

RESOLUTION A.504(XII) adopted on 20 November 1981
BARRATRY, UNLAWFUL SEIZURE OF SHIPS AND THEIR
CARGOES AND OTHER FORMS OF MARITIME FRAUD

INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION



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IMCO

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THE ASSEMBLY,

RECALLING its resolution A.461(XI) on barratry and unlawful seizure of ships and their cargoes and in particular its request to the Council to provide for a study of the matter on the basis of highest priority and report the results of its efforts to the Assembly at its twelfth regular session,

NOTING WITH SATISFACTION the extensive studies undertaken by the Ad Hoc Working Group appointed by the Council to examine the subject,

NOTING FURTHER that the Working Group was requested to keep in mind the need to prevent and suppress acts of barratry, unlawful seizure of ships and their cargoes and other forms of maritime fraud and the need to safeguard the legitimate rights of all persons and authorities concerned,

HAVING CONSIDERED the proposals made by the Council in the light of the recommendations of the Working Group,

BEING ANXIOUS to promote concerted action by all relevant parties and interests for the prevention and suppression of fraudulent acts which gravely endanger the integrity of international sea-borne trade,

1. RECOGNIZES the important and crucial role which self-regulation by the relevant commercial and industrial interests must play in combating maritime fraud in all its forms;
2. NOTES WITH SATISFACTION that these interests are fully aware of the seriousness of the problem created by maritime fraud and the necessity of their co-operating with each other and with Governments and inter-governmental organizations to the fullest possible extent;
3. NOTES WITH APPROVAL the positive results achieved by the various interests and organizations in promoting studies into the nature and consequences of maritime fraud, including the organization of training schemes and seminars and the publication of well-documented information, in particular the Guide to the Prevention of Maritime Fraud of the International Chamber of Commerce;

4. WELCOMES the work of the International Chamber of Commerce in combating maritime fraud and, in particular, the positive and constructive initiative taken to set up the International Maritime Bureau;
5. URGES all interests and organizations concerned to co-operate fully with the International Chamber of Commerce and, as appropriate, with its International Maritime Bureau in taking effective measures and exchanging information for the further prevention of maritime fraud, bearing in mind that measures relating to documentation must not prejudice the facilitation of international maritime traffic and trade;
6. RECOGNIZES that the ratification and effective implementation of IMCO's conventions and other appropriate international instruments relating to maritime safety, in particular those dealing with the training and certification of seafarers and the procedures for the control of sub-standard ships adopted with a view to the eventual elimination of such sub-standard conditions, can make a contribution to the prevention and control of maritime fraud, and accordingly invites Governments to give renewed consideration to the ratification of the conventions and instruments and application of the resulting procedures;
7. INVITES Governments to review the provisions in their national law relating to the prevention and suppression of all forms of maritime fraud and to make such additions or improvements as may be necessary for the prevention and suppression of such acts and the safeguarding of the interests of all parties concerned, having particular regard to:
 - (a) Administration of national registers, including the transfer of ownership or nationality or change of name of ships;
 - (b) Documentary requirements, bearing in mind that measures relating to documentation must not prejudice the facilitation of international maritime traffic and trade; and
 - (c) Appropriate legal penalties for acts of maritime fraud;
8. FURTHER INVITES Governments to examine their national law enforcement procedures and resources, including the availability of appropriately trained personnel, and to take such action as may be necessary for the effective prevention, investigation and detection of all forms of maritime fraud and the prosecution of persons and bodies involved;

9. URGES Governments to take all possible measures of co-operation with each other and with appropriate inter-governmental organizations and other interests in order to maintain and develop co-ordinated action in all relevant areas to combat maritime fraud, including the exchange of information and all appropriate co-operation with the International Maritime Bureau of the International Chamber of Commerce;
 10. INVITES Governments and appropriate international organizations to inform the Secretary-General of legal, administrative and other action taken or contemplated to implement the aims of this resolution;
 11. REQUESTS the Council to keep the matter under review and take such further action as it may consider necessary in the light of developments.
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