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EXTERNAL RELATIONS

(a) Relations with the United Nations and the specialized agencies

Piracy and armed robbery against ships in waters off the coast of Somalia

Note by the Secretary-General

SUMMARY

Executive summary: This document provides an overview of the situation concerning piracy and armed robbery against ships in the waters off the coast of Somalia since A 24; and reports on the actions taken by the Secretary-General and the Council pursuant to resolution A.979(24). In view of the situation which has emerged since the beginning of 2007, it also proposes the adoption of the annexed resolution for approval and submission to A 25 for adoption.

Action to be taken: Paragraph 20

Related documents: C/ES.23/17(a); A 24/8/1; resolution A.979(24); MSC.1/Circ.1233; and C 98/D, paragraph 10.6; and A 25/19(a)/1

Introduction

1 The Secretary-General, being concerned at the considerable increase, during 2005, in the number of reported incidents of piracy and armed robbery against ships in waters off the coast of Somalia (including the hijacking of ships, some of which were engaged by the United Nations World Food Programme (WFP) for the delivery of food aid to Somalia), raised (see document C/ES.23/17(a)) the issue at the twenty-third extraordinary session of the Council which, sharing his concern, took action leading to the adoption of resolution A.979(24) on Piracy and armed robbery against ships in waters off the coast of Somalia.

Developments since A 24

2 The Assembly, through the aforesaid resolution, which was adopted in the presence of, and following consultations with, the representative of Somalia, requested the Secretary-General, *inter alia* "to transmit a copy of the resolution to the United Nations Secretary-General for consideration and any further action he may deem appropriate including bringing the matter to the attention of the Security Council for consideration and action as appropriate, taking into account relevant regional co-ordination efforts".

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3 The resolution also requested, *inter alia*: (1) 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 may be required; and (2) the Council 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.

4 Pursuant to that resolution the Secretary-General wrote, on 28 November 2005, to the UN Secretary-General and the latter brought the issue to the attention of the President of the Security Council on 22 December 2005. After consultations, the President of the Security Council, on 15 March 2006, issued the following Statement¹:

“The Security Council takes note of resolution A.979(24) adopted on 23 November 2005 at the twenty-fourth session of the International Maritime Organization biennial Assembly, concerning the increasing incidents of piracy and armed robbery against ships in waters off the coast of Somalia. The Council encourages Member States 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. ... The Council further urges co-operation among all States, particularly regional States, and active prosecution of piracy offences.”

5 During the latter part of 2006, there was a most welcome and significant drop in the number of acts of piracy and armed robbery against ships reported in waters off the coast of Somalia.

6 However, since the beginning of the current year, there has been a worrying increase in the number of reported incidents of piracy and/or armed robbery against ships. The hijacking of ships and demands for the payment of ransoms for their release and for the release of their crews and cargo appear to have become, once more, a common pattern, with the perpetrators having again been engaged in a number of attacks on, and seizure of, ships carrying food aid to Somalia under the auspices of the WFP. The available information again points to well organized and co-ordinated activities. The actual extent of the incidents is very difficult to gauge and a number of sources have argued that there may have been several unreported cases. In this respect, it is noted that the UN Secretary-General in his quarterly report², of 25 June 2007, to the Security Council on the situation in Somalia noted, in connection with the humanitarian situation, that an “upsurge in piracy off the Somali coast posed additional challenges to the provision of aid as WFP-chartered vessels came under attack in mid-May”.

7 As a result of these alarming developments and the serious concerns voiced by the international maritime community, the Secretary-General, following consultations with the Acting Chairman of the Maritime Safety Committee, issued MSC.1/Circ.1233 on Piracy and armed robbery against ships in waters off the coast of Somalia alerting all Member States and international organizations concerned and inviting them, as a matter of urgency, to bring the circular to the attention of all parties concerned, advising them to take any action deemed appropriate in the circumstances and, in particular, to comply with the recommendations

¹ See United Nations document S/PRST/2006/11.

² See United Nations document S/2007/381, paragraph 51.

in resolution A.979(24) and the existing guidance³ developed by the Maritime Safety Committee for preventing and suppressing piracy and armed robbery against ships. In addition, it reminded them of the Statement by the President of the Security Council of 15 March 2006 referred to above.

8 In addition, the Secretary-General brought the issue to the attention of Council at its ninety-eighth session, which (see C 98/D, paragraph 10.6), whilst reiterating its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, *inter alia*, authorized the Secretary-General to seek, through the UN Secretary-General, the further engagement of the Security Council to promote and facilitate the international community's efforts to combat acts of piracy and armed robbery against ships sailing in waters off the coast of Somalia and, in particular, ships carrying humanitarian aid to the country; and, more particularly, that the Security Council request the Transitional Federal Government of Somalia to take action, as may be deemed necessary and appropriate in the circumstances, to prevent and suppress acts of piracy and armed robbery against ships, including consenting to ships, as defined in article 107 of United Nations Convention on Law of the Sea (UNCLOS), operating in the Indian Ocean, entering its country's territorial waters 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, within WFP's programme, humanitarian aid to Somalia or leaving Somali ports after having discharged their cargo; and authorized the Secretary-General to communicate with the UN Secretary-General accordingly.

Actions by the Secretary-General since C 98

9 On 5 July 2007, the Secretary-General, pursuant to the decision of C 98, wrote to the UN Secretary-General requesting him, *inter alia*, to bring to the attention of the Security Council the problem of piracy and armed robbery against ships sailing in waters off the coast of Somalia.

10 On 10 July 2007, the Secretary-General and the Executive Director of WFP issued a joint communiqué calling for concerted and co-ordinated international action to address the threat of piracy and armed robbery against ships in waters off the coast of Somalia, amid growing concern about the perils it poses for commercial shipping, fishing and other vessels and the delivery of humanitarian assistance needed by hundreds of thousands of Somali men, women and children.

11 On 11 July 2007, at a meeting in London, the Secretary-General briefed the UN Secretary-General on the situation, on the decision taken by C 98 and on the impact any act of piracy and armed robbery against ships may have on human life, the safety of navigation and the environment and requested his support in carrying out the request of C 98.

12 On 18 July 2007, the Secretary-General wrote to the London-based Heads of Diplomatic Missions of States, which are members of the Security Council, and to their Permanent Representatives to the Organization, requesting their support when the matter came up for debate at the Security Council. In addition, the Secretary-General wrote, in a similar fashion, to the London-based Heads of Diplomatic Missions and the Ministers of Foreign Affairs of a number of Member States, which had recently served as members of the Security Council, as well as to the Minister for Ports and Maritime Transport of the Transitional Federal Government of Somalia (TFG).

³ MSC/Circ.622/Rev.1 on Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships; and MSC/Circ.623/Rev.3 on Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships.

13 On 20 August 2007, the UN Secretary-General wrote to the Secretary-General, advising him that, following their meeting on 11 July 2007, on his return to New York, he had briefed the Security Council on the issue. In addition, he indicated that, during an earlier meeting, the Prime Minister of TFG had indicated to him that Somalia would be amenable to assistance in this area. In this connection, he advised that he had instructed his Special Representative for Somalia to raise the issue directly with the TFG in order to identify more precisely what bilateral arrangements already existed, what the specific needs or requirements of the TFG were and what technical capacity was required. He also indicated that he had asked his Special Representative to make a recommendation to him on the basis of his consultations with the TFG and to keep the Secretary-General informed.

Related developments

14 The Security Council, on 20 August 2007, adopted resolution S/Res/1772 (2007) on the situation in Somalia, in which, *inter alia*, stressing its concern at the upsurge in piracy off the Somali coast and taking note of the joint communiqué of the Organization and WFP of 10 July 2007, it 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.

15 The UN Secretary-General, in his letter⁴ of 20 September 2007 to the President of the Security Council reporting on a number of issues pursuant to resolution S/Res/1772 (2007), noted that “piracy off the coast of Somalia is threatening commercial shipping and impeding the safe delivery of humanitarian assistance. The rise in the frequency of pirate attacks has resulted in higher shipping costs and a significant reduction in the number of cargo vessels in the water. Close to 80 per cent of World Food Programme (WFP) assistance to Somalia is shipped by sea; however, due to piracy, the availability of ships willing to carry food to the country has been halved. So far this year, there have been 15 attacks on ships in or near Somali waters, including two on WFP-contracted vessels, with a security guard killed in one of them. In 2006, there were 10 attacks”.

Statistical picture

16 On the basis of the incidents of piracy and armed robbery against ships in waters off the coast of Somalia reported to the Organization, the statistical information⁵ shows that, in the period between the adoption of resolution A.979(24) and the end of September 2007, there were 55 reported acts and attempted acts of piracy or armed robbery against ships. Of these, 19 occurred between 23 November 2005 and 22 May 2006; none took place between 23 May and 31 October 2006 (i.e. during the monsoon season); and 36 occurred between 1 November 2006 and 30 September 2007. Of these 55 incidents, in nine cases ships were shot at and a further 14 ships were boarded and the crews taken hostage. One crew member was killed. Of the 14 crew members taken hostage, ten were released on payment of ransom, one was released without payment and three remain hostage.

⁴ See United Nations documents S/2007/566.

⁵ See MSC.4 circular series on Reports of incidents of piracy and armed robbery against ships reported to the Organization promulgated monthly, with quarterly and annual summaries.

Assessment of the situation

17 A review of the acts of piracy and armed robbery against ships in waters off the coast of Somalia between June 2005 and the end of October 2007, taking into account publicly available information⁶ concerning cases where hijacked ships were released following the payment of ransom, leads to the conclusion that piracy and armed robbery against ships in the aforesaid sea area continues to be a real and serious threat to ships, fishing vessels and pleasure craft navigating or operating in the area and to those on board. In addition, under current conditions, it would be unrealistic to expect the local authorities to take action to bring the situation under any form of control. In this respect it is also noted that neighbouring countries have indicated that the situation has an impact on their economies and, consequently, on the welfare of their citizens.

The proposed new Assembly resolution

18 Whilst the recommendations set out in resolution A.979(24) continue to be sound and relevant, a review of a number of incidents reported to the Organization appears to suggest that not all Member States have acted pursuant to it. In view of the continuing situation in the waters off the coast of Somalia and the impact any act of piracy and armed robbery may have on human life, the safety of navigation and the environment and, in view of the decision of C 98, pursuant to resolution A.979(24), to authorize the Secretary-General to bring, once again, the situation in waters off the coast of Somalia to the attention of the Security Council through the UN Secretary-General, it is important that the Assembly reaffirm its recommendations and raise, once more, the level of international awareness, especially in view of the risk to human life placed by the continual operation of pirates and armed robbers in the area under review.

19 The proposed new Assembly resolution requests the Transitional Federal Government of Somalia, the Council and the Secretary-General to take appropriate action within their remit; and, in particular, the Maritime Safety Committee to undertake a comprehensive review of the existing guidance⁷ provided by the Organization for preventing and suppressing piracy and armed robbery against ships, *inter alia*:

- .1 taking into account the current trends and practices of the perpetrators;
- .2 with a view to providing advice in cases where seafarers, fishermen and other mariners are kidnapped or held hostages for ransom; and
- .3 with a view to providing advice in cases where naval vessels and military aircraft seek to provide assistance or protection.

⁶ The Monitoring Group on Somalia (established by the Security Council through resolution S/Res/1519(2003) and 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)), in its report to the Security Council (see United Nations document S/2006/229, paragraph 90; Report of the Monitoring Group on Somalia pursuant to Security Council resolution S/Res/1630(2005)) indicated, *inter alia*, that there are at least four pirate groups operating in Somali waters. The groups are named and details of their operations are provided. In addition, the Monitoring Group on Somalia, in its report of 27 June 2007 to the Security Council (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)) confirmed, *inter alia*, that piracy and armed robbery against ships off the coast of Somalia, unlike in other parts of the world, is caused by the lack of lawful administration and unwillingness and 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.

⁷ In addition to the MSC circulars referred to in footnote 3, resolution A.922(22) on Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships.

Action requested of the Council

20 The Council is invited to:

- .1 note the information contained in this document and comment as it deems appropriate; and
- .2 approve the draft Assembly resolution on Piracy and armed robbery against ships in waters off the coast of Somalia, set out in the annex, for submission to the twenty-fifth regular session of the Assembly for adoption.

ANNEX

DRAFT ASSEMBLY RESOLUTION

Resolution A.[.....](25)

**Adopted on [...] November 2007
(Agenda item 19(a))**

**PIRACY AND ARMED ROBBERY AGAINST SHIPS
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,

ALSO RECALLING article 100 of the United Nations Convention on the Law of the Sea (UNCLOS), which provides for 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,

FURTHER RECALLING 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 when there is reasonable ground 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; and
- .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;

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 Group¹ on Somalia, in its report² 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 the lack of lawful administration and unwillingness and 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,

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 co-ordination 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 Statement³ 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

¹ Established by the Security Council through resolution S/Res/1519(2003) and 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).

² 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).

³ See United Nations document S/PRST/2006/11.

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,

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 continued situation in Somalia giving reason 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 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 had been hijacked and the seafarers on board had 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. CONDEMNS 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 are immediately and unconditionally released and that no harm is caused to seafarers serving in them;

3. STRONGLY URGES Governments to increase their efforts to prevent and suppress 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 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 immediately:

- .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 committed acts of piracy or armed robbery whilst sailing in waters off the coast of Somalia is promptly conveyed to the nearby coastal States and to the nearest most appropriate Rescue Co-ordination 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 committed acts of piracy or armed robbery 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; and
- .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;

5. REQUESTS Governments to instruct national Rescue Co-ordination 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 System 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 ALSO 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 depriving them of the possibility of using its coastline as a safe haven from where 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; and
- .3 advise the Security Council that, in response to the relevant 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 services, 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;

7. CALLS UPON States in the region to conclude, in co-operation with the Organization, and implement, as soon as possible, a regional agreement to combat piracy and armed robbery against ships; and to take all necessary legislative, judicial and law enforcement action so as to be able 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,

8. REQUESTS FURTHER the Secretary-General:

- .1 to 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 including bringing the matter to the attention of the Security Council for consideration and action as appropriate;
- .2 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 may be required;
- .3 to establish and maintain co-operation with the Monitoring Group on Somalia; and

- .4 to consult with interested Governments and organizations in establishing the 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;
9. 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;
10. ALSO 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;
11. REVOKES resolution A.979(24).
-