



**THE REPUBLIC OF LIBERIA**  
**LIBERIA MARITIME AUTHORITY**

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**23 June 2015**

**Marine Security Advisory: 04/2015**

(This Advisory supersedes Marine Security Advisory 01/2015)

**Subject: LIBYA**

Reference: (a) Marine Security Advisory: 03/2015  
(b) Circular Letter No.3442 - 3 April 2014 - ATTACHED  
(c) UN Security Council Resolution 2146(2014) - ATTACHED

**Dear Shipowner/Operator/Master:**

This Advisory is issued to heighten awareness onboard ships making calls into ports and or anchorages in the State of Libya. Coastal navigation should be avoided to the extent possible.

Trading to Libya should proceed with all due caution and ensure that any planned voyage does not take the vessel into any area, or engage in any activity that would expose her to the risk of being confronted with force, or being accused of breaking Libyan laws and regulations.

UN Security Council Resolution 2146 authorizes the UN Sanctions Committee to impose certain measures on vessels attempting to illicitly export crude oil from Libya. This resolution imposes several restrictions regarding loading, transporting, or discharging crude oil from Libya which may include the possible denial of port entry.

Any vessel calling Libya must do so in accordance with Libyan regulations and permits; this could include submitting to requests for cargo checks.

It is further recommended to limit deck-work when operating vessels inside of 15 NM of the State of Libya's coastline and to schedule arrivals to ports and anchorages during day-time hours only.

Operators and Masters should complete a Risk Assessment prior to arriving at points in or near the State of Libya, taking into account that all cargo related documents are readily available and that proper arrival notification is provided to and acknowledged by the local Authorities.

Operators and Masters are suggested to liaise closely with local port agents and P&I correspondents for the latest information on facility conditions and temporary port closures.

**Vessels transiting through the eastern Mediterranean should remain well clear of Libyan waters and Coastal navigation should be avoided to the extent possible.**

Questions regarding this Advisory should be directed to Security Department at + 1 703 790 3434 or [security@lisr.com](mailto:security@lisr.com).

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Circular Letter No.3442  
3 April 2014

To: IMO Member States  
Contracting Governments to the International Convention for the Safety of  
Life at Sea, 1974, which are not Members of IMO  
Intergovernmental organizations  
Non-governmental organizations in consultative status with IMO

Subject: **Communication from the Government of Libya**

On 27 March 2014, the Embassy of Libya forwarded the attached communication, which it has requested be circulated by the Organization.

ANNEX

PERMANENT REPRESENTATION OF LIBYA  
TO THE INTERNATIONAL MARITIME ORGANIZATION  
LONDON

المنندوية الليبية الدائمة  
لدى المنظمة البحرية الدولية - لندن

Ref L - IMO - 2014 - 03

Date 25 - 03 - 2014

الرقم الأشارى .....

التاريخ .....

Mr Koji Sekimizu  
Secretary-General  
International Maritime Organization  
4 Albert Embankment  
London SE1 7SR

**Dear Secretary-General,**

I am writing to you with reference to the incident of the motor tanker "MORNING GLORY" (the "Vessel"), a North Korean flagged ship IMO no 9044504 call sign HMVE7, which on 8 March 2014 sailed through Libyan territorial waters and entered a Libyan port in contravention of Libyan and international law and regulations and in violation of the sovereignty of the Libyan State, where it proceeded to load a cargo of crude oil subject to an export ban. The port in question was the oil port of Es Sider [Sidra], which is in an area of the Libyan State currently under a declaration of Force Majeure by the Libyan National Oil Corporation.

I kindly request your assistance in alerting other Member States, in particular flag states and their maritime administrations, to three specific issues raised by this incident.

**First**, the entry of the Vessel into the relevant internal waters and the relevant port constituted infringements of the principle of innocent passage provided for in the United Nations Convention on the Law of the Sea "UNCLOS". The said entry, which breached domestic laws of the coastal State and did not benefit from any permission from the competent authorities of the coastal State, was in clear breach of the peace, good order and security of the coastal State, and was therefore clearly illegal and in violation of the rules of international maritime law.

**Secondly**, the incident constitutes a violation of the sovereignty, independence, territorial integrity and national unity of the Libyan State and should consequently be treated as an act of maritime piracy, in breach of the International Convention for the Safety of Life at Sea ("SOLAS") 1974, and its subsequent amendments, and more specifically the International Ship and Port Facility Security Code "ISPS Code" issued by the International Maritime Organization.

**Thirdly**, the Libyan government wishes other Member States, and their respective maritime administrations, to be duly informed of the importance for vessels sailing under their flag to take all necessary steps to respect the sovereignty of the Libyan State, including avoiding

entering Libyan ports where the Libyan National Oil Corporation has issued a declaration of Force Majeure until the Libyan government have formally declared the circumstances giving rise to such Force Majeure to be at an end.

The ports currently subject to the declaration of Force Majeure are the Es Sider, Ras Lanuf, Zueitina, El Brega and Hariga terminals.

The Libyan government also wishes to emphasize that the Libyan State will not hesitate to assert its sovereign right and its right as a coastal State under UNCLOS, to take the necessary and commensurate steps to protect its property and resources and prevent any passage by any vessel which is not innocent, such steps including in particular:

- a) Use of armed force and the right of hot pursuit;
- b) Confiscation of the vessel;
- c) Imposition of the maximum criminal penalties on the master and the crew involved in the violation;
- d) Prosecution of the owners and operators of the vessel and the companies that receive the stolen oil shipments.

I would kindly ask you to take urgent action to ensure that these types of incidents are not repeated in the future and the possible consequences of any failure to do so made known to those concerned.

I would be grateful if this letter could be circulated to all Member States and competent bodies of the International Maritime Organization in the form of an official IMO document.

Please receive, Your Excellency, the assurances of my highest consideration.

Yours sincerely,

Captain Jamal Elmalhouf

Permanent Representative of Libya to IMO

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke. The numbers '25' and '14' are written near the end of the signature.



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**Resolution 2146 (2014)****Adopted by the Security Council at its 7142nd meeting, on  
19 March 2014**

*The Security Council,*

*Recalling* its resolutions [1970 \(2011\)](#) of 26 February 2011, [1973 \(2011\)](#) of 17 March 2011, [2009 \(2011\)](#) of 16 September 2011, [2016 \(2011\)](#) of 27 October 2011, [2017 \(2011\)](#) of 31 October 2011, [2022 \(2011\)](#) of 2 December 2011, 2040 of 12 March (2012), 2095 of 14 March (2013), and [2144 \(2014\)](#), as well as the Statement of its President ([S/PRST/2013/21](#)) of 16 December 2013,

*Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

*Recalling* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, sets out the legal framework applicable to activities in the ocean,

*Underlining* the primary responsibility of the Libyan authorities in taking appropriate action to prevent the illicit export of crude oil from Libya, and reaffirming the importance of international support for Libyan sovereignty over its territory and resources,

*Noting* the letter of 10 March 2014 from the Libyan Government to the President of the Security Council and *expressing* concern that the illicit export of crude oil from Libya undermines the Government of Libya and poses a threat to the peace, security and stability of Libya,

*Expressing* support to efforts by the Libyan government to resolve peacefully the disruptions of Libya's energy exports and re-iterating that control of all facilities should be transferred back to the proper authorities, supporting the Libyan government's intention to address border security issues, including the implementation of the Tripoli Action Plan, and *noting* the importance of the European Union Border Assistance Mission to Libya to strengthen Libyan border management,

*Determining* that the situation in Libya continues to constitute a threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations,



1. *Condemns* attempts to illicitly export crude oil from Libya;
2. *Calls on* the Government of Libya, on the basis of any information regarding such exports or attempted exports, to expeditiously contact the concerned vessel's flag state, in the first instance, to resolve the issue;
3. *Requests* the Government of Libya to appoint and notify the Committee established pursuant to resolution 1970 (2011) of a focal point responsible for communication with the Committee with respect to the measures in this resolution, and *requests* that the Government of Libya's focal point inform the Committee of any vessels transporting crude oil illicitly exported from Libya, along with available and relevant information, and of any efforts made in accordance with paragraph 2;
4. *Directs* the Committee to immediately inform all relevant Member States about such notifications from the Government of Libya's focal point;
5. *Authorizes* Member States to inspect on the high seas vessels designated by the Committee pursuant to paragraph 11, and *authorizes* Member States to use all measures commensurate to the specific circumstances, in full compliance with international humanitarian law and international human rights law, as may be applicable, to carry out such inspections and direct the vessel to take appropriate actions to return the crude oil, with the consent of and in coordination with the Government of Libya, to Libya;
6. *Requests* that Member States, before taking the measures authorized in paragraph 5, first seek the consent of the vessel's flag State;
7. *Decides* that any Member State that undertakes an inspection pursuant to paragraph 5 shall submit promptly a report to the Committee on the inspection containing relevant details, including efforts made to seek the consent of the vessel's flag State;
8. *Affirms* that the authorization provided by paragraph 5 of this resolution applies only with respect to inspections carried out by warships and ships owned or operated by a State and used only on government non-commercial service;
9. *Further affirms* that the authorization provided by paragraph 5 of this resolution applies only with respect to vessels that are the subject of a designation made by the Committee pursuant to paragraph 11 and shall not affect the rights or obligations or responsibilities of Member States under international law, including rights or obligations under the United Nations Convention on the Law of the Sea, including the general principle of exclusive jurisdiction of a flag state over its vessels on the high seas, with respect to other vessels and in any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law;
10. *Decides* to impose the following measures on vessels designated in accordance with paragraph 11:
  - (a) The Flag State of a vessel designated by the Committee pursuant to paragraph 11 shall take the necessary measures to direct the vessel not to load, transport, or discharge such crude oil from Libya aboard the vessel, absent direction from the Government of Libya focal point;
  - (b) All Member States shall take the necessary measures to prohibit vessels designated by the Committee pursuant to paragraph 11 from entering their ports,

unless such entry is necessary for the purpose of an inspection, in the case of emergency or in the case of return to Libya;

(c) All Member States shall take the necessary measures to prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to vessels designated by the Committee pursuant to paragraph 11, unless provision of such services is necessary for humanitarian purposes, or in the case of return to Libya; in which case the Member State shall notify the Committee;

(d) All Member States shall take the necessary measures to require their nationals and entities and individuals in their territory not to engage in any financial transactions with respect to such crude oil from Libya aboard vessels designated by the Committee pursuant to paragraph 11;

11. *Decides* that the Committee may designate vessels for some or all of the measures in paragraph 10, on a case-by-case basis, for a period of ninety days, which may be renewed by the Committee;

12. *Decides* that the Committee may decide to terminate the designation of a vessel at any time and may make exceptions to some or all of the measures in paragraph 10 as may be necessary and appropriate;

13. *Recalls* the creation, pursuant to paragraph 24 of resolution [1973 \(2011\)](#), of a Panel of Experts, under the direction of the Committee, to carry out the tasks provided for by that paragraph, *decides* that this mandate shall apply with respect to the measures imposed in this resolution, and *directs* the Panel of Experts to monitor implementation of the measures imposed in this resolution;

14. *Requests* the Secretary-General, having due regard for the increased mandate of the Panel of Experts, increase the Panel to six members, and make the necessary financial and security arrangements to support the work of the Panel;

15. *Decides* that the authorizations provided by and the measures imposed by this resolution shall terminate one year from the date of the adoption of this resolution, unless the Council decides to extend them;

16. *Decides* to remain seized of the matter.

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