

RESOLUTION MSC.303(87)
(adopted on 17 May 2010)
ASSURING SAFETY DURING DEMONSTRATIONS, PROTESTS OR CONFRONTATIONS
ON THE HIGH SEAS

ANNEX 22

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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,

CONSIDERING THAT the safety of vessels¹, crew and other persons on board such vessels on the high seas is of paramount importance to the Organization and its Member States and has long been the common interest of nations worldwide,

AFFIRMING the rights and obligations relating to legitimate and peaceful forms of demonstration, protest or confrontation and noting that there are international instruments that may be relevant to these rights and obligations,

BEARING IN MIND that the Organization does not condone any actions that intentionally imperil human life, the marine environment or property,

SERIOUSLY CONCERNED that demonstrations, protests or confrontations involving vessels on the high seas may affect or compromise the safety and security of such vessels and may lead to incidents that cause a risk to human life, the marine environment or property,

RECOGNIZING the need to cooperate, as appropriate, in accordance with relevant rules of international law and respective domestic laws and regulations, to ensure that actions that intentionally imperil human life, the marine environment or property are adequately addressed,

RECALLING FURTHER that the Organization has adopted important instruments directed at the safety and security of vessels, crew and other persons on those vessels including in particular the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG), as amended, which sets uniform rules and principles for avoiding collisions at sea; the International Convention for the Safety of Life at Sea, 1974 (SOLAS) as amended, in particular chapter V pertaining to safety of navigation and chapter XI/2 pertaining to special measures to enhance maritime safety and security; the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and its Protocol for the Suppression of Unlawful Acts against Fixed Platforms Located on The Continental Shelf (the SUA Convention and its 1988 Protocol), relating to international cooperation for the prevention of unlawful acts against the safety of maritime navigation and platforms, and actions against alleged offenders; and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, which has provisions pertaining to watchkeeping arrangements,

¹ The term "vessel" used in this resolution is meant to be interpreted in the broadest manner possible and includes definitions in applicable IMO instruments of "ship" and "vessel".

RECALLING ALSO the relevant provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and of customary international law of the sea related to activities of vessels on the high seas,

HAVING CONSIDERED, at its eighty-seventh session, the recommendations of the Sub-Committee on Safety of Navigation and the Sub-Committee on Flag State Implementation,

1. RECALLS AND REAFFIRMS the importance of safety of vessels, crew and other persons on board such vessels;
2. CONDEMNS any actions that intentionally imperil human life, the marine environment, or property during demonstrations, protests or confrontations on the high seas;
3. CALLS UPON Governments to urge:
 - .1 persons and entities under their jurisdiction to refrain from actions that intentionally imperil human life, the marine environment, or property during demonstrations, protests or confrontations on the high seas;
 - .2 all vessels entitled to fly their flag to comply with the applicable instruments adopted by this Organization directed at safety of navigation, security and safety of life at sea;
 - .3 all vessels, during demonstrations, protests or confrontations on the high seas, to comply with COLREG and SOLAS by taking all steps to avoid collisions and safeguard navigation, security and safety of life at sea; and
 - .4 all vessels, during demonstrations, protests or confrontations on the high seas, to conduct their radio communications in accordance with the International Telecommunication Union Radio Regulations;
4. ALSO CALLS UPON Governments to take such measures as may be necessary to establish jurisdiction over any offences set forth in the SUA Convention and its 1988 Protocol;
5. FURTHER CALLS UPON Governments, consistent with international law and their domestic laws and regulations, to conduct inquiries into every marine casualty or incident of navigation on the high seas that imperils safety of vessels, crew or other persons on board such vessels that involve a vessel entitled to fly their flag;
6. ENCOURAGES Governments, consistent with international law and their domestic laws and regulations, to cooperate, as appropriate, to ensure that actions that intentionally imperil human life, the marine environment or property on the high seas are adequately addressed;
7. REQUESTS Governments to bring this resolution to the attention of all entities concerned, in particular those that might be involved during demonstrations, protests or confrontations on the high seas.

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