

RESOLUTION MSC.298(87)

(adopted on 21 May 2010)

ESTABLISHMENT OF A DISTRIBUTION FACILITY FOR THE PROVISION OF LRIT INFORMATION TO SECURITY FORCES OPERATING IN WATERS OF THE GULF OF ADEN AND THE WESTERN INDIAN OCEAN TO AID THEIR WORK IN THE REPRESSION OF PIRACY AND ARMED ROBBERY AGAINST SHIPS (THE DISTRIBUTION FACILITY)

## ANNEX 15

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THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO the provisions of regulation V/19-1 on the Long-range identification and tracking of ships of the International Convention for the Safety of Life at Sea, 1974, as amended (the Convention) and, in particular, that, as from 31 December 2008, ships shall transmit, and Contracting Governments to the Convention (Contracting Governments) shall be able to receive, pursuant to the provisions of the regulation V/19-1 of the Convention, LRIT information,

TAKING INTO ACCOUNT that the twenty-sixth regular session of the Assembly requested the Committee to review the provisions of resolution A.1026(26) on Piracy and armed robbery against ships in waters off the coast of Somalia, as well as any salient provisions of related resolutions which have been or might be adopted by the United Nations Security Council (UN SC) in this respect and to develop, where necessary, guidance and recommendations so as to enable Member Governments and the shipping industry to implement the provisions, taking into account current and emerging trends and practices,

BEARING IN MIND that the Assembly also requested the Secretary-General, *inter alia*, to undertake, as and when necessary, steps for promoting the cooperation and coordination and to avoid duplication of efforts, among the States and organizations providing or seeking to provide assistance to the States in the region, so as to enable them individually and collectively to engage actively in the repression of piracy and armed robbery against ships; and continue monitoring the situation in relation to threats to ships sailing in waters off the coast of Somalia and report to the Council, the Committee, the Legal Committee and the Technical Co-operation Committee, as appropriate,

NOTING that the UN SC through resolution 1897 (2009) has renewed for a period of 12 months the authorizations set out in paragraph 10 of resolution S/Res/1846(2008) and paragraph 6 of resolution S/Res/1851(2008) granted to States and regional organizations cooperating with the Transitional Federal Government of Somalia (TFG) in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary General of the United Nations,

NOTING ALSO, that a number of naval forces engaged in operations against the perpetrators in the Gulf of Aden and the western Indian Ocean (the area) have suggested that a holistic picture of the ships operating in the area would enable them to deploy the limited available naval and military assets in a more effective and efficient manner and thus enhance the protection which they offered to shipping and mariners transiting the area,

RECOGNIZING, that LRIT information could provide a very useful source of data to security forces responding to Assembly resolution A.1026(26) and UN SC resolution 1897 (2009), which would enable the security forces operating in the area to build such a holistic picture when combined with data from other sources,

HAVING CONSIDERED, at its eighty-seventh session, the various options for providing the corresponding flag State LRIT information by those Contracting Governments who have chosen to provide it to the security forces operating in the area,

1. AGREES on the establishment of a distribution facility at IMO headquarters in London, United Kingdom, for the provision of flag State LRIT information to security forces operating in the area to aid their work in combating piracy and armed robbery against ships;

2. ALSO AGREES that this distribution facility is not part of the LRIT system and is not covered by the LRIT regulation; however, it will leverage the LRIT technical architecture in order to accomplish its goal, without any prejudicial impact on the LRIT architecture or the LRIT system;

3. FURTHER AGREES that the flag State participation in the distribution facility is completely voluntary; the technical implementation of this system will have to be an "opt-in" arrangement; and each flag State will have to have the ability to determine which security force, if any, will receive their information;

4. INVITES the Secretariat to establish, test, operate and maintain the distribution facility, in accordance with the conditions and procedures set out in the annex, to provide in an automatic manner flag State LRIT information to the security force(s) operating in the area, and provide an interim report on its operations to future sessions of the Committee;

5. INVITES the Secretary-General to consider and grant requests for access to the distribution facility to security forces operating the area to aid their work in combating piracy and armed robbery against ships, taking into account the procedures set out in the annex;

6. INVITES Contracting Governments to consider instructing their LRIT Data Centres to provide, if they so wish, flag State LRIT information to the security forces operating in the area.

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The distribution facility will be set up, maintained and operated by the Secretariat, under the following conditions:

#### *Setting up the distribution facility*

1 The distribution facility will be connected to the International LRIT Data Exchange (IDE) using the available PKI infrastructure and will be configured within the LRIT Data Distribution Plan (DDP) as a Cooperative LRIT Data Centre (CDC). The security forces who are the users of this distribution facility will be entered into the DDP as Contracting Governments associated to the CDC. These associations are required in order to appropriately leverage the LRIT architecture and are not indicative of status in the LRIT system.

2 The distribution facility will only have the capability to receive and temporarily store flag State LRIT information sent to it through the IDE, and will only need to receive and respond to System status and Receipt messages. There will be no journal kept within the distribution facility.

3 The distribution facility will distribute in a secure manner (authenticated and encrypted) all received flag State LRIT information to the security forces in a format the Organization can send and the security forces can accept.

4 Under no circumstances will the distribution facility archive any information received from flag States. In other words, the information received from flag States will be stored only as long as necessary in order to be received by the security forces, and will be destroyed immediately after it has been delivered to the appropriate security force(s).

5 The distribution facility will not have the capability to make any types of requests through the IDE for the provision of any other flag State LRIT information, nor will it be able to present the flag State LRIT information in a graphical manner.

#### *Testing the distribution facility*

6 The distribution facility will be tested in the testing environment of the LRIT system bearing in mind its limited functionality, to ensure that it does not adversely affect the LRIT system.

#### *The geographical area and standing orders*

7 Each security force will be associated with a specific geographical polygon(s) which will be activated in the DDP as a standing order.

8 The Secretariat will advise all SOLAS Contracting Governments operating in the production environment of the LRIT system, each time a security force is created in the DDP. In this respect, an exclusion will be automatically added to all SOLAS Contracting Governments with respect to the security force in question. SOLAS Contracting

Governments will then consider deactivating the above exclusion or instructing their LRIT Data Centre (DC) to provide flag State LRIT information, if they so wish, to the specified security force created in the DDP.

9 Within the special geographical polygon, SOLAS Contracting Governments might identify further critical areas within which they might decide that ships entitled to fly their flag should transmit flag State LRIT information at more frequent than the default 6-hour intervals in order to provide more accurate information to the security forces. In such cases, the SOLAS Contracting Governments concerned should instruct their DCs to transmit flag State LRIT information accordingly. The distribution facility will receive whatever information is sent to it by the flag States through the IDE and, as indicated above, will not be able to initiate or reset any changes in the rate of transmission of flag State LRIT information.

#### *Access to the distribution facility by security forces*

10 The security forces interested in receiving flag State LRIT information through the distribution facility should request, in writing, access to the distribution facility from the Secretary-General who should report to the Committee to whom he has granted such access as well as any related details.

11 The request should originate from the SOLAS Contracting Government to which the security forces belong or, in case of a group of security forces, by one of the SOLAS Contracting Governments which have established the security force in question. In such cases, the communication to the Secretary-General should clearly indicate that the request is made on behalf of the SOLAS Contracting Governments concerned and should specify the security force(s) involved.

12 The request should indicate the operational areas covered by the security force concerned; clearly state that the information would be used to enhance the protection of all ships navigating in the area irrespective of the flag they might be flying or for delivering humanitarian aid to Somalia.

#### *Financial aspects*

13 The flag State LRIT information which might be provided through the distribution facility to the security forces will be voluntary and on a free-of-charge basis.

14 The distribution facility will be developed, tested and deployed by the Secretariat, will be hosted on the existing Information Technology and Information System (IT&IS) infrastructure of the Organization and will not result in any additional cost for the Organization beyond the use of existing resources. The Secretariat will monitor the operation of the distribution facility and will initiate any corrective actions when this becomes necessary, however, this will be restricted to the working days and during the office hours of the Secretariat.

#### *Limitations*

15 Until the completion of establishment of the LRIT system and the integration of all ships which are required to transmit LRIT information, the security forces need to be aware that they might not receive flag State LRIT information from all ships within the special geographical polygon, or that the transmission of flag State LRIT information from ships within the special geographical polygon might be erratic and in some cases might cease completely due to problems with legacy shipborne equipment.

*The role of the Secretary-General*

- 16 Subject to the decisions of the Committee, the Secretary-General will:
- .1 have the authority to receive and implement requests for access to the distribution facility by security forces;
  - .2 have the authority to modify the special geographical polygon or to establish additional geographical polygons within the area to accommodate the request;
  - .3 report to the Committee which security forces are connected to the distribution facility together with related details; and
  - .4 report to the Committee all cases where the distribution facility is not available due to scheduled or unscheduled maintenance or as a result of malfunctions.

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