast of Somalia; acknowledging the efforts of a number of international organizations in raising awareness amongst, and providing guidance for, their respective memberships and in reporting to the Organization in relation to this issue; and noting with appreciation the work done by the International Maritime Bureau of the International Chamber of Commerce in providing the industry with warnings in relation to incidents occurring in waters off the coast of Somalia and assistance in resolving cases where ships have been hijacked and the seafarers on board have been held hostage,

RESPECTING FULLY the sovereignty, sovereign rights, jurisdiction and territorial integrity of Somalia and the relevant provisions of international law, in particular UNCLOS,

HAVING CONSIDERED the actions taken, following the adoption of resolution A.979(24) by the Council at its ninety-eighth regular and twenty-fourth extraordinary sessions, and by the Secretary-General, in the light of the prevailing situation in the waters off the coast of Somalia,

1. CONDEMNNS AND DEPLORES all acts of piracy and armed robbery against ships irrespective of where such acts have occurred or may occur;
2. APPEALS to all parties which may be able to assist to take action, within the provisions of international law, to ensure that:
 - .1 all acts or attempted acts of piracy and armed robbery against ships are terminated forthwith and any plans for committing such acts are abandoned; and
 - .2 any hijacked ships, seafarers serving in them and any other persons on board are immediately and unconditionally released and that no harm is caused to them;
3. STRONGLY URGES Governments to increase their efforts to prevent and suppress, within the provisions of international law, acts of piracy and armed robbery against ships irrespective of where such acts occur and, in particular, to co-operate with other Governments and international organizations in the interests of the rule of law, safety of life at sea and environmental protection, in relation to acts occurring or likely to occur in the waters off the coast of Somalia;
4. ALSO STRONGLY URGES Governments to promptly:
 - .1 issue, to ships entitled to fly their flag, as necessary, specific advice and guidance on any appropriate additional precautionary measures ships may need to put in

- place when sailing in waters off the coast of Somalia to protect themselves from attack, which may include, *inter alia*, areas to be avoided;
- .2 issue, to ships entitled to fly their flag, as necessary, advice and guidance on any measures or actions they may need to take when they are under attack, or threat of attack, whilst sailing in waters off the coast of Somalia;
 - .3 encourage ships entitled to fly their flag to ensure that information on attempted attacks or on acts of piracy or armed robbery committed whilst sailing in waters off the coast of Somalia is promptly conveyed to the nearby coastal States and to the nearest most appropriate Rescue Coordination Centre;
 - .4 provide a point of contact through which ships entitled to fly their flag may request advice or assistance when sailing in waters off the coast of Somalia and to which such ships can report any security concerns about other ships, movements or communications in the area;
 - .5 bring to the attention of the Secretary-General information on attempted attacks or on acts of piracy or armed robbery committed against ships entitled to fly their flag whilst sailing in waters off the coast of Somalia for him to take appropriate action in the circumstances;
 - .6 encourage ships entitled to fly their flag to implement expeditiously, for the ship's protection and for the protection of other ships in the vicinity, any measure or advice the nearby coastal States or any other State or competent authority may have provided;
 - .7 establish, as necessary, plans and procedures to assist owners, managers and operators of ships entitled to fly their flag in the speedy resolution of hijacking cases occurring in the waters off the coast of Somalia;
 - .8 investigate all acts or attempted acts of piracy and armed robbery against ships entitled to fly their flag occurring in the waters off the coast of Somalia and to report to the Organization any pertinent information;
 - .9 take all necessary legislative, judicial and law enforcement action so as to be able, subject to national law, to receive and prosecute or extradite any pirates or suspected pirates and armed robbers arrested by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service; and
 - .10 with respect to ships entitled to fly their flag employed by the World Food Programme for the delivery of humanitarian aid to Somalia, where such ships are to be escorted by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service, conclude, taking into account operative paragraph 6.4, any necessary agreements with the State(s) concerned;
5. REQUESTS Governments to instruct national rescue coordination centres or other agencies involved, on receipt of a report of an attack, to promptly initiate the transmission of relevant advice and warnings through the World-Wide Navigation Warning Service, the

International SafetyNet Service or otherwise, to ships sailing in the waters off the coast of Somalia, so as to warn shipping in the immediate area of the attack;

6. REQUESTS the Transitional Federal Government of Somalia to:

- .1 take any action it deems necessary in the circumstances to prevent and suppress acts of piracy and armed robbery against ships originating from within Somalia and thus deprive them of the possibility of using its coastline as a safe haven from which to launch their operations;
- .2 take appropriate action to ensure that all ships seized by pirates and armed robbers and brought into waters within its territory are released promptly and that ships sailing off the coast of Somalia do not henceforth become victims of acts of piracy or armed robbery;
- .3 advise the Security Council that, in response to the pressing request of the Council of the International Maritime Organization, it consents to warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service, which are operating in the Indian Ocean, entering its territorial sea when engaging in operations against pirates or suspected pirates and armed robbers endangering the safety of life at sea, in particular the safety of crews on board ships carrying, under the World Food Programme, humanitarian aid to Somalia or leaving Somali ports after having discharged their cargo, specifying any conditions attached to the consent given; and
- .4 also advise the Security Council of its readiness to conclude, taking into account operative paragraph 4.10, any necessary agreements so as to enable warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service, to escort ships employed by the World Food Programme delivering humanitarian aid to Somalia or leaving Somali ports after having discharged their cargo;

7. CALLS UPON Governments in the region to conclude, in co-operation with the Organization, and implement, as soon as possible, a regional agreement to prevent, deter and suppress piracy and armed robbery against ships;

8. CALLS UPON all other Governments, in co-operation with the Organization and as requested by those Governments in the region, to assist these efforts;

9. REQUESTS the Secretary-General to:

- .1 transmit a copy of the present resolution to the Secretary-General of the United Nations for consideration and any further action he may deem appropriate;
- .2 continue monitoring the situation in relation to threats to ships sailing in waters off the coast of Somalia and to report to the Council, as and when appropriate, on developments and any further actions which may be required;
- .3 establish and maintain co-operation with the Monitoring Group on Somalia; and

- .4 consult with interested Governments and organizations in establishing a process and means by which technical assistance can be provided to Somalia and nearby coastal States to enhance the capacity of these States to give effect to the present resolution, as appropriate;
 10. REQUESTS the Maritime Safety Committee to review and update, as a matter of urgency, MSC/Circ.622/Rev.1, MSC/Circ.623/Rev.3 and resolution A.922(22), taking into account current trends and practices;
 11. REQUESTS the Council to continue to monitor the situation in relation to threats to ships sailing in waters off the coast of Somalia and to initiate any actions which it may deem necessary to ensure the protection of seafarers and ships sailing in waters off the coast of Somalia;
 12. REVOKES resolution A.979(24).
-

