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**Adopted on 23 November 2005
(Agenda item 8)**

**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,

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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,

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 fifty-ninth session, by resolution A/RES/59/24 on “Oceans and the law of the sea”, adopted on 17 November 2004, *inter alia*:

- .1 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; and
- .2 welcomes the progress in regional co-operation in the prevention and suppression of piracy and armed robbery at sea in some geographical areas, and urges States to give urgent attention to promoting, adopting and implementing co-operation agreements, in particular at the regional level in high-risk areas,

NOTING ALSO, with great concern, the increasing number of incidents of piracy and armed robbery against ships which reportedly occur in waters off the coast of Somalia, some of which have reportedly taken place up to 180 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 22 August 2005 to the Security Council of the United Nations (“the Security Council”), indicates, *inter alia*, that the aim of the attacks on ships sailing off the coast of Somalia is to secure ransom demands to provide the perpetrators with funds for the purchase of arms, in violation of the embargo on all delivery of weapons and military equipment to Somalia (“the arms embargo on Somalia”) established by the Security Council through resolution S/Res/733(1992), adopted on 23 January 1992, and thus enable them to continue to carry out operations which, *inter alia*, may place at risk the safety and security of maritime navigation in the area and have serious consequences on the marine environment,

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) and S/Res/1630(2005).

² United Nations document S/2005/625, Report of the Monitoring Group on Somalia pursuant to Security Council resolution S/Res/1587(2005).

BEING AWARE of the serious safety and security concerns of the shipping industry and the seafaring community 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 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 that a follow-up similar meeting is being organized to take place in 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/1630(2005) adopted on 14 October 2005, 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),

ALSO NOTING that, following a meeting of the Security Council held on 9 November 2005 to consider the situation in Somalia, the President of the Security Council stated, on behalf of the Security Council, *inter alia*, that the Security Council had expressed serious concern over the increasing incidents of piracy off the coast of Somalia; condemned recent hijackings of vessels in the area, particularly of ships carrying humanitarian supplies to Somalia; and urged the Transitional Federal Institutions of Somalia, regional actors and relevant international organizations to work together to address the problem,

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 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 advice and recommendations of the Council, at its twenty-third extraordinary session, in relation to specific measures to be taken 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 bring the present resolution to the attention of:

- .1 the Transitional Federal Assembly requesting it to initiate appropriate actions suitable to prevent and suppress acts of piracy and armed robbery against ships originating from within Somalia; and
- .2 all other parties concerned in Somalia and seek from them the immediate termination of all acts of piracy and armed robbery against ships sailing in waters off the coast of Somalia;

7. 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, taking into account relevant regional co-ordination efforts;
- .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, taking into account the outcome of the “Sub-regional seminar on piracy and armed robbery against ships and maritime security” held in Sana’a, Yemen from 9 to 13 April 2005;
 8. ALSO REQUESTS 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 which it may deem necessary to ensure the protection of seafarers and ships sailing in waters off the coast of Somalia.
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