

RESOLUTION MSC.305(87)
(adopted on 17 May 2010)
GUIDELINES ON OPERATIONAL PROCEDURES FOR THE PROMULGATION OF MARITIME SAFETY
INFORMATION CONCERNING ACTS OF PIRACY
AND PIRACY COUNTER-MEASURE OPERATIONS

ANNEX 30

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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 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,

BEARING IN MIND resolution A.1026(26) on "Piracy and armed robbery against ships in waters off the coast of Somalia" through which the Assembly has recommended a number of actions to be taken by Governments, the Transitional Federal Government of Somalia, the Council, the Maritime Safety Committee and the Secretary-General, with a view to bringing the situation under control,

NOTING that the Maritime Safety Committee has approved revised recommendations¹ to Governments and guidance² to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships, including specific advice³ developed by the industry in relation to the situation in waters off the coast of Somalia,

NOTING ALSO that the Sub-Committee on Safety of Navigation has reviewed the details, and recommended⁴ the use by all ships transiting the Gulf of Aden, of the Internationally Recommended Transit Corridor in the Gulf of Aden, as it may be amended from time to time by those who established it,

BEING AWARE of the serious safety and security concerns that 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,

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

¹ Refer to MSC.1/Circ.1333 on Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships, as it may be revised.

² Refer to MSC.1/Circ.1334 on Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships, as it may be revised.

³ Refer to MSC.1/Circ.1332 on Piracy and armed robbery against ships in waters off the coast of Somalia and MSC.1/Circ.1335 on Piracy and armed robbery against ships in waters off the coast of Somalia – Best Management Practices to Deter Piracy in the Gulf of Aden and off the Coast of Somalia developed by the industry, as it may be revised.

⁴ Refer to SN.1/Circ.281 on Information on Internationally Recommended Transit corridor (IRTC) for ships transiting the Gulf of Aden, as it may be revised.

HAVING CONSIDERED, at its eighty-seventh session, the proposed draft Guidelines on Operational Procedures for the promulgation of Maritime Safety Information concerning acts of Piracy and counter-Piracy operations,

1. ADOPTS the Guidelines on Operational Procedures for the promulgation of Maritime Safety Information concerning acts of Piracy and Piracy counter-measure operations, the text of which is set out in the Annex to the present resolution;
2. RESOLVES that the Guidelines be brought into use with immediate effect;
3. REQUESTS the Secretary-General to transmit copies of this resolution and the Annex to all Member Governments;
4. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and the Annex to the International Hydrographic Organization (IHO), the International Mobile Satellite Organization (IMSO), the Chairman of the IHO WWNWS Sub-Committee and naval and military forces currently engaged in official counter-piracy operations.

ANNEX

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MARITIME SAFETY INFORMATION CONCERNING ACTS OF PIRACY
AND PIRACY COUNTER-MEASURE OPERATIONS**

1 Maritime Safety Information (MSI) concerning acts of piracy and piracy counter-measure operations is broadcast through the World-Wide Navigational Warning Service (WWNWS) in accordance with the general guidance and requirements contained in MSC.1/Circ.1310: Revised Joint IMO/IHO/WMO Manual on Maritime Safety Information (Joint MSI Manual) and the International SafetyNET Manual. These operational procedures provide specific additional guidance for naval and military authorities involved in the gathering and interpretation of information on acts of piracy and piracy counter-measure operations, and NAVAREA or National Coordinators within the WWNWS who are responsible for originating the broadcasts.

2 A piracy attack warning should be broadcast as an "URGENT" NAVAREA or Coastal Warning immediately on receipt of the source information and at least at the next scheduled broadcast or for as long as the information remains valid.

3 Naval or military authorities wishing to provide information on acts of piracy and piracy counter-measure operations for broadcast under these procedures should nominate a Military Navigational Warning Coordinator (MNWC) for all matters related to the release and coordination of information for broadcast. Contact details for the MNWC should be notified to the IMO Secretariat (info@imo.org) and the IHO (info@ihb.mc), who will inform the chairman of the IHO World-Wide Navigational Warnings Service Sub-Committee (IHO WWNWS-SC).

4 As the single point of contact for the WWNWS in this regard, the Chairman of the IHO WWNWS-SC should nominate an alternative to act on his behalf in the event that he is not available at any time.

5 Draft messages concerning piracy and piracy counter-measures for input into the WWNWS should be routed through the MNWC to the Chairman of the IHO WWNWS-SC.

6 The Chairman of the IHO WWNWS-SC should:

- .1 check messages for format in accordance with the Joint MSI Manual;
- .2 liaise with MNWC if any changes are needed to the draft; and
- .3 forward the approved text to the relevant NAVAREA or National Coordinator(s) for broadcast.

7 Personnel providing navigational warnings concerning acts of piracy and piracy counter-measure operations should have a working knowledge of:

- .1 SOLAS chapter IV and the GMDSS;
- .2 MSC.1/Circ.1310 and resolutions A.705(17) *Promulgation of Maritime Safety Information*, as amended, and A.706(17) *World Wide Navigational Warning Service*, as amended, including the use of standardized texts and message formats; and

.3 the legal definitions of piracy; relevant parts of the UN Convention on the Law of the Sea (UNCLOS), particularly as they apply to territorial waters limits; and other political and operational issues related to the environment in which they are operating.

8 Naval and military authorities should avoid requesting broadcasts that give instructions to merchant shipping and instead phrase their warnings in factual and/or advisory terms.

9 Naval and military authorities providing information for broadcast may wish to install facilities to receive Inmarsat-C SafetyNET and, where appropriate, NAVTEX so that they can monitor the broadcast of messages.

10 MNWCs are responsible for informing the Chairman of the IHO WWNWS-SC as appropriate, when the information is no longer valid.

11 Once the MNWC has forwarded information to the Chairman of the IHO WWNWS-SC for broadcast, the final decision on what to broadcast and how this is done rests with the NAVAREA or National Coordinator concerned. This decision should be guided by resolution A.706(17), as amended, the International SafetyNET Manual and MSC.1/Circ.1310, and be taken in the light of all other information on hand.

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