



รายการอ้างอิง

ภาษาไทย

- กิตติมา จันทรตรี. ช่องแคบมะละกา มาเลเซีย-อินโดนีเซีย. กรุงเทพมหานคร : สำนักงานกองทุนสนับสนุนการวิจัย, 2541.
- จุมพต สายสุนทร. กฎหมายระหว่างประเทศ. เล่มที่ 1. พิมพ์ครั้งที่ 5. กรุงเทพมหานคร : สำนักพิมพ์วิญญูชน, 2547.
- จุมพต สายสุนทร. กฎหมายระหว่างประเทศ. เล่มที่ 2. พิมพ์ครั้งที่ 5. กรุงเทพมหานคร : สำนักพิมพ์วิญญูชน, 2548.
- จตุรนต์ ธีระวัฒน์. กฎหมายระหว่างประเทศ. พิมพ์ครั้งที่ 1. กรุงเทพมหานคร : สำนักพิมพ์มหาวิทยาลัยธรรมศาสตร์, 2547.
- จตุรนต์ ธีระวัฒน์. อาณาเขตทางทะเลของประเทศไทย : ปัญหากฎหมายในทางปฏิบัติ ในส่วนที่เกี่ยวกับประเทศเพื่อนบ้านและประชาคมระหว่างประเทศ. กรุงเทพมหานคร : สำนักพิมพ์มหาวิทยาลัยธรรมศาสตร์, 2541.
- จอม รุ่งสว่าง. สถานการณ์ช่องแคบมะละกากับความมั่นคงของชาติในมุมมองการพิทักษ์ของชาติด้วยกำลังทางอากาศ. ช่องแคบมะละกากับความมั่นคงของชาติ. หน้า 44-48. กรุงเทพมหานคร : สถาบันวิชาการทหารบกชั้นสูง, 2547.
- ชุมพล เลิศรัฐการ. สถานการณ์ช่องแคบมะละกากับความมั่นคงของชาติที่มีผลต่อความมั่นคงของชาติ. ช่องแคบมะละกากับความมั่นคงของชาติ, หน้า 57-67. กรุงเทพมหานคร : สถาบันวิชาการทหารบกชั้นสูง, 2547.
- ณรงค์ โตเชียว. ซีอดโลก ผู้ก่อการร้ายสากล. พิมพ์ครั้งที่ 1. กรุงเทพมหานคร : สำนักพิมพ์ซี.พี. บุ๊ค แสตนด์การ์ด, 2548.
- ประสงค์ สุนศิริ. สงครามก่อการร้าย. พิมพ์ครั้งที่ 1. กรุงเทพมหานคร : สำนักพิมพ์ขอคิดด้วยคน, 2548.
- ไผทชิต เอกจริยกร. กฎหมายพาณิชย์นาวี ตอน 1. กรุงเทพมหานคร: สำนักพิมพ์วิญญูชน, 2544.

- พงศกร ทูวานนท์. สถานการณ์ช่องแคบมะละกากับความมั่นคงของชาติในมุมมองด้านการปฏิบัติการทางทะเล. ช่องแคบมะละกากับความมั่นคงของชาติ, หน้า35-43. กรุงเทพมหานคร : สถาบันวิชาการทหารบกชั้นสูง, 2547.
- พงษ์ธร บุญอารี. กฎหมายระหว่างประเทศที่เกี่ยวกับคดีอาญา. พิมพ์ครั้งที่ 1. กรุงเทพมหานคร : สำนักพิมพ์วิญญูชน, 2540.
- พรชัย ด่านวิวัฒน์. กฎหมายอาญาระหว่างประเทศ. กรุงเทพมหานคร : วิญญูชน, 2544
- เพ็ญพิรุฬห์ เจริญคำ . อนุสัญญาเพื่อการปราบปรามการกระทำอันมิชอบด้วยกฎหมายต่อความปลอดภัยในการเดินเรือทางทะเล ค.ศ. 1988 : ศึกษาการเข้าร่วมเป็นภาคีของประเทศไทย. วิทยานิพนธ์ปริญญาโทบริหารธุรกิจ ภาควิชานิติศาสตร์ บัณฑิตวิทยาลัย จุฬาลงกรณ์มหาวิทยาลัย , 2550.
- สมพงศ์ ชูมาก. กฎหมายระหว่างประเทศแผนกคดีเมือง. พิมพ์ครั้งที่ 3. กรุงเทพมหานคร : สำนักพิมพ์จุฬาลงกรณ์มหาวิทยาลัย, 2548.
- สุรพงษ์ สุวรรณอัถ์. สถานการณ์ช่องแคบมะละกากับความมั่นคงของชาติ ความสัมพันธ์ระหว่างไทยกับประเทศที่เกี่ยวข้องกับช่องแคบ. ช่องแคบมะละกากับความมั่นคงของชาติ, หน้า 49-56. กรุงเทพมหานคร : สถาบันวิชาการทหารบกชั้นสูง, 2547.
- สุรศักดิ์ ทองเพชร. ผู้ร้ายในช่องแคบมะละกา: โจรสลัดหรือผู้ก่อการร้าย. วารสารกระแสอาชญ 2 ,16(เมษายน 2548): 29-38.
- ศาลอุทธรณ์. การส่งผู้ร้ายข้ามแดน ทฤษฎีและแนวปฏิบัติ. นนทบุรี : เพชรรุ่งการพิมพ์, 2548
- วัตตะ วุฒิสันต์. สถานการณ์ช่องแคบมะละกากับความมั่นคงของชาติ. ช่องแคบมะละกากับความมั่นคงของชาติ, หน้า 21-34. กรุงเทพมหานคร : สถาบันวิชาการทหารบกชั้นสูง, 2547.
- อาทิตย์ ออกเวหา. สถานะทางกฎหมายของช่องแคบที่ใช้ในการเดินเรือระหว่างประเทศในช่องแคบมะละกาและสิงคโปร์. วิทยานิพนธ์ปริญญาโทบริหารธุรกิจ ภาควิชานิติศาสตร์ บัณฑิตวิทยาลัย จุฬาลงกรณ์มหาวิทยาลัย, 2533.
- อารัญ เจียมอยู่ . แนวนโยบายของกองทัพเรือในการปราบปรามการกระทำอันเป็นการก่อการร้าย.กองทัพเรือ. [ออนไลน์] 2551. แหล่งที่มา <http://www.navy.mi.th> .[31 มีนาคม 2551].

ภาษาต่างประเทศ

- Abdul Ghafur Hamid and Khin Maung Sein. Maritime Terrorism, the Straits of Malacca and the Issue of State Responsibility. Tulane Journal of International and Comparative Law 15,1 (2006) : 155-179.
- Adam J.Young. Contemporary Maritime Piracy in Southeast Asia: History,Causes and Remedies. Singapore : ISEAS Publishing, 2007.
- Adam J.Young. Roots of Contemporary Maritime Piracy in Southeast Asia. Edited by Derek Johnson and Mark Valencia, Piracy in Southeast Asia: Status, Issues,and Responses, pp.1-33. Singapore : ISEAS Publishing, 2005.
- Adam J.Young and Mark J.Valencia. Conflation of Piracy and Terrorism in Southeast Asia: Rectitude and Utility. Contemporary Southeast Asia 25,2 (2003) : 269-283.
- Agustin Blanco-BaZan. Legal Aspects of Piracy and Armed Robbery Against Shipping. European Commission, Seminar Piracy and Armed Robbery Against Shipping, Brussels. 21 January 2001.
- Akima Umezawa. Prevention of Crimes:By Whom and How?. An Emerging Legal Order at Sea in Asia and Pacific Regulation or Expansion of States Jurisdiction, Japan : Ocean Divison.
- Andreas Harsono. Threats to Maritime Security in the Malacca and Singapore Straits: Indonesia's Weak State and Regionalism. Edited by Werner Vom Busch and Tobias Rettig, Covering Maritime Piracy in Southeast Asia, Kuala Lumpur, 13-15 July 2006, pp.5-16. Singapore : Konrad-Adenauer-Stiftung , 2006.
- ARF Statement on Cooperation Against Piracy and Other Threats to Security. [Online].Available from: <http://www.aseansec.org>. [11 January 2008].
- Barry Hart Dubner. The Law of Internaional Sea Piracy. Netherland : Martinus Nijhoff , 1980.
- Bernard Kent Sondakh. Chief of Staff Indanesian Navy. Presented to the Conference held by Maritime Institute of Malaysia, 12 October 2004.

- Brian Fort. *Transnational Threats and the Maritime Domain*. Edited by Graham Gerard Ong-Webb, Piracy, Maritime terrorism and Securing the Malacca Straits, pp.23-36. Singapore : ISEAS Publishing, 2006.
- Catherine Zara Raymond. *Straits Security: A Private Affair?*. [Online]. Available from: <http://www.idss.edu.sg>. [May 2008].
- Catherine Zara Raymond. Maritime Security: The Singaporean Experience. Singapore : Institute of Defence and Strategic Studies, 2005.
- Catherine Zara Raymond. Maritime Terrorism in Southeast Asia: A Risk Assessment. No.74. Singapore : Institute of Defence and Strategic Studies, 2005.
- Catherine Zara Raymond. Piracy in Southeast Asia New Trends, Issues and Response. No.89. Singapore : Institute of Defence and Strategic Studies, 2005.
- Catherine Zara Raymond, Joshua Ho and Sam Bateman. Safety and Security in the Malacca and Singapore Straits: An Agenda for Action. Singapore : Institute of Defence and Strategic Studies , 2006.
- Cdr Curpreet S Khurana. Safeguarding the Malacca Straits. the Sahara Times ,(1 January 2005).
- Dana Dillon and Lucia Selvaggi. Stopping an Al Qaeda Attack in the Malacca Straits. Wall Street Journal (28 January 2004).
- Dato' Sri Mohd Najib Tun Abd Razak. The Security of the Straits of Malacca and Its Implications to the Southeast Asia Regional Security Speech at Seoul, Speech at Seoul on 13 March 2007.
- Derek Johnson, Erika Pladdet and Mark J. Valencia. Introduction: Research on Southeast Asian Piracy. ed. Graham Gerard Ong-Webb, Piracy in Southeast Asia: Status, Issues and Responses, pp.ix-xx. Singapore : ISEAS Publishing, 2005.

- Desmond Ball. Multilateral Security Cooperation in the Asia-Pacific Region:Prospects and Possibilities. No.2. Singapore : Institute of Defence and Strategic Studies, 1999.
- Donald J.Puchala. Of Pirates and Terrorists: What Experience and History Teach. Contemporary Security Policy 26, 1 (April 2005) :1-24.
- D.H.N. Johnson. Piracy in Modern International Law.[Online].Available from: <http://www.jstor.org/stable/743144>. [October 2008].
- Efthimios Mitropoulos. Secretary General of the IMO. Jakarta meeting on Straits of Malacca and Singapore.Enhancing safety, security and environmental protection. Opening remark, 7 September 2005.
- Eric Frecon. Piracy and Armed Robbery at Sea along the Malacca Strait: Initial Impressions from Fieldwork in the Riau Islands. Edited by Graham Gerard Ong-Webb, Piracy, Maritime terrorism and Securing the Malacca Straits, pp.68-83. Singapore : ISEAS Publishing, 2006.
- Graham Gerard Ong-Webb. Southeast Asian Piracy: Research and Developments. ed. Graham Gerard Ong-Webb, in Piracy,Maritime Terrorism and Securing the Malacca Straits, pp.xi-xxxviii. Singapore : ISEAS Publishing, 2006.
- Graham Gerard Ong-Webb. Ship Can Be Dangerous, Too:Coupling Piracy and Terrorism in Southeast Asia's Maritime Security Framework. Edited by Derek Johnson and Mark Valencia, Piracy in Southeast Asia: Status, Issues,and Responses, pp.45-76. Singapore : ISEAS Publishing, 2005.
- Greg Chaikin. Piracy in Asia: International Co-operation and Japan's Role. Edited by Derek Johnson and Mark Valencia, Piracy in Southeast Asia: Status, Issues,and Responses, pp.122-142. Singapore : ISEAS Publishing, 2005.
- Gunawan, Apriadi. Pirates kill four aboard ship in North Aceh. Jakarta Post 6 February 2004.

- Hasjim Djalal. *Combating Piracy: Co-operation Needs, Efforts, and Challenges*. Edited by Derek Johnson and Mark Valencia, Piracy in Southeast Asia: Status, Issues, and Responses, pp.143-159. Singapore : ISEAS Publishing, 2005.
- H.A.Smith. The Law and Custom of the Sea. Third Edition. London : Steven & Sons, 1959.
- ICC COMMERCIAL CRIMES SERVICE. Iraq declared new piracy hotspot. [Online]. Available from:[http://www. .icc-ccs.org/main/news.php?newsid=63](http://www.icc-ccs.org/main/news.php?newsid=63), [13 September2008]
- International Hydrographic Organization. Limit of Oceans and Sea. Special Publication No.23. Draft 4th edition 1986.
- International Maritime Organization.Focus on IMO:Piracy and Armed Robbery at Sea .[Online].Available from: www.imo.org.[4 September 2007].
- Jayant Abuyankar. *Piracy, Armed Robbery and Terrorism at Sea: A Global and Regional Outlook*. Edited by Graham Gerard Ong-Webb, Pitacy, Maritime terrorism and Securing the Malacca Straits, pp.1-22. Singapore : ISEAS Publishing, 2006.
- John Bradford. Southeast Asian Maritime Security in the Age of Terror: Threats,Opportunity, and Charting the Course Forward. 75. Singapore : Institute of Defence and Strategic Studies, 2005.
- John Mo.Options to Combat Maritime Piracy in Southeast Asia. Ocean Development & International Law, 343-358. Hong Kong : Taylor & Francis, 2002.
- Joshua Ho. Maritime Counter-Terrorism:A Singapore Perspective. Singapore : Institute of Defence and Strategic Studies,Nanyang Technological University, 2005.
- J.E.S. Fawcett. How Free Are the Sea.[Online].Available from: <http://www.jstor.org/stable/2612902>.[October 2008].
- J.N.Mark. Unilateralism and Rgionalism: Working Together and Alone in the Malacca Straits. Edited by Graham Gerard Ong-Webb, Pitacy, Maritime terrorism and Securing the Malacca Straits, pp.134-162. Singapore : ISEAS Publishing, 2006.

Julia Ng. Singapore, Japan, Laos and Cambodia Sign Pact to Fight

Piracy.[Online].Available from:

<http://channelnewsasia.com/stories/singaporelocalnews/view/144975/1/.html>.[

May 2008].

Koh Kheng Lian. Straits in international navigation. New York : Oceana publication,Inc,1982.

Kriangsak Kittichaisaree. International Criminal Law. First published. New York : Oxford University Press, 2001.

K.L.KOH. Straits in international navigation. New York : Oceana publication,Inc, 1982.

Lieutenant John F.Bradford. The Growing Prospects for Maritime Security Cooperation in Southeast Asia. Noval War Collage Reviews 58 ,3 (2005) : p.78.

MAJ Victor Huang. Building Maritime Security in Southeast Asia-Outsiders Not Welcome?. POINTER 33, 3(2007) : p.2.

Malcolm N.Shaw QC. International Law. Fifth edition. UK : Cambridge University Press, 2003.

Mark J.Valencia. Piracy and Politics in Southeast Asia. Edited by Derek Johnson and Mark Valencia, Piracy in Southeast Asia: Status, Issues,and Responses, pp.102-121. Singapore : ISEAS Publishing, 2005.

Mark J.Valencia. Piracy and Terrorism in Southeast Asia: Similarities, Differences,and Their Implications. Edited by Derek Johnson and Mark Valencia, Piracy in Southeast Asia: Status, Issues,and Responses, pp.78-102. Singapore : ISEAS Publishing, 2005.

Michael Leifer. Malacca, Singapore and Indonesia. Netherlands : Sijthoff & Noordhoff, 1978.

Michael Leifer and Dolliver Nelson. Conflict of Interest in the Straits of Malacca.[Online].Available from:

<http://www.japanfocus.org/products/topdf/2614043>.[13 September 2008]

- Monica Pathank. Maritime Violence : Piracy at Sea and Maritime Terrorism Today.[Online].Available from: <http://www.westlaw.com> : Windsor Review of Legal and Social Issue, 2005.
- Natalino Ronzitti. Maritime terrorism and international law. Netherland : Martinus Nijhoff , 1990.
- Nick Brown. Malaysia asks for Help to Fight Piracy. Jane's Navy International Oct 03, 2003 .
- Peter Chalk. Low intensity Conflict in Southeast Asia. no.305/306. England : Warwickshire, 1998.
- P.Mukundan. The Scourge of Piracy in Southeast Asia: Can Any Improvements be Expected in the Near Future. Edited by Derek Johnson and Mark Valencia, Piracy in Southeast Asia: Status, Issues,and Responses, pp.34-44. Singapore : ISEAS Publishing, 2005.
- Ralf Emmers. Comprehensive Security and Resillience in Southeast Asia: ASEAN's Approach to Terrorism and Sea Piracy. No.132. Singapore : S.Rajaratnam School of International Studies, 2005.
- Robert C.Beckman. Combatting Piracy and Armed Robbery Against Ship in Southeast Asia: The Way Forward. Ocean Development & International Law, 317-341. Singapore : Taylor & Francis, 2002.
- Rollie Lal, Brian A Jackson. Change and Continuity in Terrorism Revisited: Terrorist Tactics, 1980-2005. The MIPT Terrorism Annual 2006 2006 : p.3.
- Sam Bateman. Burden Sharing in the straits not so straight forward IDSS Commentaries. Singapore : Institute of Defence and Strategic Studies, 2006.
- Samuel Pyeatt Menefee. Piracy, Terrorism,and the Insurgent Passenger:A Historical and Legal Perspective. Edited by Natalino Ronzitti, Maritime terrorism and International Law, 43 - 48. Netherlands : Martinus Nijhoff , 1990.

- Serene Chua. Maritime Security: Possibilities for Terrorism and Challenges for Improvement. POINTER 32, 2 (2006) : p.33.
- Shigehi Sakamoto. Evaluation of the Cooperative Mechanism in the Straits of Malacca and Singapore in the context of Article 43 of UNCLOS. Japan : Kobe University.
- Stefan Eklof. Piracy in Southeast Asia: Real Menace or Red Herring? : [Online] Available from : <http://www.japanfocus.org/products/topdf/2370>. [September 2007]
- Sumathy Permal. Indonesia's effort in combating piracy and armed robbery in the straits of Malacca Malaysia : Maritime Institute of Malaysia, 2004.
- Sumathy Permal. Piracy and Sovereignty in the Strait of Malacca Malaysia : Maritime Institute of Malaysia, 2004.
- Suriya Pomsuriya. Maritime Terrorism : Thailand's Perspective: 12. [Online]. Available from : <http://observerindia.com>. [October 2008]
- S.N. Nandan and D.H.Anderson. Straits Used For International Navigation:The United Nations Convention on the Law of the Sea 1982. Edited by Hugo Caminos, Law of the Sea, pp.67-112. USA : Ashgate.
- Tamara Renee Shie. Piracy,Armed Robbery and Terrorism at Sea: A Global and Regional Outlook. ed Graham Gerard Ong-Webb, Piracy, Maritime Terrorism and Securing the Malacca Straits, pp.163-189. (Singapore : ISEAS Publishing, 2006.
- Thomas Timlen. The use of SOLAS Ship Security Alert Systems. Singapore : S.Rajaratnam School of International Studies, 2008.
- William Y.Zhow. Piracy-An International Problem. Japan :Okazaki Institute. 2001.
- Yaacov Vertzberger. The Malacca/Singapore Straits.[Online].Available from: <http://www.jstor.org/stable/2643699>. [October 2008].

ภาคผนวก

ภาคผนวก ก

อนุสัญญาสหประชาชาติว่าด้วยกฎหมายทะเล ค.ศ. 1982

ภาค 2

ทะเลอาณาเขตและเขตต่อเนื่อง

ตอนที่ 1 บทบัญญัติทั่วไป

ข้อ 2

สถานภาพทางกฎหมายของทะเลอาณาเขต ของห้วงอากาศเหนือทะเลอาณาเขต และของพื้นดินท้องทะเลกับดินใต้ผิวดินแห่งทะเลอาณาเขต

1. อธิปไตยของรัฐชายฝั่งขยายเลยอาณาเขตทางบกและน่านน้ำภายในของตน และในกรณีของรัฐหมู่เกาะเลยน่านน้ำหมู่เกาะของตนไปจนถึงแนวทะเลที่ประชิดกัน ซึ่งเรียกว่าทะเลอาณาเขต
2. อธิปไตยนี้ขยายไปถึงห้วงอากาศเหนือทะเลอาณาเขต ตลอดจนพื้นดินท้องทะเลกับดินใต้ผิวดินแห่งทะเลอาณาเขต
3. ให้ใช้อธิปไตยเหนือทะเลอาณาเขตภายใต้บังคับแห่งอนุสัญญานี้ และหลักเกณฑ์อื่นๆ ของกฎหมายระหว่างประเทศ

ตอนที่ 3

การผ่านโดยสุจริตในทะเลอาณาเขต

ส่วนบี หลักเกณฑ์ที่ใช้กับเรือพาณิชย์และเรือของรัฐบาลที่ใช้เพื่อการพาณิชย์

ข้อ 27

เขตอำนาจทางอาญาในเรือต่างชาติ

1. รัฐชายฝั่งไม่พึงใช้เขตอำนาจทางอาญาในเรือต่างชาติที่ผ่านทะเลอาณาเขตเพื่อจับกุมบุคคลหรือดำเนินการสืบสวนเกี่ยวกับอาชญากรรม ซึ่งได้กระทำในเรือในระหว่างการผ่านของเรือนั้น เว้นไว้แต่ในกรณีต่อไปนี้
 - (เอ) ถ้าผลแห่งอาชญากรรมนั้นขยายไปถึงรัฐชายฝั่ง
 - (บี) ถ้าอาชญากรรมนั้นเป็นประเภทที่รบกวนความสงบสุขของประเทศ หรือความสงบเรียบร้อยของทะเลอาณาเขต
 - (ซี) ถ้านายเรือหรือตัวแทนทางทูต หรือพนักงานฝ่ายกงสุลของรัฐเจ้าของธงได้ร้องขอความช่วยเหลือจากเจ้าหน้าที่ท้องถิ่น หรือ
 - (ดี) ถ้ามาตรการเช่นนั้นจำเป็นสำหรับการปราบปรามการลักลอบค้ายาเสพติดให้โทษหรือสารออกฤทธิ์ต่อจิตประสาท

2. บทบัญญัติข้างต้นนี้ไม่กระทบกระเทือนสิทธิของรัฐชายฝั่งที่จะดำเนินขั้นตอนต่างๆ ตามที่กฎหมายของตนให้อำนาจไว้เพื่อความมุ่งประสงค์ในการจับกุมหรือการสืบสวนในเรื่องต่างชาติซึ่งกำลังผ่านทะเลอาณาเขตหลังจากที่ได้ออกจากน่านน้ำภายในแล้ว
3. ในกรณีที่ได้บัญญัติไว้ในวรรค 1 และ 2 ถ้านายเรือร้องขอ รัฐชายฝั่งต้องแจ้งต่อตัวแทนทางทูตหรือพนักงานฝ่ายกงสุลของรัฐเจ้าของธงก่อนที่จะดำเนินขั้นตอนต่างๆ และต้องอำนวยความสะดวกในการติดต่อระหว่างตัวแทนหรือพนักงานเช่นว่านั้นกับลูกเรือของเรือนั้น ในกรณีฉุกเฉินการแจ้งให้ทราบนี้อาจกระทำในขณะที่ดำเนินมาจากราก็ได้
4. ในการพิจารณาว่า การจับกุมควรกระทำหรือไม่หรือโดยวิธีใด เจ้าหน้าที่ท้องถิ่นต้องคำนึงตามสมควรถึงผลประโยชน์ของการเดินเรือด้วย
5. เว้นแต่ที่ได้บัญญัติไว้ในภาค 12 หรือในส่วนที่เกี่ยวกับการละเมิดกฎหมายและข้อบังคับที่ออกตามความในภาค 5 รัฐชายฝั่งไม่อาจดำเนินขั้นตอนใดๆ ในเรื่องต่างชาติขณะกำลังผ่านทะเลอาณาเขตเพื่อจับกุมบุคคลหรือดำเนินการสืบสวนเกี่ยวกับอาชญากรรมซึ่งได้กระทำก่อนที่เรือได้เข้าสู่ทะเลอาณาเขต ถ้าเรือนั้น ขณะเดินทางมาจากท่าเรือต่างประเทศ เป็นแต่เพียงผ่านทะเลอาณาเขตโดยมิได้เข้าไปในน่านน้ำภายใน

ส่วน ซี หลักเกณฑ์ที่ใช้กับเรือรบหรือเรืออื่นของรัฐบาลที่มีได้ใช้เพื่อการพาณิชย์

ข้อ 30

การที่เรือรบไม่ปฏิบัติตามกฎหมายและข้อบังคับของรัฐชายฝั่ง

ถ้าเรือรบใดไม่ปฏิบัติตามกฎหมายและข้อบังคับของรัฐชายฝั่งเกี่ยวกับการผ่านทะเลอาณาเขตและละเลยต่อคำร้องขอต่อตนให้ปฏิบัติตามกฎหมายและข้อบังคับเช่นว่านั้น รัฐชายฝั่งอาจสั่งให้เรือรบนั้นออกจากทะเลอาณาเขตโดยทันที

ตอนที่ 4

ข้อ 33

เขตต่อเนื่อง

1. ในเขตต่อเนื่องกับทะเลอาณาเขตของตนซึ่งเรียกว่าเขตต่อเนื่อง รัฐชายฝั่งอาจดำเนินการควบคุมที่จำเป็นเพื่อ

(เอ) ป้องกันการฝ่าฝืนกฎหมายและข้อบังคับเกี่ยวกับศุลกากร การคลัง การเข้าเมือง หรือการสุขาภิบาลภายในอาณาเขตหรือทะเลอาณาเขตของตน

(บี) ลงโทษการฝ่าฝืนกฎหมายและข้อบังคับข้างต้นซึ่งได้กระทำภายในอาณาเขตหรือทะเลอาณาเขตของตน

2. เขตต่อเนื่องมีอาจขยายเกินกว่า 24 ไมล์ทะเล จากเส้นฐานซึ่งใช้วัดความกว้างของทะเลอาณาเขต

ภาค 3

ช่องแคบที่ใช้สำหรับการเดินเรือระหว่างประเทศ

ตอนที่ 1 บทบัญญัติทั่วไป

ข้อ 34

สถานภาพทางกฎหมายของน่านน้ำที่ประกอบเป็นช่องแคบ ซึ่งใช้สำหรับการเดินเรือระหว่างประเทศ

1. ระบอบการผ่านช่องแคบซึ่งใช้สำหรับการเดินเรือระหว่างประเทศตามที่กำหนดในภาคนี้จะต้องไม่กระทบกระเทือนในด้านอื่นต่อสถานภาพทางกฎหมายของน่านน้ำซึ่งประกอบเป็นช่องแคบเช่นว่านั้น หรือต่อการที่รัฐที่อยู่ติดกับช่องแคบนั้น ใช้อธิปไตยหรือเขตอำนาจเหนือน่านน้ำเช่นว่า และเหนือห้วงอากาศพื้นดินท้องทะเล และดินใต้ผิวดินของน่านน้ำนั้น
2. อธิปไตยหรือเขตอำนาจของรัฐที่อยู่ติดกับช่องแคบให้ใช้ภายใต้บังคับของภาคนี้และหลักเกณฑ์อื่นของกฎหมายระหว่างประเทศ

ข้อ 35

ขอบเขตของภาคนี้

ไม่มีบทบัญญัติใดในภาคนี้กระทบกระเทือน

(เอ) บริเวณใดๆ ของน่านน้ำภายในซึ่งอยู่ในช่องแคบ ยกเว้นในกรณีที่มีการกำหนดเส้นฐานตรงตามวิธีการที่ระบุไว้ในข้อ 7 มีผลเป็นการปิดล้อมบริเวณซึ่งไม่เคยถือเป็นน่านน้ำภายในมาก่อน ให้เป็นน่านน้ำภายใน

(บี) สถานภาพทางกฎหมายของน่านน้ำนอกทะเลอาณาเขตของรัฐที่อยู่ติดกับช่องแคบซึ่งเป็นเขตเศรษฐกิจจำเพาะหรือทะเลหลวง หรือ

(ซี) ระบอบกฎหมายในช่องแคบซึ่งอนุสัญญาระหว่างประเทศดั้งเดิมที่ใช้บังคับอยู่เกี่ยวกับช่องแคบเช่นว่านั้นโดยเฉพาเจาะจงได้วางระเบียบในการผ่านไว้แล้วทั้งหมดหรือบางส่วน

ข้อ 36

เส้นทางในทะเลหลวงหรือเส้นทางผ่านเขตเศรษฐกิจจำเพาะ ในช่องแคบที่ใช้สำหรับการเดินเรือระหว่างประเทศ

ภาคนี้ไม่ใช้บังคับกับช่องแคบที่ใช้สำหรับการเดินเรือระหว่างประเทศ หากมีเส้นทางผ่านทะเลหลวงหรือผ่านเขตเศรษฐกิจจำเพาะในช่องแคบนั้นที่ให้ความสะดวกในการทำงานเดียวกันทั้งในด้านการเดินเรือและด้านอุทกศาสตร์ในเส้นทางเช่นว่านั้น ให้ใช้บังคับโดยภาคอื่นๆ ที่เกี่ยวเนื่องกันของอนุสัญญานี้ รวมทั้งบทบัญญัติเกี่ยวกับเสรีภาพของการเดินเรือและการบินผ่าน

ตอนที่ 2 การเดินทางผ่าน

ข้อ 37

ขอบเขตของตอนนี้

ตอนนี้ใช้บังคับกับช่องแคบที่ใช้สำหรับการเดินเรือระหว่างประเทศระหว่างส่วนหนึ่งของทะเลหลวงหรือเขตเศรษฐกิจจำเพาะกับอีกส่วนหนึ่งของทะเลหลวงหรือเขตเศรษฐกิจจำเพาะ

ข้อ 38

สิทธิการเดินทางผ่าน

1. ภายในช่องแคบที่อ้างถึงในข้อ 37 เรืออากาศยานทั้งปวงยอมอุบโภาคสิทธิการเดินทางผ่านโดยปราศจากการถูกกีดขวาง เว้นแต่ว่า ถ้าช่องแคบนั้นประกอบขึ้นด้วยเกาะของรัฐที่อยู่ติดกับช่องแคบและผืนแผ่นดินใหญ่ของรัฐนั้น การเดินทางผ่านจะไม่ใช้บังคับ หากทางด้านทะเลของเกาะมีเส้นทางผ่านทะเลหลวงหรือผ่านเขตเศรษฐกิจจำเพาะที่ให้ความสะดวกในการทำงานเดียวกันทั้งในด้านการเดินเรือและด้านอุทกศาสตร์
2. การเดินทางผ่าน หมายถึง การใช้เสรีภาพในการเดินเรือและการบินผ่านตามภาคนี้เพียงเพื่อความมุ่งประสงค์ที่จะผ่านช่องแคบอย่างต่อเนื่องและรวดเร็วระหว่างส่วนหนึ่งของทะเลหลวง หรือเขตเศรษฐกิจจำเพาะกับอีกส่วนหนึ่งของทะเลหลวงหรือเขตเศรษฐกิจจำเพาะ อย่างไรก็ตามข้อกำหนดเกี่ยวกับการผ่านอย่างต่อเนื่องและรวดเร็วมิได้ห้ามการผ่านช่องแคบเพื่อความมุ่งประสงค์ในการเข้า การออก หรือการกลับจากรัฐที่อยู่ติดกับช่องแคบนั้น ทั้งนี้ ภายใต้เงื่อนไขของการเข้าไปในรัฐนั้น
3. กิจกรรมซึ่งมิใช่เป็นการใช้สิทธิการเดินทางผ่านในช่องแคบยังคงอยู่ภายใต้บทบัญญัติอื่นที่ใช้บังคับของอนุสัญญา

ข้อ 39

หน้าที่ของเรือและอากาศยานระหว่างการเดินทางผ่าน

1. ในขณะที่ใช้สิทธิการเดินทางผ่าน เรือและอากาศยานจะต้อง
 - (เอ) เดินทางผ่านหรือเหนือช่องแคบโดยมิชักช้า
 - (บี) ละเว้นจากการคุกคาม หรือการใช้กำลังต่ออธิปไตย บูรณภาพแห่งดินแดนหรือเอกราชทางการเมืองของรัฐที่อยู่ติดกับช่องแคบ หรือในลักษณะอื่นใดอันเป็นการละเมิดหลักกฎหมายระหว่างประเทศที่ปรากฏในกฎบัตรสหประชาชาติ
 - (ซี) ละเว้นจากกิจกรรมใดนอกเหนือไปจากที่อาจเกิดขึ้นกับขนบปกติของการผ่านอย่างต่อเนื่องและรวดเร็ว เว้นแต่จำเป็นต้องกระทำโดยเหตุสุดวิสัยหรือทุกข์ภัย
 - (ดี) ปฏิบัติตามบทบัญญัติอื่นๆที่เกี่ยวข้องของภาคนี้
2. เรือที่อยู่ในระหว่างการเดินทางผ่านจะต้อง

(เอ) ปฏิบัติตามข้อบังคับ วิธีดำเนินการและทางปฏิบัติระหว่างประเทศที่ยอมรับกันโดยทั่วไปเกี่ยวกับความปลอดภัยในทะเล รวมทั้งข้อบังคับระหว่างประเทศว่าด้วยการป้องกันเรือโดนกันในทะเล

(บี) ปฏิบัติตามข้อบังคับ วิธีดำเนินการและทางปฏิบัติระหว่างประเทศที่ยอมรับกันโดยทั่วไปเกี่ยวกับการป้องกัน การลด และการควบคุมภาวะมลพิษจากเรือ

3. อากาศยานที่อยู่ระหว่างการเดินทางผ่านจะต้อง

(เอ) เคารพหลักเกณฑ์ในการเดินอากาศที่กำหนดขึ้นโดยองค์การการบินพลเรือนระหว่างประเทศตามที่ใช้บังคับกับอากาศยานพลเรือน อากาศยานของรัฐจะปฏิบัติตามมาตรการความปลอดภัยเช่นว่านั้นเป็นปกติ และจะปฏิบัติตามโดยคำนึงตลอดเวลาถึงความปลอดภัยในการเดินอากาศ

(บี) ติดตามรับฟังตลอดเวลาซึ่งคลื่นความถี่วิทยุที่กำหนดโดยเจ้าหน้าที่ผู้มีอำนาจในการควบคุมการจราจรทางอากาศที่ได้รับการแต่งตั้งระหว่างประเทศ หรือคลื่นความถี่วิทยุสากลที่เหมาะสมซึ่งใช้กรณีทุกภัย

ข้อ 40

กิจกรรมวิจัยและสำรวจ

ระหว่างการเดินทางผ่าน เรือต่างชาติ รวมทั้งเรือวิจัยวิทยาศาสตร์ทางทะเล และเรือสำรวจทางอุทกศาสตร์ไม่อาจดำเนินกิจกรรมวิจัยหรือสำรวจใดๆ โดยไม่ได้รับอนุญาตล่วงหน้าจากรัฐที่อยู่ติดกับช่องแคบ

ข้อ 41

ช่องทางทะเลและแผนแบ่งแนวจราจรในช่องแคบ

ที่ใช้สำหรับการเดินเรือระหว่างประเทศ

1. โดยสอดคล้องกับภาคนี้ รัฐที่อยู่ติดกับช่องแคบอาจกำหนดช่องทางทะเลและจัดแผนแบ่งแนวจราจรสำหรับการเดินเรือในช่องแคบในกรณีจำเป็นเพื่อส่งเสริมให้เรือผ่านโดยปลอดภัย
2. เมื่อสภาพการณ์บังคับ และหลังจากที่ได้มีการประกาศให้ทราบตามควรแล้ว รัฐดังกล่าวอาจให้ใช้ช่องทางทะเลหรือแผนแบ่งแนวจราจรอื่นๆ แทนช่องทางทะเลหรือแผนแบ่งแนวจราจร ที่ตนได้กำหนดหรือจัดไว้ก่อนหน้านั้นได้
3. ช่องทางทะเลและแผนแบ่งแนวจราจรเช่นว่า จะต้องสอดคล้องกับข้อบังคับระหว่างประเทศที่ยอมรับกันโดยทั่วไป
4. ก่อนกำหนดหรือให้ใช้ช่องทางทะเลอื่นแทน หรือก่อนจัดหรือให้ใช้แผนแบ่งแนวจราจรอื่นแทน รัฐที่อยู่ติดกับช่องแคบจะต้องยื่นข้อเสนอต่อองค์การระหว่างประเทศที่มีอำนาจเพื่อให้การยอมรับองค์การดังกล่าวจะยอมรับเฉพาะแต่ช่องทางทะเลและแผนแบ่งแนวจราจรตามที่จะตกลงกับรัฐที่

อยู่ติดกับช่องแคบ หลังจากนั้น รัฐนั้นๆจึงสามารถกำหนดช่องทางทะเล จัดแผนแบ่งแนวจราจร หรือให้ใช้ช่องทางทะเลและแผนแบ่งแนวจราจรแทนได้

5. ในส่วนที่เกี่ยวกับช่องแคบซึ่งได้รับการเสนอให้มีช่องทางทะเลหรือแผนแบ่งแนวจราจรผ่าน น่านน้ำของรัฐที่อยู่ติดกับช่องแคบสองรัฐหรือมากกว่านั้น ให้รัฐที่เกี่ยวข้องร่วมมือกันจัดทำ ข้อเสนอโดยการปรึกษาหารือกับองค์การระหว่างประเทศที่มีอำนาจ

6. รัฐที่อยู่ติดกับช่องแคบจะต้องแสดงช่องทางทะเลและแผนแบ่งแนวจราจรที่ตนได้กำหนด หรือจัดไว้ให้ชัดเจนบนแผนที่ซึ่งจะต้องประกาศให้ทราบตามควร

7. เรือที่อยู่ในระหว่างการเดินทางผ่านจะต้องเคารพช่องทางทะเล และแผนแบ่งแนวจราจรที่ใช้ บังคับซึ่งกำหนดขึ้นตามข้อนี้

ข้อ 42

กฎหมายและข้อบังคับของรัฐที่อยู่ติดกับช่องแคบเกี่ยวกับการเดินทางผ่าน

1. ภายใต้บังคับของบทบัญญัติแห่งตอนนี้ รัฐที่อยู่ติดกับช่องแคบอาจออกกฎหมายและข้อบังคับ เกี่ยวกับการเดินทางผ่านช่องแคบ ที่เกี่ยวกับเรื่องต่อไปนี้ทั้งหมด หรือบางส่วน

(เอ) ความปลอดภัยในการเดินเรือ และข้อบังคับในการจราจรทางทะเลตามที่บัญญัติไว้ในข้อ 41

(บี) การป้องกัน การลด และการควบคุมมลพิษ โดยเป็นการปฏิบัติตามข้อบังคับ ระหว่างประเทศที่ใช้บังคับเกี่ยวกับการปล่อยทิ้งน้ำมัน ขยะน้ำมัน และสารพิษอื่นใน ช่องแคบ

(ซี) ในส่วนที่เกี่ยวกับเรือประมง การป้องกันการประมง รวมทั้งการเก็บอุปกรณ์การ ประมง

(ดี) การขนโคกภันท์ เงินตรา หรือบุคคลลงเรือ หรือขึ้นจากเรือ ที่ขัดต่อกฎหมายและ ข้อบังคับของรัฐที่อยู่ติดกับช่องแคบเกี่ยวกับศุลกากร การคลัง การเข้าเมืองหรือการ สุขาภิบาล

2. กฎหมายและข้อบังคับเช่นว่าจะต้องไม่เลือกปฏิบัติไม่ว่าโดยนิตินัยหรือโดยพฤตินัยในระหว่าง เรือต่างชาติหรือในการใช้กฎหมายและข้อบังคับเช่นว่านั้นจะต้องไม่มีผลในทางปฏิบัติเป็นการ ปฏิเสธ ชัดขวาง หรือทำให้เสียสิทธิการเดินทางผ่านตามที่นิยามไว้ในตอนนี้

3. รัฐที่อยู่ติดกับช่องแคบจะต้องประกาศกฎหมายและข้อบังคับเช่นว่าทั้งปวงให้ทราบตามควร

4. เรือต่างชาติที่กำลังใช้สิทธิการเดินทางผ่านจะต้องปฏิบัติตามกฎหมายและข้อบังคับเช่นว่านั้น

5. รัฐเจ้าของธงเรือ หรือรัฐที่จดทะเบียนอากาศยาน ซึ่งมีความคุ้มกันอธิปไตยที่กระทำการใน ลักษณะที่ขัดต่อกฎหมายและข้อบังคับเช่นว่าหรือบทบัญญัติอื่นของภาคนี้ จะต้องมีความ รับผิดชอบระหว่างประเทศต่อความสูญเสียหรือเสียหายใดๆที่เกิดขึ้นต่อรัฐที่อยู่ติดกับช่องแคบนั้น

ข้อ 43

**เครื่องหมายช่วยในการเดินเรือและความปลอดภัย และสิ่งปรับปรุงอื่น
และการป้องกัน การลด และการควบคุมภาวะมลพิษ**

รัฐผู้ใช้ช่องแคบและรัฐที่อยู่ติดกับช่องแคบควรร่วมมือกันโดยความตกลง

- (เอ) ในการก่อตั้งและการบำรุงรักษาเครื่องหมายช่วยในการเดินเรือ และความปลอดภัยที่จำเป็น หรือสิ่งปรับปรุงอื่นๆ เพื่อช่วยการเดินเรือระหว่างประเทศในช่องแคบ และ
- (บี) เพื่อการป้องกัน การลด และการควบคุมภาวะมลพิษจากเรือ

ข้อ 44

หน้าที่ของรัฐที่อยู่ติดกับช่องแคบ

รัฐที่อยู่ติดกับช่องแคบจะต้องไม่ขัดขวางการเดินททางผ่าน และจะประกาศให้ทราบตามความเหมาะสมถึงอันตรายต่อการเดินเรือหรือการบินผ่านภายในหรือเหนือช่องแคบที่ตนทราบการระงับการเดินททางผ่านจะกระทำมิได้

ตอนที่ 3 การผ่านโดยสุจริต

ข้อ 45

การผ่านโดยสุจริต

1. ให้ใช้ระบอบการผ่านโดยสุจริตตามภาค 2 ตอนที่ 3 กับช่องแคบที่ใช้สำหรับการเดินเรือระหว่างประเทศ

(เอ) ซึ่งไม่อยู่ภายใต้การใช้ระบอบการเดินททางผ่านตามข้อ 38 วรรค 1 หรือ

(บี) ระหว่างส่วนหนึ่งของทะเลหลวงหรือเขตเศรษฐกิจจำเพาะกับทะเลอาณาเขตของรัฐต่างชาติ

2. การระงับการผ่านโดยสุจริตในการผ่านช่องแคบเช่นว่านั้นจะกระทำมิได้

ภาค 5

เขตเศรษฐกิจจำเพาะ

ข้อ 55

ระบอบกฎหมายเฉพาะของเขตเศรษฐกิจจำเพาะ

เขตเศรษฐกิจจำเพาะคือบริเวณที่อยู่เลยไปจากและประชิดกับทะเลอาณาเขต อันอยู่ภายใต้บังคับแห่งระบอบกฎหมายที่กำหนดไว้ในภาคนี้ ซึ่งตามระบอบกฎหมายเฉพาะดังกล่าวนั้น สิทธิและเขตอำนาจของรัฐชายฝั่งและสิทธิเสรีภาพของรัฐอื่นถูกกำหนดโดยบทบัญญัติที่เกี่ยวข้องของอนุสัญญานี้

ข้อ 58

สิทธิและหน้าที่ของรัฐอื่นในเขตเศรษฐกิจจำเพาะ

1. ภายใต้บังคับแห่งบทบัญญัติที่เกี่ยวข้องของอนุสัญญาฯ ในเขตเศรษฐกิจจำเพาะ รัฐทั้งปวงทั้งที่เป็นรัฐชายฝั่งหรือรัฐไร้ฝั่งทะเลยอมอุทิศเสรีภาพตามที่อ้างถึงในข้อ 87 ในการเดินเรือและการบินผ่าน รวมทั้งการวางสายเคเบิลและท่อใต้ทะเล และการใช้ทะเลในทางอื่นที่ชอบด้วยกฎหมายระหว่างประเทศเกี่ยวกับเสรีภาพเหล่านี้ อาทิเช่นที่เกี่ยวข้องกับการปฏิบัติการของเรือ อากาศยาน และสายเคเบิลกับท่อใต้ทะเล และสอดคล้องกับบทบัญญัติอื่นแห่งอนุสัญญาฯ
2. ให้ข้อ 88 ถึงข้อ 115 และหลักเกณฑ์อื่นของกฎหมายระหว่างประเทศที่เกี่ยวข้องโดยตรงใช้บังคับกับเขตเศรษฐกิจจำเพาะตราบเท่าที่ไม่ขัดกับภาคนี้
3. ในการใช้สิทธิและการปฏิบัติหน้าที่ของตนภายใต้อนุสัญญาฯ ในเขตเศรษฐกิจจำเพาะ รัฐอื่นๆ จะต้องคำนึงตามควรถึงสิทธิและหน้าที่ของรัฐชายฝั่งและจะต้องปฏิบัติตามกฎหมายและข้อบังคับต่างๆ ที่ออกโดยรัฐชายฝั่งตามบทบัญญัติของอนุสัญญาฯ และหลักเกณฑ์อื่นของกฎหมายระหว่างประเทศตราบเท่าที่ไม่ขัดกับภาคนี้

ภาค 7

ทะเลหลวง

ตอนที่ 1 บทบัญญัติทั่วไป

ข้อ 100

หน้าที่ที่จะร่วมมือกันในการปราบปรามการกระทำอันเป็นโจรสลัด

รัฐทั้งปวงจะร่วมมือกันอย่างมากที่สุดที่จะทำได้ในการปราบปรามการกระทำอันเป็นโจรสลัดในทะเลหลวงหรือในที่อื่นใดภายนอกเขตอำนาจของรัฐใด

ข้อ 101

คำนิยามของการกระทำอันเป็นโจรสลัด

การกระทำอันเป็นโจรสลัดประกอบด้วยการกระทำอย่างใดอย่างหนึ่ง ดังต่อไปนี้

(เอ) การกระทำใดอันมิชอบด้วยกฎหมายโดยการใช้กำลังหรือการกักกัน หรือการกระทำอันเป็นการปล้นซึ่งได้กระทำลงเพื่อวัตถุประสงค์ส่วนตัวโดยลูกเรือหรือผู้โดยสารของเรือเอกชนหรืออากาศยานเอกชน และมุ่งกระทำ

(1) ในทะเลหลวง ต่อเรือหรืออากาศยานลำอื่น หรือต่อบุคคล หรือทรัพย์สินในเรือหรืออากาศยานเช่นว่านั้น

(2) ต่อเรือ อากาศยาน บุคคลหรือทรัพย์สินในที่ที่อยู่นอกเขตอำนาจของรัฐใด

(บี) การกระทำใดอันเป็นการเข้าร่วมโดยสมัครใจในการปฏิบัติการของเรือหรือของอากาศยานโดยรู้ข้อเท็จจริงอันทำให้เรือหรืออากาศยานนั้นเป็นเรือหรืออากาศยานโจรสลัด

(ซี) การกระทำใดอันเป็นการยุยง หรืออำนวยความสะดวกอย่างจงใจแก่การกระทำที่ระบุไว้ในอนุวรรค (เอ) หรือ (บี)

ข้อ 102

**การกระทำอันเป็นโจรสลัดโดยเรือรบ เรือของรัฐบาล
หรืออากาศยานของรัฐบาล ซึ่งถูกเรือได้ก่อกบฏ**

การกระทำอันเป็นโจรสลัด ดังที่ได้นิยามไว้ในข้อ 101 ซึ่งกระทำโดยเรือรบ เรือของรัฐบาล หรืออากาศยานของรัฐบาลที่ถูกเรือได้ก่อกบฏและเข้าควบคุมเรือหรืออากาศยานนั้น ให้ถือเสมือนว่าเป็นการกระทำโดยเรือหรืออากาศยานเอกชน

ข้อ 103

คำนิยามของเรือหรืออากาศยานโจรสลัด

ให้ถือว่าเรือหรืออากาศยานเป็นเรือหรืออากาศยานโจรสลัด ถ้าบุคคลที่มีอำนาจควบคุมได้ตั้งใจใช้เรือหรืออากาศยานนั้นเพื่อความมุ่งประสงค์ที่จะกระทำการอย่างหนึ่งอย่างใดดังกล่าวในข้อ 101 ให้หลักการเดียวกันนี้ใช้บังคับหากเรือหรืออากาศยานนั้นได้ถูกใช้กระทำการใดๆ เช่นว่า นั้นตรวบเท่าที่เรือหรืออากาศยานนั้นยังคงอยู่ภายใต้การควบคุมของบุคคลซึ่งมีความผิดในการกระทำนั้น

ข้อ 104

การคงหรือการเสียสัญชาติของเรือหรืออากาศยานโจรสลัด

เรือหรืออากาศยานอาจคงสัญชาติของตนไว้ได้แม้ว่าจะได้กลายเป็นเรือหรืออากาศยานโจรสลัดแล้ว การคงหรือการเสียสัญชาติให้เป็นไปตามกฎหมายของรัฐอันเป็นที่มาของสัญชาตินั้น

ข้อ 105

การยึดเรือหรืออากาศยานโจรสลัด

ในทะเลหลวง หรือในที่อื่นใดนอกเขตอำนาจของรัฐใด รัฐทุกรัฐอาจยึดเรือหรืออากาศยานโจรสลัด หรือเรือหรืออากาศยานซึ่งถูกยึดไปโดยการกระทำอันเป็นโจรสลัดและอยู่ภายใต้การควบคุมของโจรสลัด และอาจจับกุมบุคคลและยึดทรัพย์สินบนเรือนั้นได้ ศาลของรัฐซึ่งได้ดำเนินการยึดอาจวินิจฉัยโทษที่จะลงและยังอาจกำหนดการที่จะต้องกระทำเกี่ยวกับเรือ อากาศยาน หรือทรัพย์สิน โดยไม่เป็นการตัดสินโทษของบุคคลที่สามซึ่งกระทำการสุจริต

ข้อ 106

ความรับผิดสำหรับการยึดโดยไม่มีมูลเหตุอันเพียงพอ

ในกรณีที่การยึดเรือหรืออากาศยานโดยมีข้อสงสัยว่าเป็นโจรสลัดได้กระทำไปโดยไม่มีมูลเหตุอันเพียงพอ รัฐซึ่งทำการยึดต้องรับผิดต่อรัฐซึ่งเรือหรืออากาศยานนั้นถือสัญชาติสำหรับความสูญเสียหรือความเสียหายที่เกิดจากการยึดนั้น

ข้อ 107

เรือหรืออากาศยานซึ่งมีสิทธิทำการยึดเพราะเหตุแห่งการกระทำอันเป็นโจรสลัด

การยึดเพราะเหตุแห่งการกระทำอันเป็นโจรสลัดอาจกระทำได้แต่เพียงโดยเรือรบหรืออากาศยานทหาร หรือเรือหรืออากาศยานอื่น ซึ่งมีเครื่องหมายชัดเจนและบ่งชัดว่าใช้ในงานของรัฐบาลและได้รับมอบอำนาจเพื่อการนั้น

ข้อ 108

การลักลอบค้ายาเสพติดให้โทษหรือสารที่ออกกฤทธิ์ต่อจิตประสาท

1. รัฐทั้งปวงจะร่วมมือกันในการปราบปรามการลักลอบค้ายาเสพติดให้โทษและสารที่ออกฤทธิ์ต่อจิตประสาทโดยทางเรือในทะเลหลวง อันขัดต่ออนุสัญญาระหว่างประเทศ
2. รัฐที่มีเหตุอันควรเชื่อว่า เรือซึ่งชักธงของตนทำการลักลอบค้ายาเสพติดให้โทษหรือสารที่ออกฤทธิ์ต่อจิตประสาทอาจร้องขอความร่วมมือจากรัฐอื่นๆ ให้ปราบปรามการลักลอบค้าเช่นว่านั้น

ข้อ 109

การออกอากาศจากทะเลหลวงโดยไม่ได้รับอนุญาต

1. รัฐทั้งปวงจะร่วมมือกันในการปราบปรามการออกอากาศจากทะเลหลวงโดยไม่ได้รับอนุญาต
2. เพื่อความมุ่งประสงค์ของอนุสัญญานี้ "การออกอากาศโดยไม่ได้รับอนุญาต" หมายถึง การส่งวิทยุกระจายเสียงหรือแพรมภาพโทรทัศน์จากเรือหรือสิ่งติดตั้งในทะเลหลวงโดยมุ่งให้สาธารณชนรับได้อันขัดต่อข้อบังคับระหว่างประเทศ ทั้งนี้ ไม่รวมถึงการส่งสัญญาณขอความช่วยเหลือ
3. บุคคลที่ทำการออกอากาศโดยไม่ได้รับอนุญาต อาจถูกดำเนินคดีในศาลของ
 - (เอ) รัฐเจ้าของธงของเรือ
 - (บี) รัฐซึ่งเป็นที่จดทะเบียนของสิ่งติดตั้ง
 - (ซี) รัฐซึ่งบุคคลผู้นั้นเป็นคนชาติ
 - (ดี) รัฐซึ่งสามารถรับการส่งนั้นได้ หรือ
 - (อี) รัฐซึ่งการสื่อสารทางวิทยุที่ได้รับอนุญาตได้รับความเดือดร้อนจากคลื่นรบกวน
4. ในทะเลหลวง รัฐที่มีเขตอำนาจตามวรรค 3 อาจจับกุมบุคคลหรือเรือใดที่ทำการออกอากาศโดยไม่ได้รับอนุญาตและยึดเครื่องมือออกอากาศนั้น โดยสอดคล้องกับข้อ 110

ข้อ 110

สิทธิการขึ้นตรวจ

1. เว้นแต่ในกรณีที่มีการกระทำอันเป็นการสอดแทรกเกิดจากอำนาจซึ่งได้ให้ไว้โดยสนธิสัญญาเรือรบซึ่งพบเรือต่างชาติในทะเลหลวงอันมิใช่เรือที่ได้รับความคุ้มครองโดยสมบูรณ์ตามข้อ 95 และ 96 ไม่มีความชอบธรรมที่จะขึ้นไปบนเรือนั้น เว้นแต่จะมีเหตุอันควรสงสัยว่า

- (เอ) เรือนั้นกระทำการอันเป็นโจรสลัด
- (บี) เรือนั้นกระทำการค้าทาส

(ซี) เรือนั้นกระทำการออกอากาศโดยไม่ได้รับอนุญาตและรัฐเจ้าของธงของเรือรบมีเขตอำนาจตามข้อ 109

(ดี) เรือนั้นปราศจากสัญชาติ หรือ

(อี) แม้ว่าจะชักธงต่างชาติหรือไม่ยอมแสดงธงของตน เรือนั้นตามความเป็นจริงมีสัญชาติเดียวกับเรือรบ

2. ในกรณีที่บัญญัติไว้ในวรรค 1 เรือรบอาจดำเนินการพิสูจน์ยืนยันสิทธิในการชักธงของเรือนั้น เพื่อวัตถุประสงค์นี้ เรือรบอาจส่งเรือเล็กในการบังคับบัญชาของนายทหารไปยังเรือที่ต้องสงสัยนั้น หากยังมีความสงสัยอยู่หลังจากได้ตรวจสอบเอกสารแล้ว ก็อาจดำเนินการตรวจสอบบนเรือลำนั้นต่อไปได้ ซึ่งต้องกระทำด้วยความระมัดระวังอย่างเต็มที่เท่าที่จะกระทำได้
3. หากปรากฏว่าข้อสงสัยนั้นไม่มีมูล และหากเรือซึ่งถูกขึ้นตรวจนั้นมิได้มีพฤติกรรมอันเป็นสาเหตุแห่งข้อสงสัยนั้น เรือนั้นได้รับการชดเชยสำหรับความสูญเสียหรือความเสียหายที่อาจได้รับ
4. บทบัญญัติเหล่านี้ใช้บังคับโดยอนุโลมกับอากาศยานทหาร
5. บทบัญญัติเหล่านี้ใช้บังคับกับเรือหรืออากาศยานอื่นที่ได้รับอนุญาตซึ่งมีเครื่องหมายชัดเจน และบ่งชัดว่าเป็นเรือที่ใช้ในงานของรัฐบาลด้วย

ข้อ 111

สิทธิการไล่ตามติดพัน

1. การไล่ตามติดพันเรือต่างชาติอาจกระทำได้เมื่อเจ้าหน้าที่ผู้มีอำนาจของรัฐชายฝั่งมีเหตุผลที่เชื่อได้ว่า เรือนั้นได้ละเมิดกฎหมายและข้อบังคับของรัฐนั้น การไล่ตามเช่นนั้น จะต้องเริ่มต้นเมื่อเรือต่างชาติหรือเรือเล็กลำหนึ่งของเรือต่างชาติอยู่ในน่านน้ำภายใน น่านน้ำหมู่เกาะ ทะเลอาณาเขต หรือเขตต่อเนื่องของรัฐที่ไล่ตาม และสามารถดำเนินต่อไปได้นอกทะเลอาณาเขตหรือเขตต่อเนื่อง หากการไล่ตามนั้นมีได้มิได้ขาดตอนลง ไม่จำเป็นว่าในขณะที่เรือต่างชาติที่อยู่ในทะเลอาณาเขต หรือเขตต่อเนื่องได้รับคำสั่งให้หยุด เรือที่ออกคำสั่งควรจะต้องอยู่ในทะเลอาณาเขตหรือเขตต่อเนื่องเช่นเดียวกัน ถ้าเรือต่างชาติอยู่ในเขตต่อเนื่อง ดังที่นิยามไว้ในข้อ 33 การไล่ตามจะกระทำได้ก็ต่อเมื่อได้มีการละเมิดสิทธิซึ่งเขตนั้นได้ถูกจัดตั้งขึ้นสำหรับคุ้มครองเท่านั้น
2. ให้สิทธิการไล่ตามติดพันใช้บังคับโดยอนุโลมกับการละเมิดในเขตเศรษฐกิจจำเพาะหรือบนไหล่ทวีปรวมทั้งเขตปลอดภัยรอบสิ่งติดตั้งบนไหล่ทวีป ซึ่งกฎหมายและข้อบังคับของรัฐชายฝั่งที่ใช้บังคับอยู่ตามอนุสัญญานี้กับเขตเศรษฐกิจจำเพาะหรือไหล่ทวีป รวมทั้งเขตปลอดภัยเช่นว่านั้น
3. สิทธิการไล่ตามติดพันสิ้นสุดลงทันทีที่เรือซึ่งถูกไล่ตามเข้าทะเลอาณาเขตของรัฐของตนหรือของรัฐที่สาม
4. การไล่ตามติดพันยังไมถือว่าได้เริ่มขึ้นเว้นแต่เรือที่ไล่ตามได้ทำให้ตนเองมั่นใจโดยทุกวิถีทางที่จะทำได้เท่าที่มีอยู่แล้วว่า เรือที่ถูกไล่ตามหรือเรือเล็กลำใดลำหนึ่งของเรือนั้นหรือยานลำอื่นซึ่ง

ทำงานร่วมกัน และใช้เรือที่ถูกไล่ตามเป็นเรือแม่ อยู่ภายในของเขตของทะเลอาณาเขต หรือภายในเขตต่อเนื่อง หรือเขตเศรษฐกิจจำเพาะหรือเหนือไหล่ทวีปแล้วแต่กรณี การไล่ตามจะเริ่มต้นขึ้นได้ต่อเมื่อได้ให้ทัศนะสัญญาณหรือใส่ตสัญญาณให้หยุดในระยะห่างที่เรือต่างชาติสามารถเห็นหรือได้ยินสัญญาณได้เท่านั้น

5. สิทธิการไล่ตามติดพันจะใช้ได้เฉพาะโดยเรือรบหรืออากาศยานทหาร หรือเรือ หรืออากาศยานอื่น ๆ ที่มีเครื่องหมายชัดเจนและบ่งชี้ว่าเป็นเรือที่ใช้ในงานของรัฐบาลและได้รับมอบอำนาจเพื่อการนั้น

6. ในกรณีที่มีการไล่ตามติดพันกระทำโดยอากาศยาน

(เอ) ให้นำบทบัญญัติแห่งวรรค 1 ถึง 4 มาใช้บังคับโดยอนุโลม

(บี) อากาศยานซึ่งออกคำสั่งให้หยุดต้องไล่ตามเรื่อนั้นอย่างจริงจังด้วยตนเองจนกระทั่งเรือหรืออากาศยานลำอื่นของรัฐชายฝั่งที่อากาศยานนั้นเรียกมาได้มาถึงเพื่อรับช่วงการไล่ตามแล้ว เว้นแต่อากาศยานนั้นจะสามารถจับกุมเรื่อนั้นด้วยตนเองได้ ไม่เป็นการเพียงพอที่จะอ้างเหตุผลสนับสนุนการจับกุมเรื่อภายนอกทะเลอาณาเขตว่าอากาศยานเห็นเรือเป็นผู้กระทำผิด หรือเป็นผู้ต้องสงสัยว่าได้กระทำผิดเท่านั้น หากเรื่อนั้นยังมีได้ทั้งถูกสั่งให้หยุดและถูกไล่ตามโดยอากาศยานนั้นเอง หรืออากาศยานหรือเรือลำอื่นซึ่งไล่ตามต่อไปโดยไม่ขาดตอน

7. การปล่อยเรือที่ถูกจับกุมในเขตอำนาจของรัฐหนึ่งและถูกควบคุมไปยังท่าเรือของรัฐนั้นเพื่อความมุ่งประสงค์ที่จะทำการสอบสวนต่อเจ้าหน้าที่ผู้มีอำนาจ มีอาจเรียกร้องให้กระทำได้โดยอาศัยเหตุแต่เพียงว่า ในระหว่างการเดินทาง เรื่อนั้นได้ถูกควบคุมผ่านส่วนหนึ่งของเขตเศรษฐกิจจำเพาะหรือทะเลหลวง หากสภาพการณ์ทำให้จำเป็นต้องกระทำเช่นนั้น

8. ในกรณีที่เรือได้ถูกสั่งให้หยุดหรือถูกจับกุมภายนอกทะเลอาณาเขตในสภาพการณ์ที่ไม่มีเหตุผลสนับสนุนการใช้สิทธิไล่ตามติดพัน เรื่อนั้นจะได้รับการชดเชยสำหรับความสูญเสียหรือความเสียหายใดที่อาจได้รับจากการนั้น

ข้อ 112

สิทธิที่จะวางสายเคเบิลและท่อใต้ทะเล

1. รัฐทั้งปวงมีสิทธิที่จะวางสายเคเบิลและท่อใต้ทะเลบนพื้นดินท้องทะเลหลวงเลยไหล่ทวีปออกไป
2. ข้อ 79 วรรค 5 ใช้บังคับกับสายเคเบิลและท่อเช่นว่านั้น

ข้อ 113

การแตกหักหรือเสียหายของสายเคเบิลหรือท่อใต้ทะเล

รัฐทุกรัฐจะต้องออกกฎหมายและข้อบังคับที่จำเป็นเพื่อกำหนดว่าการทำให้สายเคเบิลได้ ทะเลในทะเลหลวงแตกหักหรือเสียหายโดยเรือซึ่งชักธงของตนหรือโดยบุคคลที่อยู่ภายใต้เขต อำนาจของตนโดยเจตนาหรือโดยประมาทอันเป็นความผิดตามกฎหมาย ในลักษณะที่จะทำให้การ สื่อสารทางโทรเลขหรือทางโทรศัพท์ขาดตอนหรือถูกขัดขวางและในทำนองเดียวกันการทำให้ท่อ หรือสายไฟแรงสูงใต้ทะเลแตกหักหรือเสียหาย เป็นการกระทำที่มีโทษตามกฎหมาย บทบัญญัตินี้ ให้ใช้บังคับด้วยกับการกระทำที่สังเกตเห็นว่าหรือน่าจะก่อให้เกิดการแตกหักหรือเสียหายเช่นนั้น อย่างไม่รู้ดี บทบัญญัตินี้ไม่ใช่บังคับกับการแตกหักหรือเสียหายซึ่งเกิดขึ้นโดยบุคคลผู้ซึ่งกระทำการ โดยมีวัตถุประสงค์อันชอบธรรมเพียงเพื่อช่วยชีวิตของตนหรือเรือของตน หลังจากได้ใช้ความ ระมัดระวังตามที่จำเป็นทุกอย่างแล้วเพื่อหลีกเลี่ยงการแตกหักหรือเสียหายเช่นนั้น

ข้อ 114

การทำให้สายเคเบิลหรือท่อใต้ทะเลอื่นแตกหักหรือเสียหาย โดยเจ้าของสายเคเบิลหรือ ท่อใต้ทะเล

รัฐทุกรัฐจะต้องออกกฎหมายและข้อบังคับที่จำเป็นเพื่อกำหนดว่า หากบุคคลที่อยู่ภายใต้ เขตอำนาจของรัฐนั้นซึ่งเป็นเจ้าของสายเคเบิลหรือท่อใต้ทะเลภายใต้ทะเลหลวงในขณะวางหรือ ซ่อมแซมสายเคเบิลหรือท่อนั้น ได้ก่อให้เกิดการแตกหักหรือเสียหายแก่สายเคเบิลหรือท่อใต้ทะเล อื่น บุคคลเหล่านั้นจะต้องเป็นผู้ออกค่าใช้จ่ายในการซ่อมแซมต่างๆ

ข้อ 115

การชดใช้ค่าเสียหายสำหรับความสูญเสียที่เกิดขึ้นเนื่องจากหลีกเลี่ยงการทำความ เสียหาย

แก่สายเคเบิลหรือท่อใต้ทะเล

รัฐทุกรัฐจะต้องออกกฎหมายและข้อบังคับที่จำเป็นเพื่อประกันว่าเจ้าของเรือซึ่งสามารถ พิสูจน์ได้ว่าตนได้ยอมสละสมอ อวน หรืออุปกรณ์การประมงอื่นใด เพื่อหลีกเลี่ยงการทำความ เสียหายแก่สายเคเบิลหรือท่อใต้ทะเล จะได้รับชดใช้ค่าเสียหายจากเจ้าของสายเคเบิลหรือท่อกว่า เจ้าของเรือได้ใช้มาตรการระมัดระวังอันควรทั้งปวงล่วงหน้าแล้ว

ภาคผนวก ข

อนุสัญญาเพื่อการปราบปรามการกระทำอันมิชอบด้วยกฎหมายต่อความปลอดภัยในการ
เดินเรือทางทะเล ค.ศ. 1988

THE STATES PARTIES TO THIS CONVENTION,

HAVING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of friendly relations and co-operation among States,

RECOGNIZING in particular that everyone has the right to life, liberty and security of person, as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

DEEPLY CONCERNED about the world-wide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,

CONSIDERING that unlawful acts against the safety of maritime navigation jeopardize the safety of persons and property, seriously affect the operation of maritime services, and undermine the confidence of the peoples of the world in the safety of maritime navigation,

CONSIDERING that the occurrence of such acts is a matter of grave concern to the international community as a whole,

BEING CONVINCED of the urgent need to develop international co-operation between States in devising and adopting effective and practical measures for the prevention of all unlawful acts against the safety of maritime navigation, and the prosecution and punishment of their perpetrators,

RECALLING resolution 40/61 of the General Assembly of the United Nations of 9 December 1985 which, *inter alia*, "urges all States unilaterally and in co-operation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of causes underlying international terrorism and to pay special attention to all

situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien occupation, that may give rise to international terrorism and may endanger international peace and security",

RECALLING FURTHER that resolution 40/61 "unequivocally condemns, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize friendly relations among States and their security",

RECALLING ALSO that by resolution 40/61, the International Maritime Organization was invited to "study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures",

HAVING IN MIND resolution A.584(14) of 20 November 1985, of the Assembly of the International Maritime Organization, which called for development of measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews,

NOTING that acts of the crew which are subject to normal shipboard discipline are outside the purview of this Convention,

AFFIRMING the desirability of monitoring rules and standards relating to the prevention and control of unlawful acts against ships and persons on board ships, with a view to updating them as necessary, and, to this effect, taking note with satisfaction of the Measures to Prevent Unlawful Acts against Passengers and Crews on Board Ships, recommended by the Maritime Safety Committee of the International Maritime Organization,

AFFIRMING FURTHER that matters not regulated by this Convention continue to be governed by the rules and principles of general international law,

RECOGNIZING the need for all States, in combating unlawful acts against the safety of maritime navigation, strictly to comply with rules and principles of general international law,

HAVE AGREED as follows:

Article 1

For the purposes of this Convention, "ship" means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft.

Article 2

1. This Convention does not apply to:

- (a) a warship; or
- (b) a ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes; or
- (c) a ship which has been withdrawn from navigation or laid up.

2. Nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

Article 3

1. Any person commits an offence if that person unlawfully and intentionally:

- (a) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or
- (b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or
- (c) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or
- (d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or

(e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or

(f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or

(g) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (f).

2. Any person also commits an offence if that person:

(a) attempts to commit any of the offences set forth in paragraph 1; or

(b) abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or

(c) threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (b), (c) and (e), if that threat is likely to endanger the safe navigation of the ship in question.

Article 4

1. This Convention applies if the ship is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single State, or the lateral limits of its territorial sea with adjacent States.

2. In cases where the Convention does not apply pursuant to paragraph 1, it nevertheless applies when the offender or the alleged offender is found in the territory of a State Party other than the State referred to in paragraph 1.

Article 5

Each State Party shall make the offences set forth in article 3 punishable by appropriate penalties which take into account the grave nature of those offences.

Article 6

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 when the offence is committed:

(a) against or on board a ship flying the flag of the State at the time the offence is committed; or

(b) in the territory of that State, including its territorial sea; or

(c) by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(a) it is committed by a stateless person whose habitual residence is in that State; or

(b) during its commission a national of that State is seized, threatened, injured or killed; or

(c) it is committed in an attempt to compel that State to do or abstain from doing any act.

3. Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General of the International Maritime Organization (hereinafter referred to as "the Secretary-General"). If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 in cases where the alleged offender is present in its territory and it does not extradite him to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 7

1. Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present shall, in accordance with its law, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts, in accordance with its own legislation.

3. Any person regarding whom the measures referred to in paragraph 1 are being taken shall be entitled to:

(a) communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;

(b) be visited by a representative of that State.

4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or the alleged offender is present, subject to the proviso that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify the States which have established jurisdiction in accordance with article 6, paragraph 1 and, if it considers it advisable, any other interested States, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2

of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 8

1. The master of a ship of a State Party (the "flag State") may deliver to the authorities of any other State Party (the "receiving State") any person who he has reasonable grounds to believe has committed one of the offences set forth in article 3.

2. The flag State shall ensure that the master of its ship is obliged, whenever practicable, and if possible before entering the territorial sea of the receiving State carrying on board any person whom the master intends to deliver in accordance with paragraph 1, to give notification to the authorities of the receiving State of his intention to deliver such person and the reasons therefor.

3. The receiving State shall accept the delivery, except where it has grounds to consider that the Convention is not applicable to the acts giving rise to the delivery, and shall proceed in accordance with the provisions of article 7. Any refusal to accept a delivery shall be accompanied by a statement of the reasons for refusal.

4. The flag State shall ensure that the master of its ship is obliged to furnish the authorities of the receiving State with the evidence in the master's possession which pertains to the alleged offence.

5. A receiving State which has accepted the delivery of a person in accordance with paragraph 3 may, in turn, request the flag State to accept delivery of that person. The flag State shall consider any such request, and if it accedes to the request it shall proceed in accordance with article 7. If the flag State declines a request, it shall furnish the receiving State with a statement of the reasons therefor.

Article 9

Nothing in this Convention shall affect in any way the rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on board ships not flying their flag.

Article 10

1. The State Party in the territory of which the offender or the alleged offender is found shall, in cases to which article 6 applies, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 3 shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided for such proceedings by the law of the State in the territory of which he is present.

Article 11

1. The offences set forth in article 3 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 3. Extradition shall be subject to the other conditions provided by the law of the requested State Party.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 3 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 3 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place

in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.

5. A State Party which receives more than one request for extradition from States which have established jurisdiction in accordance with article 6 and which decides not to prosecute shall, in selecting the State to which the offender or alleged offender is to be extradited, pay due regard to the interests and responsibilities of the State Party whose flag the ship was flying at the time of the commission of the offence.

6. In considering a request for the extradition of an alleged offender pursuant to this Convention, the requested State shall pay due regard to whether his rights as set forth in article 7, paragraph 3, can be effected in the requesting State.

7. With respect to the offences as defined in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent that they are incompatible with this Convention.

Article 12

1. State Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 3, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties on mutual assistance that may exist between them. In the absence of such treaties, States Parties shall afford each other assistance in accordance with their national law.

Article 13

1. States Parties shall co-operate in the prevention of the offences set forth in article 3, particularly by:

- (a) taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories;

(b) exchanging information in accordance with their national law, and co-ordinating administrative and other measures taken as appropriate to prevent the commission of offences set forth in article 3.

2. When, due to the commission of an offence set forth in article 3, the passage of a ship has been delayed or interrupted, any State Party in whose territory the ship or passengers or crew are present shall be bound to exercise all possible efforts to avoid a ship, its passengers, crew or cargo being unduly detained or delayed.

Article 14

Any State Party having reason to believe that an offence set forth in article 3 will be committed shall, in accordance with its national law, furnish as promptly as possible any relevant information in its possession to those States which it believes would be the States having established jurisdiction in accordance with article 6.

Article 15

1. Each State Party shall, in accordance with its national law, provide to the Secretary-General, as promptly as possible, any relevant information in its possession concerning:

(a) the circumstances of the offence;

(b) the action taken pursuant to article 13, paragraph 2;

(c) the measures taken in relation to the offender or the alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

2. The State Party where the alleged offender is prosecuted shall, in accordance with its national law, communicate the final outcome of the proceedings to the Secretary-General.

3. The information transmitted in accordance with paragraphs 1 and 2 shall be communicated by the Secretary-General to all States Parties, to Members of the International Maritime Organization (hereinafter referred to as "the Organization"), to the

other States concerned, and to the appropriate international intergovernmental organizations.

Article 16

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State may at the time of signature or ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by any or all of the provisions of paragraph 1. The other States Parties shall not be bound by those provisions with respect to any State Party which has made such a reservation.
3. Any State which has made a reservation in accordance with paragraph 2 may, at any time, withdraw that reservation by notification to the Secretary-General.

Article 17

1. This Convention shall be open for signature at Rome on 10 March 1988 by States participating in the International Conference on the Suppression of Unlawful Acts against the Safety of Maritime Navigation and at the Headquarters of the Organization by all States from 14 March 1988 to 9 March 1989. It shall thereafter remain open for accession.
2. States may express their consent to be bound by this Convention by:
 - (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

Article 18

1. This Convention shall enter into force ninety days following the date on which fifteen States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession in respect thereof.

2. For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Convention after the conditions for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

Article 19

1. This Convention may be denounced by any State Party at any time after the expiry of one year from the date on which this Convention enters into force for that State.

2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.

Article 20

1. A conference for the purpose of revising or amending this Convention may be convened by the Organization.

2. The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of one third of the States Parties, or ten States Parties, whichever is the higher figure.

3. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

Article 21

1. This Convention shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) inform all States which have signed this Convention or acceded thereto, and all Members of the Organization, of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;

(ii) the date of the entry into force of this Convention;

(iii) the deposit of any instrument of denunciation of this Convention together with the date on which it is received and the date on which the denunciation takes effect;

(iv) the receipt of any declaration or notification made under this Convention;

(b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.

3. As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 22

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Convention.

DONE AT ROME this tenth day of March one thousand nine hundred and eighty-eight.

ภาคผนวก ค

INTERNATIONAL MARITIME ORGANIZATION

4 ALBERT EMBANKMENT
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Ref. T1/13.01

MSC/Circ.622/Rev.1
16 June 1999**PIRACY AND ARMED ROBBERY AGAINST SHIPS****Recommendations to Governments for preventing and suppressing piracy
and armed robbery against ships**

1 The Maritime Safety Committee, at its seventy-first session (19 to 28 May 1999), reviewed MSC/Circ.622 (Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships) and prepared the revised recommendations given at annex.

2 The review was carried out on the basis of the recommendations of the regional seminars and workshops on Piracy and armed robbery against ships conducted by IMO in Brasilia (20 to 22 October 1998) and Singapore (3 to 5 February 1999).

3 Member Governments, in particular those within areas identified as affected by acts of piracy and armed robbery against ships, are recommended to take any necessary action to implement, as appropriate, the recommendations given at annex.

4 Member Governments are also recommended to bring this circular and MSC/Circ.623/Rev.1 to the attention of all national agencies concerned with anti-piracy and anti-armed robbery activities, shipowners, ship operators, shipping companies, shipmasters and crews.

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ANNEX

**RECOMMENDATIONS TO GOVERNMENTS
FOR PREVENTING AND SUPPRESSING PIRACY*
AND ARMED ROBBERY AGAINST SHIPS**

Piracy and armed robbery against ships

1 Before embarking on any set of measures or recommendations, it is imperative for governmental or other agencies concerned to gather accurate statistics of the incidents of piracy and armed robbery against ships, to collate these statistics under both type and area and to assess the nature of the attacks with special emphasis on types of attack, accurate geographical location and modus operandi of the wrongdoers and to disseminate or publish these statistics to all interested parties in a format that is understandable and usable. Furthermore Governments should involve representatives of shipowners and seafarers in developing measures to prevent and suppress piracy and armed robbery against ships.

2 In any ongoing campaign against piracy and armed robbery, it is necessary, wherever possible, to neutralize the activities of pirates and armed robbers. As these people are criminals under both international law and most national laws, this task will generally fall to the security forces of the States involved.

3 Ships can and should take measures to protect themselves from pirates and armed robbers. These measures are recommended in MSC/Circ.623/Rev.1. While security forces can often advise on these measures, and flag States are required to take such measures as are necessary to ensure that owners and masters accept their responsibility, ultimately it is the responsibility of owners, masters and ship operators to take seamanlike precautions when their ships navigate in areas where the threat of piracy and armed robbery exists.

4 The Coastal State/Port State should develop Action Plans detailing how to prevent such an attack in the first place and actions to take in case of an attack. Flag States should develop Action Plans detailing the actions to be taken on the receipt of a report of an attack. Because of the possibility of collision or grounding of a ship as a result of an attack, the Coastal/Port States will need to develop plans to counter any subsequent oil spills or leakages of hazardous substances that the ship or ships may be carrying. This is especially important in areas of restricted navigation.

5 All national agencies involved in preventing and suppressing piracy and armed robbery against ships should take appropriate measures for the purpose of maximizing efficiency and effectiveness and, at the same time, minimizing any relevant adversity. The Coastal/Port States should also establish the necessary infrastructure and operational arrangements for the purpose of preventing and suppressing piracy and armed robbery against ships.

* The following definition of piracy is contained in article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS):

“Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b).”

MSC/Circ.622/Rev.1

ANNEX

Page 2

6 On communication and co-operation between various agencies, and the response time after an incident has been reported to the coastal State:

- .1 an incident command system for tactical as well as operational response should be adopted in each country concerned to provide a common terminology; integrated communications; a unified command structure; consolidated action plans; a manageable span of control; designated incident facilities; and comprehensive resource management;
- .2 existing mechanisms for dealing with other maritime security matters, e.g. smuggling, drug-trafficking and terrorism, should be incorporated into the incident command system in order to allow for efficient use of limited resources; and
- .3 procedures for rapidly relaying alerts received by communication centres to the entity responsible for action should be developed or, if existing, reviewed.

7 It is imperative that all attacks, or threats of attacks, are reported immediately by radio to the nearest RCC or coast radio station to alert the Coastal State/Port State and followed up by a more detailed written report. On receipt of radio reports of an attack or post attack reports, the RCC or other agency involved must take immediate action to:

- .1 inform the local security authorities so that contingency plans (counter action) may be implemented; and
- .2 alert other ships in the area to the incident utilizing any appropriate communication means available to it, in order to create or increase their awareness.

8 The report received by maritime Administrations may be used in any diplomatic approaches made by the flag State to the Government of the coastal State in which the incident occurred. This will also provide the basis for the report to IMO.

9 Coastal States/Port States should report to IMO any act of piracy or armed robbery in their waters. The format presently used for reports to IMO is attached at appendix 4.

10 The recording and initial examination of reports is best done, wherever possible, by a central agency possessing the necessary skills and resources. In order to maintain the required credibility, both from Government and commercial sectors, such an agency must be accurate, authoritative, efficient and impartial in both its product and its dealings with others. It is judged that the organization best suited to this role is IMO itself, although the use of IMB's Piracy Reporting Centre in Kuala Lumpur, Malaysia, as a satellite for dissemination of information should also be considered.

11 The detailed work of assessment should be carried out by the security forces of the coastal State concerned who will probably have access to further information to complete the picture and background of the attacks and those persons responsible.

12 It is important that, once the collection and collation stages have been completed, the product be distributed to all agencies that need to know. These agencies include the Governments of coastal States for onward passing, the Governments of flag States for passing through maritime Administrations to shipowners and to other interested Government departments.

13 To encourage masters to report all incidents of piracy and armed robbery against ships, coastal States/port States should make every endeavour to ensure that these masters and their ships will not be unduly delayed and that the ship will not be burdened with additional costs related to such reporting.

14 On investigation into reported incidents and prosecution of pirates and armed robbers when caught:

- .1 it should be firmly established which entity in each country has responsibility and legal authority for carrying out post-attack investigations, since confusion during the hours after an incident may result in missed investigative opportunities and loss or deterioration of evidence;
- .2 the appointed investigation agency should have personnel trained in standard investigative techniques and who are familiar with the legal requirements of the courts of their countries, as it is widely assumed that prosecution, conviction and confiscation of assets of offenders are the most effective means of discouraging would-be offenders;
- .3 as offenders may be involved in other kinds of offences, piracy and armed robbery against ships should not be viewed in isolation and useful information should therefore, be sought in existing criminal records; and
- .4 systems should be in place to ensure that potentially useful information is disseminated to all appropriate parties, including investigators.

15 IMO regularly sends to coastal States reports of armed robbery said to have been committed in their territorial waters and requesting for information on the result of any investigations they have conducted. Coastal States are requested to respond to these inquiries even when they are unable to conduct an inquiry either because the incident was not reported or was reported too late for an investigation to be conducted. Any such responses should continue to be circulated to the sessions of the Committee.

Jurisdiction and intervention

Criminal jurisdiction

16 A person apprehended at sea outside the territorial sea of any State for committing acts of piracy or armed robbery against ships, should be prosecuted under the laws of the investigating State by mutual agreement with other substantially interested States.

Substantially interested State means a State:

- .1 which is the flag State of a ship that is the subject of an investigation; or
- .2 in whose territorial sea an incident has occurred; or
- .3 where an incident caused, or threatened, serious harm to the environment of that State, or within those areas over which the State is entitled to exercise jurisdiction as recognized under international law; or

- .4 where the consequences of an incident caused, or threatened, serious harm to that State or to artificial islands, installations or structures over which it is entitled to exercise jurisdiction; or
- .5 where, as a result of an incident, nationals of that State lost their lives or received serious injuries; or
- .6 that has at its disposal important information that may be of use to the investigation; or
- .7 that, for some other reason, establishes an interest that is considered significant by the lead investigating State;
- .8 that was requested by another State to assist in the repression of violence against crews, passengers, ships and cargoes or the collection of evidence; or
- .9 that intervened under UNCLOS article 100, exercised its right of visit, under UNCLOS article 110, or effected the seizure of a pirate/armed robber, ship or aircraft under UNCLOS article 105 or in port or on land.

17 States are recommended to take such measures as may be necessary to establish their jurisdiction over the offences of piracy and armed robbery at sea, including adjustment of their legislation, if necessary, to enable those States to apprehend and prosecute persons committing such offences.

18 For visits to ports in certain countries, ships need to carry amounts of money in cash to cover disbursements and other requirements. Cash on board a ship acts as a magnet for attackers. Where the carriage of large sums of cash is necessary because of exchange control restrictions in some States, these States are urged to take a more flexible approach.

19 Flag States should encourage all ships operating in waters where attacks occur to have a ship security plan. The ship security plan should be prepared having regard to the risks that may be faced, the crew members available, their capability and training, the ability to establish secure areas on board ship and the surveillance and detection equipment that has been provided.

20 If at all possible, ships should be routed away from areas where attacks are known to have taken place and, in particular, seek to avoid bottle-necks. If ships are approaching ports where attacks have taken place on ships at anchor, rather than on ships underway, and it is known that the ship will have to anchor off port for some time, consideration should be given to delaying anchoring by slow steaming or longer routing to remain well off shore thereby reducing the period during which the ship will be at risk. Such action should not affect the ship's berthing priority. Charterparty agreements should recognize that ships may need to deviate away from areas where attacks occur and that ships may need to delay arrival at such ports, either when no berth is available for the ship, or offshore loading or unloading will be delayed for a protracted period.

21 Coastal States situated in areas affected by piracy and armed robbery

- .1 in order to be able to respond, as quickly as possible, to any report from ships on piracy and armed robbery attacks, every piracy or armed robbery threat area should be adequately covered by Coast Earth Stations which are continuously operational, and which preferably are situated in the littoral State responsible for the area or in neighbouring States;

- .2 neighbouring countries having common borders in areas which can be characterized as piracy and armed robbery threat areas, should establish co-operation agreements with respect to preventing and suppressing piracy and armed robbery. Such agreements should include the co-ordination of patrol activities in such areas. An example of such an agreement is attached as appendix 5 to this circular;
- .3 on further development of regional co-operation, a regional agreement to facilitate co-ordinated response at the tactical as well as the operational level should be concluded between the countries concerned:
 - .3.1 such an agreement should specify how information would be disseminated; establish joint command and control procedures (a regional incident command system); ensure efficient communications; set policies for joint operations and entry and pursuit; establish the links between entities involved in all maritime security matters; establish joint specialized training of and the exchange of views between investigators; and establish joint exercises between tactical and operational entities; and
 - .3.2 that existing agreements, bilateral or regional, be reviewed, if necessary, to allow for the extension of entry and pursuit into the territorial sea of the State(s) with which the agreement has been made and practical operational procedures which will ensure the granting of permission to extend pursuit into another jurisdiction being received by the pursuing vessel at very short notice;
- .4 every country is recommended to ensure that each national RCC, which may be contacted by RCCs from other countries, is capable at all times of communicating in English. Thus, at least one person with a satisfactory knowledge of the English language - both written and spoken - should always be on duty;
- .5 in order to minimize co-ordination problems and possible delays in cases when distress/safety messages related to a specific area are received by Coast Earth Stations and RCCs in other countries, it is recommended to arrange common meetings/seminars for key personnel from both areas for the exchange of views and to establish suitable procedures and actions in different types of situations. Consideration should also be given to arranging common exercises to verify that procedures and actions are effective;
- .6 if an attack is reported in an area covered by NAVTEX transmissions, a piracy/armed robbery attack warning with category "Important" or "Vital", as appropriate, should be transmitted whenever such warnings can be transmitted sufficiently early to enable ships to take precautions appropriate to preventing attacks. If an attack is reported in an area which is not covered by NAVTEX transmissions, a piracy/armed robbery attack warning should be transmitted as an EGC SafetyNET message through the INMARSAT system. In this respect, relevant authorities are recommended to make arrangements with one or more Coast Earth Station(s) covering relevant areas, so as to be registered as "information providers" (Ref. to MSC/Circ.805); and

- .7 those countries that have established, or which plan to establish, radar surveillance and/or VHF DF (direction finding) systems, are recommended to investigate the potential suitability of such facilities for anti-piracy/armed robbery purposes. If such facilities are judged to be suitable for such purposes, the facilities and procedures necessary for their rapid and efficient use should be established.

22 It is important that any response to an incident is well planned and executed, and that those involved should be as familiar as possible with a ship environment. Therefore those responsible for responding to acts of piracy or armed robbery of ships, whether at sea or in port, should be trained in the general layout and features of the types of ship most likely to be encountered. Shipowners should be encouraged to co-operate with the security forces by providing access to their ships for the necessary familiarization.

23 The coastal States should consider the use of suitably equipped helicopters and other suitable means in countering acts of piracy and armed robbery. Security forces should consider the use of modern night vision equipment and other applicable modern technology.

24 A local rule of the road amendment allowing ships under attack to flash or occult their "not under command" lights should be authorized in areas where pirate/armed robbery attacks are more common.

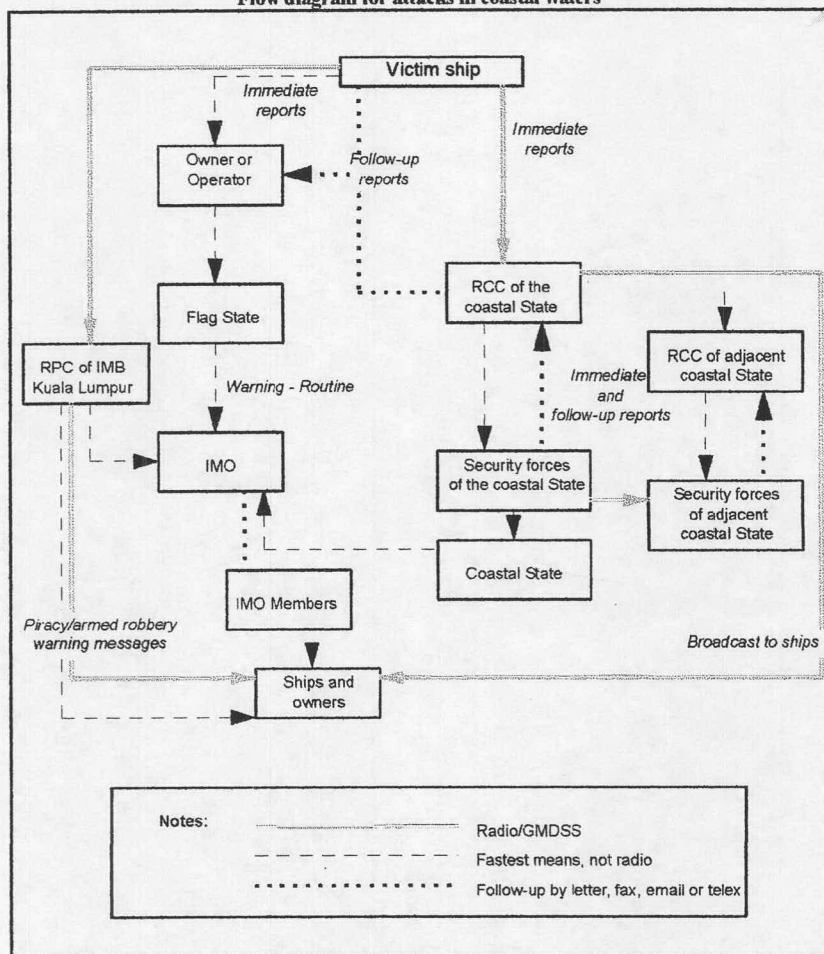
25 The States with adjacent coastal waters affected by pirates and armed robbers should develop or maintain co-ordinated patrols by both ships and aircraft.

26 Security forces and Governments should maintain close liaison with their counterparts in the neighbouring States to facilitate the apprehension and prosecution of criminals involved in such unlawful acts. Some countries have already a well established co-ordination which is also used for preventing and suppressing piracy and armed robbery.

27 RCC personnel should be instructed on the most efficient means of communicating reports on piracy and armed robbery, which they receive. Depending on the circumstances, this may require forwarding the reports to another RCC or coast radio station, notifying Security forces or patrol craft in the area and taking steps to have a broadcast warning issued or other suitable action taken.

APPENDIX 1
STATISTICS, FLOW DIAGRAMS AND OTHER RELEVANT INFORMATION

Flow diagram for attacks in coastal waters



APPENDIX 2

**"PHASES" RELATED TO VOYAGES
IN PIRACY AND ARMED ROBBERY THREAT AREAS**

Phase Symbol	Phase Description
A	Approaching a piracy/armed robbery threat area (1 hour prior to entering)
B	Entering a piracy/armed robbery threat area
C	Inside a piracy/armed robbery threat area, but no suspect piracy/armed robbery vessel detected
D	Inside a piracy/armed robbery threat area: suspect piracy/armed robbery vessel detected
E	Certainty that piracyarmed robbery will be attempted
F	Pirate/armed robbery vessel in proximity to, or in contact with, own ship
G	Pirates/armed robbers start attempts to enter ship
H	Pirates/armed robbers have succeeded in entering ship
I	Pirates/armed robbers have one or more of the ship's personnel in their control/custody
J	The pirates/armed robbers have gained access to the bridge or the master's office
K	The pirates/armed robbers have stolen property/money etc
L	The pirates/armed robbers start to disembark
M	The pirates/armed robbers have disembarked
N	The pirate/armed robbery vessel is no longer in contact with the ship
O	Own ship leaves the piracy/armed robbery threat area

APPENDIX 3

SHIPS' MESSAGE FORMATS

Report 1 - Initial message - Piracy/armed robbery attack alert

1 Ship's name and, callsign, IMO number, INMARSAT IDs (plus ocean region code) and MMSI

MAYDAY/DISTRESS ALERT (see note)

URGENCY SIGNAL

PIRACY/ARMED ROBBERY ATTACK

2 Ship's position (and time of position UTC)

Latitude	Longitude
Course Speed	KTS

3 Nature of event

Note: It is expected that this message will be a Distress Message because the ship or persons will be in grave or imminent danger when under attack. Where this is not the case, the word MAYDAY/DISTRESS ALERT is to be omitted.

Use of distress priority (3) in the INMARSAT system will not require MAYDAY/DISTRESS ALERT to be included.

Report 2 - Follow-up report - Piracy/armed robbery attack alert

1 Ship's name and, callsign, IMO number

2 Reference initial PIRACY/ARMED ROBBERY ALERT

3 Position of incident

Latitude	Longitude
Name of the area	

4 Details of incident, e.g.:

While sailing, at anchor or at berth?
Method of attack
Description/number of suspect craft
Number and brief description of pirates/robbers

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- What kind of weapons did the pirates/robbers carry ?
 - Any other information (e.g. language spoken)
 - Injuries to crew and passengers
 - Damage to ship (Which part of the ship was attacked?)
 - Brief details of stolen property/cargo
 - Action taken by the master and crew
 - Was incident reported to the coastal authority and to whom?
 - Action taken by the Coastal State
- 5 Last observed movements of pirate/suspect craft, e.g.:
- Date/time/course/position/speed
- 6 Assistance required
- 7 Preferred communications with reporting ship, e.g.:
- Appropriate Coast Radio Station
 - HF/MF/VHF
 - INMARSAT IDs (plus ocean region code)
 - MMSI
- 8 Date/time of report (UTC)

APPENDIX 4

**FORMAT FOR REPORTING TO IMO THROUGH MARITIME
ADMINISTRATIONS OR INTERNATIONAL ORGANIZATIONS**

- 2* Ship's name and IMO number
Type of ship
Flag
Gross tonnage
- 3 Date and time
- 4 Latitude Longitude
Name of the area**
While sailing, at anchor or at berth?
- 5 Method of attack
Description/number of suspect craft
Number and brief description of pirates/robbers
What kind of weapons did the pirates/robbers carry ?
Any other information (e.g. language spoken)
- 6 Injuries to crew and passengers
Damage to ship (Which part of the ship was attacked?)
Brief details of stolen property/cargo
- 7 Action taken by the master and crew
- 8 Was incident reported to the coastal authority and to whom?
- 9 Reporting State or international organization
- 10 Action taken by the Coastal State

* Corresponding to the column numbers in the annex to the IMO monthly circulars

** The following definition of piracy is contained in article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS):

"Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
- (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
- (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b)."

APPENDIX 5

**DRAFT* REGIONAL AGREEMENT ON CO-OPERATION IN PREVENTING AND
SUPPRESSING ACTS OF PIRACY AND ARMED ROBBERY AGAINST SHIPS**

Note: Due to different circumstances among States, this example agreement may be varied to meet specific situations.

Agreement between the Governments of _____, _____,
_____, _____, and _____

(Hereinafter, "the Parties");

Bearing in mind the complex nature of the problem of piracy and armed robbery against ships;

Having regard to the urgent need for international co-operation in preventing and suppressing piracy and armed robbery against ships;

Desiring to promote greater cooperation between the parties and thereby enhance their effectiveness in preventing and suppressing piracy and armed robbery against ships;

Being conscious of the fact that, in order to prevent and suppress piracy and armed robbery against ships effectively and efficiently, the active participation of all States affected is needed;

Taking into account that the Governments do not have sufficient technical and material resources to prevent and suppress piracy and armed robbery against ships independently;

Recognizing that piracy and armed robbery are international and transnational threats to seafarers, property and the environment; and conscious of the fact that the Parties are experiencing increased incidents of piracy and armed robbery within their maritime zones and adjoining international waters;

Have agreed as follows:

Definitions

For the purpose of this Agreement, unless expressly provided otherwise:

- 1 "Piracy" means those acts as defined in Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS), 1982.

* The present draft includes text in square brackets which was left to the discretion of the individual Governments.



- 2 "Armed robbery against ships" means [...].
- 3 "National waters [and airspace]" means the territorial sea and internal waters of the Parties [and the air space over those States].
- 4 "Law enforcement vessels" mean ships of the Parties clearly marked and identifiable as being on government non-commercial service and authorized to that effect, including any boat and aircraft embarked on such ships, aboard which law enforcement officials are embarked.
- [5 "Law enforcement aircraft" means aircraft of the Parties engaged in law enforcement operations or operations in support of law enforcement activities clearly marked and identifiable as being on non-commercial government service and authorized to that effect.]
- 5[6] "Liaison officer" means one or more law enforcement officials, including boarding teams, of one Party authorized to embark on a law enforcement vessel of another Party.
- 6[7] "Suspect vessel" means a vessel used for commercial or private purposes in respect of which there are reasonable grounds to suspect it is involved in piracy or armed robbery against ships.
- 7[8] "Incident Command System" means a regional system for operational/tactical response to acts of piracy and armed robbery against ships providing common terminology, modular organization, integrated communications, unified command structure, consolidated action plans, manageable span of control, designated incident facilities and comprehensive resource management.

Nature and scope of the Agreement

- 1 The Parties shall cooperate in preventing and suppressing piracy and armed robbery at sea to the fullest extent possible, consistent with available law enforcement resources and related priorities.
- 2 The Parties undertake to agree on procedures for improving intelligence sharing.

Operations in [and over] national waters

Operations to suppress piracy and armed robbery in the national waters of a Party are subject to the authority of that Party.

Programme for law enforcement officials aboard another Party's vessels

- 1 The Parties shall establish a law enforcement liaison officer programme among their law enforcement authorities. Each Party may designate a co-ordinator to organize its programme activities and to notify the other Parties of the types of vessels and officials involved in the programme.
- 2 The Parties may designate qualified law enforcement officials to act as law enforcement liaison officers.

3 Subject to the law of the Parties involved, these liaison officers may, in appropriate circumstances:

- .1 embark on the law enforcement vessels of other Parties;
- .2 authorize the pursuit, by the law enforcement vessels on which they are embarked, of suspect vessels fleeing into the territorial waters of the liaison officer's Party;
- .3 authorize the law enforcement vessels on which they are embarked to conduct patrols to suppress acts of armed robbery against ships in the liaison officer's Party's national waters; and
- .4 enforce the laws of the Parties in national waters, or seaward there from in the exercise of the right of hot pursuit or otherwise in accordance with international law.

4 When a liaison officer is embarked on another Party's vessel, and the enforcement action being carried out is pursuant to the liaison officer's authority, any search or seizure of property, any detention of a person, and any use of force pursuant to this Agreement, whether or not involving weapons, shall be carried out by the liaison officer, except as follows:

- .1 crew members of the other Party's vessel may assist in any such action if expressly requested to do so by the liaison officer and only to the extent and in the manner requested. Such request may only be made, agreed to, and acted upon in accordance with the applicable laws and policies; and
- .2 such crew members may use force in self-defense, in accordance with the applicable laws and policies.

5 Parties may only conduct operations to suppress piracy and armed robbery in the waters of another Party with the permission of that Party in any of the following circumstances:

- .1 an embarked liaison officer so authorizes;
- .2 on those exceptional occasions when a suspect vessel, detected seaward of national waters, enters the national waters of another Party and no liaison officer is embarked in a law enforcement vessel, and no law enforcement vessel from the Party whose national waters have been entered by a suspect vessel is immediately available to investigate, the law enforcement vessel may follow the suspect vessel into national waters, in order to board the suspect vessel and secure the scene, while awaiting expeditious instructions and the arrival from law enforcement authorities of the Party in whose national waters the event took place;
- .3 on those equally exceptional occasions when a suspect vessel is detected within a Party's national waters, and no liaison officer is embarked from that Party and no law enforcement vessel is immediately available to investigate from that Party, the law enforcement vessel from another Party may enter the national waters, in order to board the suspect vessel and secure the scene, while awaiting expeditious instructions from the law enforcement authorities and the arrival of law enforcement officials of the Party in whose national waters the event has occurred; and

- 4 Parties shall provide prior notice to the law enforcement authority of the Party in whose national waters the event took place of action to be taken under subparagraphs .2 and .3 of this paragraph, unless it is not operationally feasible to do so. In any case, notice of the action shall be provided to the relevant law enforcement authority without delay.
- [6 When aircraft of the Parties (hereafter referred to as "aircraft") are operating to suppress piracy and armed robbery against ships or supporting such operations, other Parties shall permit those aircraft:
- 1 to overfly the territory and waters of other Parties with due regard for the laws and regulations of those Parties for the flight and manoeuvre of aircraft, subject to paragraph 7 of this section; and
 - 2 to land and remain in national airports, after receiving authorization from the minister of public security, on the occasions and for the time necessary for the proper conduct of operations deemed necessary under this Agreement.
- 7 The Parties shall, in the interest of flight safety, observe the following procedures for facilitating flights within the national airspace by law enforcement aircraft:
- 1 in the event of planned law enforcement operations, Parties shall provide reasonable notice and communication frequencies to the appropriate aviation authorities responsible for air traffic control of planned flights by its aircraft over national territory or waters;
 - 2 in the event of unplanned operations, the Parties shall exchange information concerning the appropriate communication frequencies and other information pertinent to flight safety; and
 - 3 any aircraft engaged in law enforcement operations or operations in support of law enforcement activities in accordance with this agreement shall comply with such air navigation and flight safety directions as may be required by pertinent aviation authorities, and with any written operating procedures developed for flight operations within their airspace under this Agreement.]

Operations seaward of the territorial sea

1 Whenever law enforcement officials of a Party encounter a suspect vessel flying the flag of another Party or claiming to be registered in the country of another Party, located seaward of any State's territorial sea, this Agreement constitutes the authorization of that Party for the boarding and search of the suspect vessel and the persons found on board by such officials. If evidence of piracy or armed robbery against ships is found, law enforcement officials may detain the vessel and persons on board pending expeditious disposition instructions from the Government of the flag State.

2 Except as expressly provided herein, this Agreement does not apply to or limit boardings of vessels seaward of any State's territorial sea, conducted by either Party in accordance with international law, whether based, *inter alia*, on the right of visit, the rendering of assistance to persons, ships, and property in distress or peril, the consent of the shipmaster, or an authorization from the flag State to take law enforcement action.

Jurisdiction over detained vessel

1 In all cases arising in national waters, or concerning vessels flying the flag of a Party seaward of any State's territorial sea, the Party whose flag is being flown by the suspect vessel shall have the primary right to exercise jurisdiction over a detained vessel, cargo and/or persons on board (including seizure, forfeiture, arrest, and prosecution), provided, however, that the Party may, subject to its constitution and laws, waive its primary right to exercise jurisdiction and authorize the enforcement of another Party's law against the vessel, cargo and/or persons on board.

2 Instructions as to the exercise of jurisdiction pursuant to paragraph 1 shall be given without delay.

Implementation

1 Operations to suppress piracy and armed robbery pursuant to this Agreement shall be carried out only against suspect vessels, including vessels without nationality, and vessels assimilated to vessels without nationality.

2 All Parties shall utilize the Incident Command System when operating in conjunction with another Party in an operation within the scope of this Agreement.

3 All Parties undertake to agree on uniform reporting criteria in order to ensure that an accurate assessment of the threat is developed. Furthermore, all Parties shall endeavour to ensure that reporting ships are not unduly detained for investigative purposes. A summary of reports to each Party shall be shared at least annually with the other Parties.

4 A Party conducting a boarding and search pursuant to this Agreement shall promptly notify the flag State of the results thereof. The relevant Party shall timely report to the other Party, consistent with its laws, on the status of all investigations, prosecutions and judicial proceedings resulting from enforcement action taken pursuant to this Agreement where evidence of piracy and armed robbery has been found.

5 Each Party shall ensure that its law enforcement officials, when conducting boardings and searches [and air interception] activities pursuant to this Agreement, act in accordance with the applicable national laws and policies of that Party and with the applicable international law and accepted international practices.

6 Boardings and searches pursuant to this Agreement shall be carried out by law enforcement officials from law enforcement vessels [or aircraft]. The boarding and search teams may operate from such ships [and aircraft] of the relevant Parties, and seaward of the territorial sea of any State, from such ships of other Parties as may be agreed upon by the Parties. The boarding and search team may carry standard law enforcement small arms.

[7 While conducting air intercept activities pursuant to this Agreement, the Parties shall not endanger the lives of persons on board and the safety of civil aircraft.]

7[8] All use of force pursuant to this Agreement shall be in strict accordance with the applicable laws and policies and shall in all cases be the minimum reasonably necessary under the circumstances. Nothing in this Agreement shall impair the exercise of the inherent right of self-defense by law enforcement or other officials of either Party.

8[9] When carrying out operations pursuant to this Agreement, the Parties shall take due account of the possible advantage of conducting boarding and search operations in safer conditions at the closest port of a Party to minimize any prejudice to the legitimate commercial activities of the suspect vessel, or its flag State or any other interested State; the need not to delay unduly the suspect vessel; the need not to endanger the safety of life at sea without endangering the safety of the law enforcement officials or their vessels [or aircraft]; and the need not to endanger the security of the suspect vessel or its cargo.

9[10] To facilitate implementation of this Agreement, each Party shall ensure the Parties are fully informed of its respective applicable laws and policies, particularly those pertaining to the use of force. Each Party shall ensure that all of its law enforcement officials are knowledgeable concerning the applicable laws and policies of the other Parties.

10[11] Assets seized in consequence of any operation undertaken in the national waters of a Party pursuant to this Agreement shall be disposed of in accordance with the laws of the Party. Assets seized in consequence of any operation undertaken seaward of the territorial sea of a Party pursuant to this Agreement shall be disposed of in accordance with the laws of the seizing Party. To the extent permitted by its laws and upon such terms as it deems appropriate, a Party may, in any case, transfer forfeited assets or proceeds of their sale to another Party. Each transfer generally will reflect the contribution of other Parties to facilitating or effecting the forfeiture of such assets or proceeds.

11[12] The law enforcement authority of one Party (the "first Party") may request, and the law enforcement authority of another Party may authorize, law enforcement officials of the other Party to provide technical assistance to law enforcement officials of the first Party in their boarding and investigation of suspect vessels located in the territory or waters of the first Party.

12[13] Any injury to or loss of life of a law enforcement official of a Party shall normally be remedied in accordance with the laws of that Party. Any other claim submitted for damage, injury, death or loss resulting from an operation carried out under this Agreement shall be processed, considered, and if merited, resolved in favour of the claimant by the Party whose officials conducted the operation, in accordance with the domestic law of that Party, and in a manner consistent with international law. If any loss, injury or death is suffered as a result of any action taken by the law enforcement or other officials of one Party in contravention of this Agreement, or any improper or unreasonable action is taken by a Party pursuant thereto, the relevant Parties shall, without prejudice to any other legal rights which may be available, consult at the request of a Party to resolve the matter and decide any questions relating to compensation.

13[14] Disputes arising from the interpretation or implementation of this Agreement shall be settled by mutual agreement of the Parties.

14[15] The Parties agree to consult, on at least an annual basis, to evaluate the implementation of this Agreement and to consider enhancing its effectiveness, including the preparation of amendments to this Agreement that take into account increased operational capacity of the law enforcement authorities and officials. In case a difficulty arises concerning the operation of this Agreement, any Party may request consultations with another Party to resolve the matter.

15[16] Nothing in this Agreement is intended to alter the rights and privileges due any individual in any legal proceeding.

16[17] Nothing in this Agreement shall prejudice the position of any Party with regard to the international law of the sea.

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Entry into force and duration

1 [Entry into force]

2 [Denunciation]

3 This Agreement shall continue to apply after termination with respect to any administrative or judicial proceedings arising out of actions taken pursuant to this Agreement during the time that it was in force.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done at _____, this _____ day of _____

ภาคผนวก ค

INTERNATIONAL MARITIME ORGANIZATION
4 ALBERT EMBANKMENT
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E

Ref. T1/13.01

MSC/Circ.623/Rev.1
16 June 1999

PIRACY AND ARMED ROBBERY AGAINST SHIPS

**Guidance to shipowners and ship operators, shipmasters and
crews on preventing and suppressing acts of piracy and
armed robbery against ships**

- 1 The Maritime Safety Committee, at its seventy-first session (19 to 28 May 1999), reviewed MSC/Circ.623 (Guidance to shipowners and ship operators, shipmasters and crews for preventing and suppressing acts of piracy and armed robbery against ships) and prepared the revised guidance given at annex.
- 2 The review was carried out on the basis of the recommendations of the regional seminars and workshops on *Piracy and armed robbery against ships* conducted by IMO in Brasilia (20 to 22 October 1998) and Singapore (3 to 5 February 1999).
- 3 Member Governments and organizations in consultative status with IMO are recommended to bring this circular to the attention of shipowners, ship operators, shipping companies, shipmasters and crews.

ANNEX

GUIDANCE TO SHIPOWNERS AND SHIP OPERATORS, SHIPMASTERS AND
CREWS ON PREVENTING AND SUPPRESSING ACTS OF PIRACY* AND
ARMED ROBBERY AGAINST SHIPS**Introduction**

1 This circular aims at bringing to the attention of shipowners, masters and crews the precautions to be taken to reduce the risks of piracy on the high seas and armed robbery against ships at anchor, off ports or when underway through a coastal State's territorial waters. It outlines steps that should be taken to reduce the risk of such attacks, possible responses to them and the vital need to report attacks, both successful and unsuccessful, to the authorities of the relevant coastal State and to the ships' own maritime Administration. Such reports are to be made as soon as possible, to enable necessary action to be taken.

2 These recommendations have been culled from a number of sources. Where conflicting advice has been apparent, the reason for choosing the recommended course has been stated.

The pirates/robbers objective

3 In addition to hijacking of ships, and the theft of cargo, the main targets of the South East Asian attacker appear to be cash in the ship's safe, crew possessions and any other portable ship's equipment, even including coils of rope. In South America some piracy and armed robbery attacks are drug related. When there has been evidence of tampering with containers, it has been suggested that the raiders may initially have gained access when the ship was berthed in port and then gone over the side, with what they could carry. Thorough checking of ships' compartments and securing before leaving ports is therefore recommended.

* The following definition of piracy is contained in article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS):

"Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b)."

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Reducing the temptation for piracy and armed robbery

Cash in the ship's safe

4 The belief that large sums of cash are carried in the master's safe attracts attackers. On several occasions this belief has been justified and substantial sums have been stolen. While carrying cash may sometimes be necessary to meet operational needs and crew requirements and to overcome exchange control restrictions in some States, it acts as a magnet for attackers and they will intimidate the master or crew members until the locations have been revealed. Shipowners should consider ways of eliminating the need to carry large sums of cash on board ship. When this need arises because of exchange control restrictions imposed by States, the matter should be referred to the ship's maritime Administration to consider if representations should be made to encourage a more flexible approach as part of the international response to eliminate attacks by pirates and armed robbers.

Discretion by masters and members of the crew

5 Masters should bear in mind the possibility that attackers are monitoring ship-to-shore communications and using intercepted information to select their targets. Caution should, therefore, be exercised when transmitting information on cargo or valuables on board by radio in areas where attacks occur.

6 Members of the crew going ashore in ports in affected areas should be advised not to discuss the voyage or cargo particulars with persons unconnected with the ship's business.

Smaller crews

7 The smaller crew numbers now found on board ships also favour the attacker. A small crew engaged in ensuring the safe navigation of their ship through congested or confined waters will have the additional onerous task of maintaining high levels of security surveillance for prolonged periods. Shipowners will wish to consider enhancing security watches if their ship is in waters or at anchor off ports, where attacks occur. Shipowners will wish to consider providing appropriate surveillance and detection equipment to aid their crews and protect their ships.

Recommended practices

8 The recommended practices outlined below are based on reports of incidents, advice published by commercial organizations and measures developed to enhance ship security. The extent to which the recommendations are followed or applied are matters solely for the owners or master of ships operating in areas where attacks occur. The shipping industry would also benefit from consulting other existing recommendations*.

9 The recommended actions are defined as phases related to any voyage in a piracy and armed robbery threat area. The phases define the main stages in all situations of non-piracy/armed robbery, attempted piracy/armed robbery and confirmed piracy/armed robbery. Depending on the development of any one situation, they may or may not materialize.

The pre-piracy/armed robbery phase - Ship security plan

* For example, United Kingdom Marine Guidance Note 75, BIMCO publication "The Ship Master's Security Manual" (July 1998), ICS/ISF Pirates and Armed Robbers - A Master's Guide (Third Edition 1999), IMB Special Report on Piracy and Armed Robbery (March 1998)

10 All ships expected to operate in waters where attacks occur should have a ship security plan** which pertains to piracy and armed robbery against ships. The ship security plan should be prepared having regard to the risks that may be faced, the crew members available, their capability and training, the ability to establish secure areas on board ship and the surveillance and detection equipment that has been provided. The plan should, *inter alia*, cover:

- .1 the need for enhanced surveillance and the use of lighting, surveillance and detection equipment;
- .2 crew responses, if a potential attack is detected or an attack is underway;
- .3 the radio alarm procedures to be followed; and
- .4 the reports to be made after an attack or an attempted attack.

Ship security plans should ensure that masters and crews are made fully aware of the risks involved during attacks by pirates or armed robbers. In particular, they should address the dangers that may arise if a crew adopts an aggressive response to an attack. Early detection of a possible attack is the most effective deterrent. Aggressive responses, once an attack is underway and, in particular, once the attackers have boarded the ship, could significantly increase the risk to the ship and those on board.

11 In accordance with the ship security plan, all doors allowing access to the bridge, engine room, steering gear compartments, officers' cabins and crew accommodation should be secured and controlled in affected areas and should be regularly inspected. The intention should be to establish secure areas which attackers will find difficult to penetrate.

12 It is important that any response to an incident is well planned and executed, and those involved should be as familiar as possible with a ship environment. Therefore those responsible within the security forces for responding to acts of piracy and armed robbery against ships, whether at sea or in port, should be trained in the general layout and features of the types of ships most likely to be encountered and shipowners should cooperate with the security forces in providing access to their ships to allow the necessary on board familiarization.

Routing and delaying anchoring

13 If at all possible, ships should be routed away from areas where attacks are known to have taken place and, in particular, seek to avoid bottle-necks. If ships are approaching ports where attacks have taken place on ships at anchor, rather than ships underway, and it is known that the ship will have to anchor off port for some time, consideration should be given to delaying anchoring by slow steaming or longer routing to remain well off shore thereby reducing the period during which the ship will be at risk. Contact with port authorities should ensure that berthing priorities are not affected. Charter party agreements should recognize that ships may need to delay arrival at ports where attacks occur either when no berth is available for the ship or offshore loading or unloading will be delayed for a protracted period.

Practice the implementation of the ship security plan

** Possible guidance can be found in MSC/Circ.443

14 Prior to entering an area, where attacks have occurred, the ship's crew should have practised and perfected the procedures set down in the ship security plan. Alarm signals and procedures should have been thoroughly practised. If instructions are to be given over the ship's address systems or personal radios, they must be clearly understood by those who may not have fully mastered the language in which the instructions will be given.

15 It cannot be emphasized enough that all possible access points to the ship and any key and secure areas on it must be secured or controlled in port, at anchor and when underway in affected areas. Crews should be trained in the use of any additional surveillance or detection equipment installed on the ship. Planning and training must be on the basis that an attack will take place and not in the belief that with some luck it will not happen. Indications to attackers that the ship has an alert and trained crew implementing a ship security plan will help to deter them from attacking the ship.

Precautions at anchor or in port

16 In areas where attacks occur it is important to limit, record and control those who are allowed access to a ship when in port or at anchor. Photographing those who board the ship can be a useful deterrent or assist the identification of attackers who may have had access to the ship prior to their attack. Film need only be developed in the event of a subsequent attack. Given that attackers may use knowledge of cargo manifests to select their targets, every effort should be made to limit the circulation of documents which give information on the cargoes on board or their location on the ship.

17 Prior to leaving port the ship should be thoroughly searched and all doors or access points secured or controlled. This is particularly important in the case of the bridge, engine room, steering space and other vulnerable areas. Doors and access points should be regularly checked thereafter. The means of controlling doors or access points which would need to be used in the event of an onboard emergency will need careful consideration. Ship or crew safety should not be compromised.

18 Security guards employed in port or at anchorage on different ships should be in communication with each other and the port authorities during their watch. The responsibility for vetting such guards lies with the security personnel companies, which themselves should be vetted by the appropriate authorities.

Watchkeeping and vigilance

19 Maintaining vigilance is essential. All too often the first indication of an attack has been when the attackers appear on the bridge or in the master's cabin. Advance warning of a possible attack will give the opportunity to sound alarms, alert other ships and the coastal authorities, illuminate the suspect craft, undertake evasive manoeuvring or initiate other response procedures. Signs that the ship is aware it is being approached can deter attackers.

20 When ships are in, or approaching areas where attacks take place, bridge watches and look-outs should be augmented. Additional watches on the stern or covering radar "blind spots" should be considered. Companies should consider investing in low-light binoculars for bridge staff and look-outs. Radar should be constantly manned but it may be difficult to detect low profile fast moving craft on ship's radars. A yacht radar mounted on the stern may provide additional radar cover capable of detecting small craft approaching from astern when the ship is underway. Use of an appropriately positioned yacht radar when the ship is at anchor may also provide warning of the close approach of small craft.

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21 It is particularly important to maintain a radar and visual watch for craft which may be trailing the ship when underway but which could close in quickly when mounting an attack. Small craft which appear to be matching the speed of the ship on a parallel or following course should always be treated with suspicion. When a suspect craft has been noticed, it is important that an effective all-round watch is maintained for fear the first craft is a decoy with the intention to board the ship from a second craft while attention is focused on the first.

22 Companies owning ships that frequently visit areas where attacks occur should consider the purchase and use of more sophisticated visual and electronic devices in order to augment both radar and visual watch capability against attackers' craft at night, thereby improving the prospects of obtaining an early warning of a possible attack. In particular, the provision of night vision devices, small radars to cover the blind stern arcs, closed circuit television and physical devices, such as barbed wire, may be considered. In certain circumstances non-lethal weapons may also be appropriate. Infrared detection and alerting equipment may also be utilized.

Communications procedures

23 The master should ensure that an authorized person responsible for communications is on duty at all time when the ship is in, or approaching, areas where attacks occur.

24 Prior to entering areas where attacks have occurred and where the GMDSS installation on board does not have facility for automatically updating the "ship position" data from an associated electronic navigation aid, it is strongly recommended to enter the ship's position at regular intervals into the appropriate communications equipment manually. It is recommended that owners initiate the GMDSS INMARSAT "C" alarm programme before entering affected areas for use when appropriate (MSC/Circ.805).

Radio watchkeeping and responses

25 A constant radio watch should be maintained with the appropriate shore or naval authorities when in areas where attacks have occurred. Continuous watch should also be maintained on all distress and safety frequencies, particularly VHF Channel 16 and 2,182 kHz. Ships should also ensure all maritime safety information broadcasts for the area are monitored. As it is anticipated that INMARSAT's enhanced group calling system (EGC) will normally be used for such broadcasts using the SafetyNET service, owners should ensure a suitably configured EGC receiver is continuously available when in, or approaching, areas where there is risk of attack. Owners should also consider fitting a dedicated receiver for this purpose, i.e. one that is not incorporated into a Ship Earth Station used for commercial purposes to ensure no urgent broadcasts are missed.

26 The International Maritime Organization (IMO) recommends in MSC/Circ.597, issued in August 1992, that reports concerning attacks by pirates or armed robbers should be made to the relevant Rescue Co-ordination Centre (RCC) for the area. MSC/Circ.597 also recommends that Governments should arrange for the RCCs to be able to pass reports of attacks to the appropriate security forces.

27 If suspicious movements are identified which may result in an imminent attack, the ship is advised to contact the relevant RCC. Where the master believes these movements could constitute a direct danger to navigation, consideration should be given to broadcasting an "All Stations (CQ)" "danger message" as a

warning to other ships in the vicinity as well as advising the appropriate RCC. A danger message should be transmitted in plain language on a VHF working frequency following an announcement on VHF Channel 70 using the "safety" priority. All such measures shall be preceded by the safety signal (Sécurité).

28 When, in his/her opinion, there is conclusive evidence that the safety of the ship is threatened, the master should immediately contact the relevant RCC and, if considered appropriate, authorize broadcast of an "All Stations" "Urgent Message" on VHF Channel 16, 2,182 kHz, or any other radiocommunications service he/she considers appropriate; e.g. INMARSAT, etc. All such messages shall be preceded by the appropriate Urgency signal (PAN PAN) and/or a DSC call on VHF Channel 70 and/or 2,187.5 kHz using the "all ships urgency" category. If the Urgency signal has been used and an attack does not, in fact, develop, the ship should cancel the message as soon as it knows that action is no longer necessary. This message of cancellation should likewise be addressed to "all stations".

29 Should an attack occur and, in the opinion of the master, the ship or crew are in grave and imminent danger requiring immediate assistance, he/she should immediately authorize the broadcasting of a distress message, preceded by the appropriate distress alerts (MAYDAY, DSC, etc.), using all available radiocommunications systems. The appropriate RCC should acknowledge receipt and attempt to establish communications. To minimize delay, if using a ship earth station, ships should ensure the coast earth station associated with the RCC is used.

30 Masters should bear in mind that the distress signal is provided for use only in case of imminent danger and its use for less urgent purposes might result in insufficient attention being paid to calls from ships really in need of immediate assistance. Care and discretion must be employed in its use, to prevent its devaluation in the future. Where the transmission of the Distress signal is not fully justified, use should be made of the Urgency signal. The Urgency signal has priority over all communications other than distress.

Standard ships' message formats

31 The standard ships' message formats given in appendix 2 should be used for all piracy/armed robbery initial and follow-up alert reports.

Lighting

32 Ships should use the maximum lighting available consistent with safe navigation, having regard in particular to the provisions of Rule 20(b) of the 1972 Collision Regulations. Bow and overside lights should be left on if it can be done without endangering navigation. Ships must not keep on deck lights when underway, as it may lead other ships to assume the ship is at anchor. Wide beam floods could illuminate the area astern of the ship. Signal projector lights can be used systematically to probe for suspect craft using the radar guidance if possible. So far as is practicable crew members on duty outside the ship's secure areas when in port or at anchor should avail themselves of shadow and avoid being silhouetted by deck lights as this may make them targets for seizure by approaching attackers.

33 It has been suggested that ships should travel blacked out except for mandatory navigation lights. This may prevent attackers establishing points of reference when approaching a ship. In addition, turning on the ship's lights as attackers approach could alert them that they have been seen, dazzle them and encourage them to desist. It is difficult, however, to maintain full blackout on a merchant ship. The effectiveness of this approach will ultimately depend in part on the level of moonlight, but primarily on the vigilance of the ship's crew. While suddenly turning on the ship's light may alarm or dazzle attackers, it could also place the crew at

a disadvantage at a crucial point through temporary loss of their night vision. On balance, this approach cannot be recommended.

Secure areas

34 In accordance with the ship security plan, all doors allowing access to the bridge, engine room, steering gear compartments, officers' cabins and crew accommodation should be secured and controlled at all times and should be regularly inspected. The intention should be to establish secure areas which attackers will find difficult to penetrate. Consideration should be given to the installation of special access control systems to the ship's secure areas. Ports, scuttles and windows which could provide access to such secure areas should be securely closed and should have laminated glass, if possible. Deadlights should be shut and clipped tightly. The internal doors within secure areas which give immediate access to key areas such as the bridge, radio room, engine room and master's cabin, should be strengthened and have special access control systems and automatic alarms.

35 Securing doors providing access to, and egress from, secure or key areas may give rise to concern over safety in the event of an accident. In any situation where there is a conflict between safety and security, the safety requirements should be paramount. Nevertheless, attempts should be made to incorporate appropriate safety provisions while allowing accesses and exits to be secured or controlled.

36 Owners may wish to consider providing closed-circuit television (CCTV) coverage and recording of the main access points to the ship's secure areas, the corridors approaching the entrances to key areas and the bridge.

37 To prevent seizure of individual crew members by attackers - seizure and threatening a crew member is one of the more common means of attackers gaining control over a ship - all crew members not engaged on essential outside duties should remain within a secure area during the hours of darkness. Those whose duties necessarily involve working outside such areas at night should remain in constant communication with the bridge and should have practised using alternative routes to return to a secure area in the event of an attack. Crew members who fear they may not be able to return to a secure area during an attack, should select places in advance in which they can take temporary refuge.

38 There should be designated muster areas within the ship's secure areas where the crew can muster during an attack and communicate their location and numbers to the bridge.

Alarms

39 Alarm signals, including the ship's whistle, should be sounded on the approach of attackers. Alarms and signs of response can discourage attackers. Alarm signals or announcements which provide an indication at the point at which the attacker may board, or have boarded, may help crew members in exposed locations select the most appropriate route to return to a secure area.

Use of distress flares

40 The only flares authorized for carriage on board ship are intended for use if the ship is in distress and is in need of immediate assistance. As with the unwarranted use of the Distress signal on the radio (see paragraph 24 above), use of distress flares simply to alert shipping rather than to indicate that the ship is in grave and imminent danger may reduce their effect in the situations in which they are intended to be used and

responded to. Radio transmissions should be used to alert shipping of the risk of attacks rather than distress flares. Distress flares should only be used when the master considers that the attackers' actions are putting his/her ship in imminent danger.

Evasive manoeuvring and use of hoses

41 Provided that navigational safety allows, masters should consider "riding off" attackers craft by heavy wheel movements as they approach. The effect of the bow wave and wash may deter would-be attackers and make it difficult for them to attach poles or grappling irons to the ship. Manoeuvres of this kind should not be used in confined or congested waters or close inshore or by ships constrained by their draught in the confined deep water routes found, for example, in the Malacca and Singapore Straits.

42 The use of water hoses should also be considered though they may be difficult to train if evasive manoeuvring is also taking place. Water pressures of 80 lb per square inch and above have deterred and repulsed attackers. Not only does the attacker have to fight against the jet of water but the flow may swamp his/her boat and damage engines and electrical systems. Special fittings for training hoses could be considered which would also provide protection for the hose operator. A number of spare fire hoses could be rigged and tied down to be pressurized at short notice if a potential attack is detected.

43 Employing evasive manoeuvres and hoses must rest on a determination to successfully deter attackers or to delay their boarding to allow all crew members to gain the sanctuary of secure areas. Continued heavy wheel movements with attackers on board may lessen their confidence that they will be able to return safely to their craft and may persuade them to disembark quickly. However, responses of this kind could lead to reprisals by the attackers if they seize crew members and should not be engaged in unless the master is convinced he can use them to advantage and without risk to those on board. They should not be used if the attackers have already seized crew members.

Firearms

44 The carrying and use of firearms for personal protection or protection of a ship is strongly discouraged.

45 Carriage of arms on board ship may encourage attackers to carry firearms thereby escalating an already dangerous situation, and any firearms on board may themselves become an attractive target for an attacker. The use of firearms requires special training and aptitudes and the risk of accidents with firearms carried on board ship is great. In some jurisdictions, killing a national may have unforeseen consequences even for a person who believes he has acted in self defence.

The phases of suspected or attempted piracy/armed robbery attack

Suspected piracy/armed robbery vessel detected

46 Early detection of suspected attacks must be the first line of defence. If the vigilance and surveillance has been successful, a pirate/armed robbery vessel will be detected early. This is the stage at which the security forces of the nearest littoral or coastal State must be informed through the RCC, using the ships' message format contained in appendix 2. The ship's crew should be warned and, if not already in their defensive positions, they should move to them. Evasive manoeuvres and hoses should be vigorously employed as detailed in the preparation phase.

Being certain that piracy/armed robbery will be attempted

47 If not already in touch with the security forces of the littoral coastal State, efforts should be made to establish contact. Crew preparations should be completed and, where a local rule of the road allows ships under attack to do so, a combination of sound and light signals should be made to warn other ships in the vicinity that an attack is about to take place. Vigorous manoeuvring should be continued and maximum speed should be sustained if navigation conditions permit.

Pirate/armed robbery vessel in proximity to, or in contact with, own ship

48 Vigorous use of hoses in the boarding area should be continued. It may be possible to cast off grappling hooks and poles, provided the ship's crew are not put to unnecessary danger.

Pirates/armed robbers start to board ship

49 Timing during this phase will be critical and as soon as it is appreciated that a boarding is inevitable all crew should be ordered to seek their secure positions.

Pirates/armed robbers have succeeded in entering ship

50 Early detection of potential attacks must be the first line of defence, action to prevent the attackers actually boarding the second, but there will be incidents when attackers succeed in boarding a ship. The majority of pirates and armed robbers are opportunists seeking an easy target and time may not be on their side, particularly if the crew are aware they are on board and are raising the alarm. However, the attackers may seek to compensate for the pressure of time they face by escalating their threats or the violence they employ.

When attackers are on board the actions of the master and crew should be aimed at:

- .1 securing the greatest level of safety for those on board the ship;
- .2 seeking to ensure that the crew remain in control of the navigation of the ship; and
- .3 securing the earliest possible departure of the attackers from the ship.

51 The options available to the master and crew will depend on the extent to which the attackers have secured control of the ship, e.g. by having gained access to the bridge or engine room, or by seizing crew members who they can threaten, to force the master or crew to comply with their wishes. However, even if the crew are all safely within secure areas, the master will always have to consider the risk to the ship the attackers could cause outside those areas, e.g. by using firebombs to start fires on a tanker or chemical carrier.

52 If the master is certain that all his/her crew are within secure areas and that the attackers cannot gain access or by their actions outside the secure areas they do not place the entire ship at imminent risk, then he/she may consider undertaking evasive manoeuvres of the type referred to above to encourage the attackers to return to their craft.

53 The possibility of a sortie by a well-organized crew has, in the past, successfully persuaded attackers to leave a ship but the use of this tactic is only appropriate if it can be undertaken at no risk to the crew. For

an action like this to be attempted the master must have clear knowledge of where the attackers are on the ship, that they are not carrying firearms or other potentially lethal weapons and that the number of crew involved significantly outnumbers the attackers they will face. If a sortie party can use water hoses, they stand an increased chance of success. The intention should be to encourage the attackers back to their craft. Crew members should not seek to come between the attackers and their craft nor should they seek to capture attackers as to do so may increase the resistance the attackers offer which will, in turn, increase the risk faced by members of the sortie party. Once outside the secure area, the sortie party should always stay together. Pursuit of an individual attacker by a lone crew member may be attractive but if it results in the crew member being isolated and seized by the attackers, the advantage turns to the attackers. Crew members should operate together and remain in constant communication with the bridge and should be recalled if their line of withdrawal to a secure area is threatened.

54 If the crew do apprehend an attacker, he/she should be placed in secure confinement and well cared for. Arrangements should be made to transfer him/her to the custody of officers of the security forces of a coastal State at the earliest possible opportunity. Any evidence relating to this activities should also be handed over to the authorities who take him/her into custody.

The pirates/armed robbers begin to gain control and take one or more of the ship's crew into their custody

55 If the attackers have gained control of the engine room or bridge, have seized crew members or can pose an imminent threat to the safety of a ship, the master or officer in charge should remain calm and, if possible, seek to negotiate with the attackers with the intention of maintaining the crew's control over the navigation of the ship, the safe return of any hostages they may hold and the early departure of the attackers from the ship. There will be many circumstances when compliance with the attackers' demands will be the only safe alternative and when resistance or obstruction of any kind could be both futile and dangerous.

56 In the event of attackers gaining temporary control of the ship, crew members should, if it is safe and practicable, leave Close Circuit Television (CCTV) records running.

57 As there have been occasions when entire crews have been locked up, consideration should be given to secreting equipment within areas in which the crew could be detained to facilitate their early escape.

The pirates/armed robbers have stolen property/money, etc.

58 At this stage it is essential that the pirates/armed robbers are assured that they have been given everything they demand and a strong reassurance that nothing has been secreted may persuade the pirates/armed robbers to leave.

The pirates/armed robbers start to disembark from the ship

59 If the crew are in their secure positions, it would be unwise of them to leave this security until it is confirmed that the pirates/armed robbers have left the ship.

The pirates/armed robbers have disembarked from the ship

60 A pre-arranged signal on the ship's siren will alert the crew to the "all clear".

Action after an attack and reporting incidents

61 Immediately after securing the safety of the ship and crew a post attack report (Follow-up report, as shown in Ships' message formats in appendix 2) should be made to the relevant RCC and, through them, to the security forces of the coastal State concerned. As well as information on the identity and location of the ship, any injuries to crew members or damage to the ship should be reported as should the direction in which the attackers departed together with brief details of their numbers and, if possible, a description of their craft. If the crew have apprehended an attacker, that should also be reported in this report.

62 If an attack has resulted in the death of, or serious injury to, any person on board the ship or serious damage to the ship itself, an immediate report should also be sent to the ship's maritime Administration. In any event a report of an attack is vital if follow-up action is to be taken by the ship's maritime Administration.

63 Any CCTV or other recording of the incident should be secured. If practicable, areas that have been damaged or rifled should be secured and remain untouched by crew members pending possible forensic examination by the security forces of a coastal State. Crew members who came into contact with the attackers should be asked to prepare an individual report on their experience noting, in particular, any distinguishing features which could help subsequent identification of the attackers. A full inventory, including a description of any personal possessions or equipment taken, with serial numbers when known, should also be prepared.

64 As soon as possible after the incident, a fuller report should be transmitted to the authorities of the coastal State in whose waters the attack occurred or, if on the high seas, to the authorities of the nearest coastal State. Due and serious consideration should be given to complying with any request made by the competent authorities of the coastal State to allow officers of the security forces to board the ship, take statements from crew members and undertake forensic and other investigations. Copies of any CCTV recordings, photographs, etc. should be provided if they are available.

65 Ships should take the necessary precautions, and implement the necessary procedures to ensure rapid reporting of any case of attack or attempted attack to the authorities in the relevant coastal States to enhance the possibility of security forces apprehending the attackers.

66 Any report transmitted to a coastal State should also be transmitted to the ship's maritime Administration at the earliest opportunity. A complete report of the incident, including details of any follow-up action that was taken or difficulties that may have been experienced, should eventually be submitted to the ship's maritime Administration. The report received by maritime Administrations may be used in any diplomatic approaches made by the flag State to the Government of the coastal State in which the incident occurred. This will also provide the basis for the report to IMO.

67 The format required for reports to IMO through maritime Administrations or international organizations is attached at appendix 5. Indeed, at present the lack of adequate and accurate reporting of attacks is directly affecting the ability to secure governmental and international action. Reports may also contribute to future refining and updating any advice that might be issued to ships.

68 Reports to the RCC, coastal State and the ship's maritime Administration should also be made if an attack has been unsuccessful.

69 Using RCCs, as recommended by IMO in MSC/Circ.597, will eliminate communication difficulties.

On leaving piracy/armed robbery threat areas

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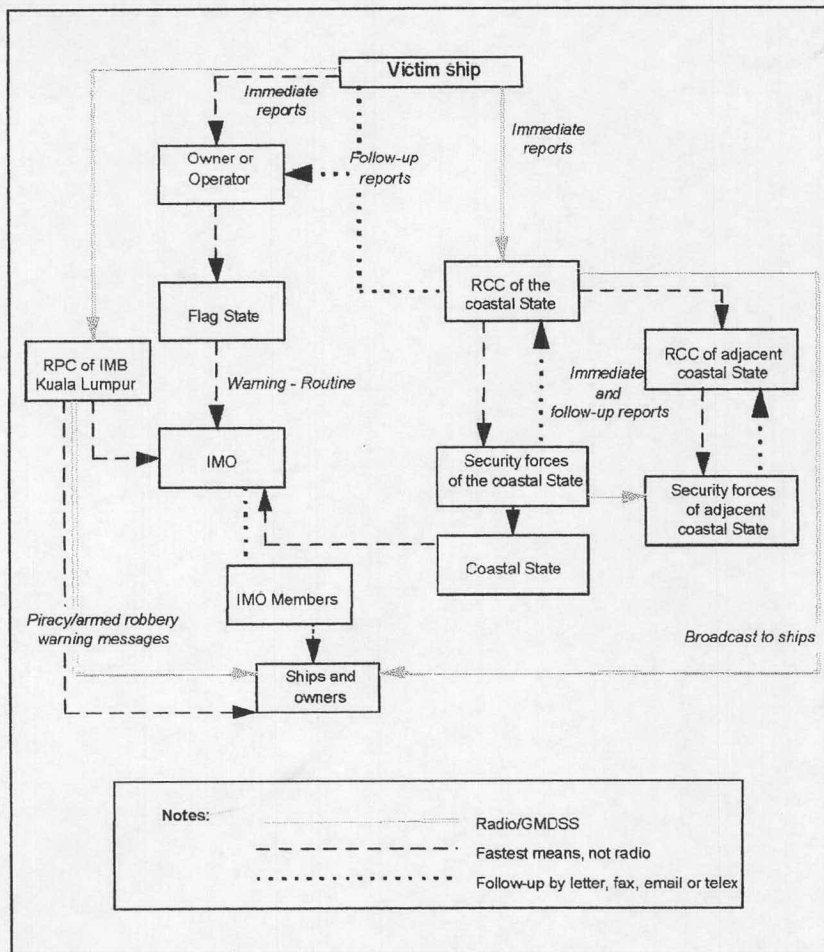
70 On leaving piracy/armed robbery threat areas, shipmasters should make certain that those spaces that need to be unlocked for safety reasons are unlocked, unrig hoses and revert to normal watchkeeping/lighting.

71 A summary of the piracy/armed robbery phases and how they may, or may not, develop is given in appendix 3.

APPENDIX 1

STATISTICS, FLOW DIAGRAMS AND OTHER RELEVANT INFORMATION

Flow diagram for attacks in coastal waters



APPENDIX 2

SHIPS' MESSAGE FORMATS

Report 1 - Initial message - Piracy/armed robbery attack alert

- 1 Ship's name and, callsign, IMO number, INMARSAT IDs (plus ocean region code) and MMSI
MAYDAY/DISTRESS ALERT (see note)
URGENCY SIGNAL
PIRACY/ARMED ROBBERY ATTACK
- 2 Ship's position (and time of position UTC)

Latitude	Longitude
Course Speed	KTS
- 3 Nature of event

Note: It is expected that this message will be a Distress Message because the ship or persons will be in grave or imminent danger when under attack. Where this is not the case, the word MAYDAY/DISTRESS ALERT is to be omitted.

Use of distress priority (3) in the INMARSAT system will not require MAYDAY/DISTRESS ALERT to be included.

Report 2 - Follow-up report - Piracy/armed robbery attack alert

- 1 Ship's name and, callsign, IMO number
- 2 Reference initial PIRACY/ARMED ROBBERY ALERT
- 3 Position of incident

Latitude	Longitude
Name of the area	
- 4 Details of incident, e.g.:
 - While sailing, at anchor or at berth?
 - Method of attack
 - Description/number of suspect craft
 - Number and brief description of pirates/robbers
 - What kind of weapons did the pirates/robbers carry ?
 - Any other information (e.g. language spoken)
 - Injuries to crew and passengers
 - Damage to ship (Which part of the ship was attacked?)
 - Brief details of stolen property/cargo
 - Action taken by the master and crew



Was incident reported to the coastal authority and to whom?
Action taken by the Coastal State

- 5 Last observed movements of pirate/suspect craft, e.g.:
Date/time/course/position/speed
- 6 Assistance required
- 7 Preferred communications with reporting ship, e.g.:
Appropriate Coast Radio Station
HF/MF/VHF
INMARSAT IDs (plus ocean region code)
MMSI
- 8 Date/time of report (UTC)

APPENDIX 3

"PHASES" RELATED TO VOYAGES
IN PIRACY AND ARMED ROBBERY THREAT AREAS

Phase Symbol	Phase Description
A	Approaching a piracy/armed robbery threat area (1 hour prior to entering)
B	Entering a piracy/armed robbery threat area
C	Inside a piracy/armed robbery threat area, but no suspect piracy/armed robbery vessel detected
D	Inside a piracy/armed robbery threat area: suspect piracy/armed robbery vessel detected
E	Certainty that piracyarmed robbery will be attempted
F	Pirate/armed robbery vessel in proximity to, or in contact with, own ship
G	Pirates/armed robbers start attempts to enter ship
H	Pirates/armed robbers have succeeded in entering ship
I	Pirates/armed robbers have one or more of the ship's personnel in their control/custody
J	The pirates/armed robbers have gained access to the bridge or the master's office
K	The pirates/armed robbers have stolen property/money etc
L	The pirates/armed robbers start to disembark
M	The pirates/armed robbers have disembarked
N	The pirate/armed robbery vessel is no longer in contact with the ship
O	Own ship leaves the piracy/armed robbery threat area

APPENDIX 4

FORMAT FOR REPORTING TO IMO THROUGH MARITIME
ADMINISTRATIONS OR INTERNATIONAL ORGANIZATIONS

- 2* Ship's name and IMO number
Type of ship
Flag
Gross tonnage
- 3 Date and time
- 4 Latitude Longitude
Name of the area**
While sailing, at anchor or at berth?
- 5 Method of attack
Description/number of suspect craft
Number and brief description of pirates/robbers
What kind of weapons did the pirates/robbers carry ?
Any other information (e.g. language spoken)
- 6 Injuries to crew and passengers
Damage to ship (Which part of the ship was attacked?)
Brief details of stolen property/cargo
- 7 Action taken by the master and crew
- 8 Was incident reported to the coastal authority and to whom?

* Corresponding to the column numbers in the annex to the IMO monthly circulars

** The following definition of piracy is contained in article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS):

"Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
- (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
- (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b)."

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- 9 Reporting State or international organization
- 10 Action taken by the Coastal State

APPENDIX 5

DECALOGUE OF SAFETY

1 Watch over the ship and the cargo

It is the duty of every Master to take care of the cargo and take precautionary measures for the complete safety of the ship, as well as that of the activities carried out on board by the crew or other persons employed on board. All crew members should co-operate in the vigilance, in their own interests, communicating any suspicious activity to the Officer of the Watch.

2 Illuminate the ship and its side

Keep the ship illuminated, particularly, the outer side and the whole length of the deck, using high powered floodlights. Bad visibility impedes the action of the watchmen, constituting a favourable factor for unlawful activities. Do not forget what is recommended in rules 2 and 30 of the COLREG.

3 Establish communication for outside support

Whenever possible, install a telephone line with easy access for the watchman or crew member on duty. Ask for assistance by the telephone.

Remember also the list of stations which will be on permanent watch on VHF - channel 16. These stations can forward the request for assistance to the competent authorities.

4 Control of accesses to the cargo and to living quarters

The Master's cabin is one of the main objectives of the assailants who are looking for money and the master keys to other living quarters, to steal the crew's personal effects of value and nautical equipment from the bridge. The cabins and other living quarters should be kept locked whenever their occupants are absent.

Normally cargo will only be the object of robbery or theft if the criminals have advance knowledge of the contents, through information collected by unscrupulous persons who have access to the bill of lading. Attempt to stow the containers with valuable cargo in a manner to obstruct their doors. Isolate the means of access to the ship and also the accesses to the internal areas, creating a sole way of entry and exit by the gangway, guaranteeing its control by the watchman posted there.

5 Keep the portholes closed

Open portholes can be an easy access to clever criminals: close them with the clips in place always when you leave. Try also, to keep the accesses to internal areas locked, guaranteeing the entry and exit by the gangway watchman.

6 Do not leave valuables exposed

Try to reduce the opportunities of robbery by putting all portable equipment which is not in use to its place of storage. Valuables left exposed tempt opportunistic thieves, keep them in safe place under lock and key.

7 Keep the gangways raised

At anchorages and in port, make the access difficult by keeping the gangways and rope ladders raised. In port, only leave the gangway to the dockside down.

8 In case of an assault

- I - do not hesitate to sound the ship's general alarm in case of a threat of assault;
- II - try to keep adequate lighting to permanently dazzle the opponents, in case of an attempt by strangers to climb the ship's side;
- III - raise the alarm, by VHF - channel 16, to the ships in the area and to the permanent watch system of the authorities ashore (cite the existing structure in the port). The efficiency of assistance by the security forces depends on an early alarm;
- IV - sound the alarm with intermittent blasts on the siren and use visual alarms with floodlights and signalling rockets;
- V - if appropriate, to protect the lives of those onboard, use measures to repel the boarding by employing powerful floodlights for dazzling the aggressors or using jets of water or signalling rockets against the areas of boarding; and
- VI - do not attempt any heroic acts.

9 Keep the contracted watchmen under the control of the officer of the watch

Demand a good watchman service. Make them identify all persons that enter and leave the ship. Recommend that the crew co-operate with the control. Do not allow the watchman to leave the gangway, unless he is relieved by another watchman or a crew member.

10 Communicate to the police any occurrence relating to robbery, theft or assault

Occurrences involving assault or robbery should be communicated to the Security forces, for the pertinent legal steps to be taken.

This information will make possible the study of measures to be adopted for the prevention and combat of these crimes, contributing to guaranteeing the safety of the crew and the ship.

ภาคผนวก ข

JAKARTA STATEMENT

ON

ENHANCEMENT OF SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION
IN THE STRAITS OF MALACCA AND SINGAPORE

Jakarta, Indonesia, on 8 September 2005

The Government of the Republic of Indonesia and the International Maritime Organization (IMO) convened, pursuant to the decisions of the ninety-third and ninety-fourth sessions of the IMO Council in relation to the Protection of Vital Shipping Lanes, a Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection, which took place in Jakarta on 7 and 8 September 2005 (hereinafter referred to as "the Jakarta Meeting"). The Jakarta Meeting was organized in co-operation with the Government of Malaysia and the Government of the Republic of Singapore.

The purpose of the Jakarta Meeting was to provide a forum for discussions with the aim of agreeing on a framework of co-operation to enhance the safety of navigation, environmental protection and security in the Straits of Malacca and Singapore (hereinafter referred to as "the Straits").

The Jakarta Meeting was attended by delegations from:

AUSTRALIA	IRAN (ISLAMIC REPUBLIC OF)
BAHAMAS	ITALY
CANADA	JAPAN
CHINA	KUWAIT
CROATIA	LAO PEOPLE'S DEMOCRATIC
DENMARK	REPUBLIC
EGYPT	MALAYSIA
FRANCE	NETHERLANDS
GERMANY	NEW ZEALAND
GREECE	NORWAY
INDIA	PAKISTAN
INDONESIA	PHILIPPINES
REPUBLIC OF KOREA	UNITED KINGDOM
RUSSIAN FEDERATION	UNITED REPUBLIC OF
SINGAPORE	TANZANIA
SPAIN	UNITED STATES
THAILAND	VIET NAM
TURKEY	YEMEN

by observers from the following intergovernmental organizations:

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)
ASSOCIATION OF SOUTH EAST ASIAN NATIONS (ASEAN)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS
(ICFTU)

OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)

INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS
(IFSMA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER
OWNERS
(INTERTANKO)
INTERNATIONAL GROUP OF P AND I CLUBS (P AND I)
MALACCA STRAIT COUNCIL

The Jakarta Meeting,

RECOGNIZING the strategic importance of the Straits for regional and global seaborne trade and the need to ensure that they remain safe and open to shipping at all times;

RECOGNIZING ALSO that the Straits are located within the territorial sea of Indonesia, Malaysia and Singapore (hereinafter referred to collectively as the "littoral States") and within the continental shelf and the exclusive economic zone of Indonesia and Malaysia and are straits used for international navigation as defined in the United Nations Convention on the Law of the Sea (hereinafter referred to as "UNCLOS");

RECOGNIZING FURTHER the safety, security and environmental vulnerabilities of the Straits and the possibility that unlawful acts committed therein may have a serious negative impact on the flow of traffic there-through;

NOTING with particular concern the number of incidents of unlawful acts and armed robbery against ships and seafarers reported to have taken place in the Straits;

BEING AWARE of the multiplicity of interests in the Straits and the importance of balancing the interests between littoral and user States, while respecting the sovereignty of the littoral States;

ACKNOWLEDGING the rights and obligations of States under the international law of the sea, including the provisions of UNCLOS and, in particular, article 43 thereof calling for co-operation by agreement among user States and States bordering straits used for international navigation on matters relating to navigational and safety aids and the prevention, reduction and control of pollution from ships;

ACKNOWLEDGING ALSO the efforts and achievements of the Tripartite Technical Experts Group on Safety of Navigation (hereinafter referred to as "TTEG") comprising officials of the three littoral States in enhancing the safety of navigation in, and the environmental protection of, the Straits and, in particular, through routing measures, including Traffic Separation Schemes, deep water routes, precautionary areas and ship reporting systems adopted by IMO, as well as the TTEG's progress in advancing cooperation in the maintenance of the Straits, consonant with article 43 of UNCLOS;

RECALLING that the United Nations General Assembly resolution A/RES/59/24 on Oceans and the Law of the Sea, while addressing the issues relating to maritime safety and security and the marine environment, has, *inter alia*:

1. urged all States, in cooperation with IMO, to combat piracy and armed robbery at sea;
2. noted the concerns of the IMO Council and IMO Secretary-General with regard to keeping shipping lanes of strategic importance and significance safe and open to international maritime traffic and thereby ensuring the uninterrupted flow of traffic, and welcomed the Council's request, in this regard, that the Secretary-General of IMO continue work on the issue in collaboration with parties concerned; and
3. emphasized the importance to protect and preserve the marine environment and its living marine resources against pollution and physical degradation;

RECALLING ALSO the ASEAN Declarations, Statements, Joint Communiqués and Action Plans on Combating Terrorism; including the ASEAN Regional Forum Statements on Cooperation Against Piracy and Other Threats to Maritime Security and on Strengthening Transport Security Against International Terrorism;

UPHOLDING the Batam Joint Statement, adopted on 2 August 2005 by the Fourth Tripartite Ministerial Meeting of the Littoral States on the Straits of Malacca and Singapore, which, *inter alia*:

1. reaffirms that the primary responsibility over the safety of navigation, environmental protection and maritime security in the Straits lies with the littoral States;
2. emphasizes that whatever measures are undertaken in the Straits should be in accordance with international law including UNCLOS and in this regard acknowledges the interests of user States and relevant international agencies and the role they could play in respect of the Straits;
3. recognizes the importance of the Tripartite Ministerial Meeting on the Straits of Malacca and Singapore in providing the overall framework for cooperation;
4. recognizes the importance of engaging the States bordering the funnels leading to the Straits and the major users of the Straits;
5. acknowledges that the littoral States should address the issues of maritime security comprehensively which includes transboundary crimes such as piracy, armed robbery and terrorism;
6. acknowledges also the work of the TTEG on Safety of Navigation and the Revolving Fund Committee which manages a fund for enabling the prompt response to oil spills from ships;
7. provides for the establishment of a Tripartite Technical Expert Group on Maritime Security to complement the work of the TTEG on Safety of Navigation and the Revolving Fund Committee; and
8. recognizes the importance of and welcomes the closer collaboration between the littoral States and the international community and, in particular, the assistance of the user States, relevant international agencies, and the shipping community in areas of capacity building, training and technology transfer, and other forms of assistance in accordance with UNCLOS;

RECOGNIZING the previous efforts of IMO through international conferences and regional workshops in 1993, 1996, 1999 and 2001, and other regional fora such as the ASEAN and the ASEAN Regional Forum, to promote greater co-operation among littoral States and stakeholders in maritime safety and marine environment protection, as well as in regional anti-piracy co-operative arrangements;

COMMENDING the efforts of the defense forces of the littoral States and Thailand in strengthening modalities for co-operation such as the initiative of Indonesia on the Malacca Strait Security Initiative in an effort to enhance maritime security in the Straits;

RECOGNIZING the positive results of co-ordinated maritime patrols among the security forces of the littoral States and other co-operative maritime security arrangements and measures in the Straits;

ACKNOWLEDGING the potential of the Marine Electronic Highway concept, currently under development by IMO in co-operation with the littoral States and other stakeholders, in enhancing navigational safety and environmental protection in the Straits and the littoral States' decision to establish a pilot project of the Marine Electronic Highway, with the Project Management Office in Batam, Indonesia;

NOTING the valuable role and function of the Maritime Enforcement Coordination Center in Perak, Malaysia in addressing unlawful acts and armed robbery against ships;

NOTING ALSO the importance of the forthcoming establishment of the ReCAAP Information Sharing Center in Singapore, in addressing piracy and armed robbery against ships and welcoming the signing of ReCAAP by five States;

NOTING WITH APPRECIATION the contribution States and other stakeholders have made and continue to make towards the enhancement of the safety of navigation in, and the protection of the environment of, the Straits;

RESPECTING FULLY the sovereignty, sovereign rights, jurisdiction and territorial integrity of the littoral States, the principle of non-intervention, and the relevant provisions of international law, in particular the UNCLOS;

DESIRING that the Straits remain safe and open to international shipping at all times, as provided for under international law, in particular UNCLOS, and where applicable, domestic law, and to build upon and enhance existing cooperative arrangements and measures towards this end;

DESIRING FURTHER to enhance the safety, security and environmental protection of the Straits;

HAS AGREED:

- a) that the work of the TTEG on Safety of Navigation in enhancing the safety of navigation and in protecting the marine environment in the Straits, including the efforts of the TTEG in relation to the implementation of article 43 of UNCLOS in the Straits should continue to be supported and encouraged;
- b) that a mechanism be established by the three littoral States to meet on a regular basis with user States, the shipping industry and others with an interest in the safe navigation through the Straits, to discuss issues relating to the safety, security and environmental protection of the Straits, as well as to facilitate co-operation in keeping the Straits safe and open to navigation, including exploring the possible options for burden sharing, and to keep the IMO informed, as appropriate, of the outcome of such meetings;
- c) that efforts should be made through the three littoral States to establish and enhance mechanisms for information exchange within and between States, building, where possible, on existing arrangements such as Tripartite Technical Expert Group mechanisms, so as to enhance maritime domain awareness in the Straits and thus contribute to the enhancement of cooperative measures in the areas of safety, security and environmental protection;
- d) to promote, build upon and expand co-operative and operational arrangements of the three littoral States, including the Tripartite Technical Expert Group on Maritime Security, co-ordinated maritime patrols in the Straits through, *inter alia*, maritime security training programmes and other forms of co-operation, such as maritime exercises, with a view to further strengthening capacity building in the littoral States to address security threats to shipping;

HAS INVITED the IMO to consider, in consultation with the littoral States, convening a series of follow-on meetings for the littoral States to identify and prioritize their needs, and for user States to identify possible assistance to respond to those needs, which may include information-exchange, capacity-building, training and technical support, with a view to promote and co-ordinate co-operative measures;

EXPRESSES DEEP APPRECIATION to the Government of the Republic of Indonesia for the excellent arrangements made for, the facilities and generous hospitality provided during, the Jakarta Meeting; and to the Governments of the Republic of Indonesia, Malaysia and the Republic of Singapore and the International Maritime Organization for their strenuous efforts to prepare for the Jakarta Meeting and ensure its

ภาคผนวก ง



MALAYSIA

KUALA LUMPUR MEETING ON THE
STRAITS OF MALACCA AND SINGAPORE:
ENHANCING SAFETY, SECURITY AND
ENVIRONMENTAL PROTECTION
18 - 20 September 2006
Agenda item 4



INTERNATIONAL MARITIME ORGANIZATION

IMO/KUL 1/4
20 September 2006
ENGLISH ONLY

KUALA LUMPUR STATEMENT

ON

**ENHANCEMENT OF SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION
IN THE STRAITS OF MALACCA AND SINGAPORE**

Kuala Lumpur, Malaysia on 20 September 2006

The Government of Malaysia and the International Maritime Organization (hereinafter referred to as "IMO") convened, pursuant to the decisions of the Meeting on enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore held in Jakarta, Indonesia on 7 and 8 September 2005 (hereinafter referred to as "the Jakarta Meeting") and the twenty-third extraordinary session of the Council of the IMO in relation to the Protection of Vital Shipping Lanes, a Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection, which took place in Kuala Lumpur from 18 to 20 September 2006 (hereinafter referred to as "the Kuala Lumpur Meeting"). The Kuala Lumpur Meeting was organized in co-operation with the Government of the Republic of Indonesia and the Government of the Republic of Singapore.

The purpose of the Kuala Lumpur Meeting was to provide an opportunity for further discussions on the recent developments relating to safety, security and environmental protection of the Straits of Malacca and Singapore (hereinafter referred to as "the Straits") with the aim of developing mechanisms and programmes to facilitate co-operation in keeping the Straits safe and open to navigation, including the possible options for burden sharing.

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The Kuala Lumpur Meeting was attended by the three littoral States: Indonesia, Malaysia and Singapore and by delegations from:

AUSTRALIA	NETHERLANDS
BAHAMAS	NEW ZEALAND
BELGIUM	NIGERIA
BRUNEI DARUSSALAM	NORWAY
CHINA	PAKISTAN
CYPRUS	PHILIPPINES
DENMARK	REPUBLIC OF KOREA
EGYPT	RUSSIAN FEDERATION
FINLAND	SPAIN
FRANCE	SWEDEN
GERMANY	THAILAND
GREECE	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
INDIA	UNITED STATES
JAPAN	
LIBERIA	

by observers from the following intergovernmental organizations:

ASSOCIATION OF SOUTH EAST ASIAN NATIONS (ASEAN)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND
LIGHTHOUSE AUTHORITIES (IALA)
BIMCO
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL FEDERATION OF SHIPMASTER'S ASSOCIATIONS (IFSMA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
MALACCA STRAIT COUNCIL

The Kuala Lumpur Meeting.

UPHOLDING the Batam Joint Statement, adopted on 2 August 2005 by the Fourth Tripartite Ministerial Meeting of the Littoral States on the Straits of Malacca and Singapore.

RECALLING the achievements of the Jakarta Meeting and upholding also the Jakarta Statement, adopted on 8 September 2005 by the Jakarta Meeting.

RECALLING ALSO that the Straits are located within the territorial sea of Indonesia, Malaysia and Singapore (hereinafter referred to collectively as the "littoral States") and within the continental shelf and the exclusive economic zone of Malaysia and Indonesia and are straits used for international navigation as defined in the United Nations Convention on the Law of the Sea (hereinafter referred to as "UNCLOS").

RECOGNIZING the continued strategic importance of the Straits for regional and global seaborne trade and the need to ensure that they remain safe and open to shipping at all times.

RECOGNIZING ALSO the importance of enhancing safety and security and protection of the marine environment of the Straits and the possibility that unlawful acts committed therein may have negative impact on the flow of traffic there-through.

RECOGNIZING FURTHER the equally important role of the Straits in contributing towards the development and enrichment of the economies and people of other States.

AFFIRMING the sovereignty, sovereign rights, jurisdiction and territorial integrity of the littoral States over the Straits, as provided for under international law, in particular UNCLOS, and that the primary responsibility over the safety of navigation, environmental protection and maritime security in the Straits lies with the littoral States.

COMMENDING the sustained efforts and achievements of the Tripartite Technical Experts Group on Safety of Navigation (hereinafter referred to as "TTEG on Safety of Navigation") in enhancing safety of navigation and protection of the marine environment in the Straits.

ACKNOWLEDGING the role of the IMO, the user States, the shipping industry and of other stakeholders in co-operating with the littoral States in promoting and enhancing safety of navigation and environmental protection, and in ensuring the uninterrupted flow of traffic in the Straits.

ACKNOWLEDGING ALSO that the TTEG on Safety of Navigation is an effective mechanism for advancing future co-operation efforts among interested parties consonant with article 43 of UNCLOS.

WELCOMING the progress made in relation to the implementation of the Marine Electronic Highway Demonstration Project for the Straits of Malacca and Singapore developed by IMO in co-operation with the littoral States and funded by the Global Environmental Facility of the World Bank and the Republic of Korea.

COMMENDING the significant and effective efforts of the littoral States since the Jakarta Meeting in enhancing safety of navigation, environmental protection and security in the Straits, in particular to reduce the number of shipping incidents, oil spill incidents from ships, and armed robbery and other unlawful acts against ships to a very low level.

COMMENDING ALSO the significant progress, following the Jakarta Meeting, towards the establishment of the co-operative mechanism between littoral States and user States, the shipping industry and others to facilitate regular discussion, exchange of information and co-operation including the possible option for burden sharing for the enhancement of safety of navigation and environmental protection in the Straits.

COMMENDING FURTHER the joint efforts of the armed forces of the littoral States in contributing to the security of the Straits, through the Malacca Straits Coordinated Patrols and the "Eyes in the Sky" maritime patrols.

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Page 4

NOTING WITH APPRECIATION the entry into force of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (hereinafter referred to as "ReCAAP") on 4 September 2006, which will lead to the launch of the ReCAAP Information Sharing Centre (hereinafter referred to as "the Centre") in Singapore in November 2006, as well as the indication of preparedness of Indonesia and Malaysia to cooperate with the Centre.

NOTING ALSO the continuing efforts to establish the Tripartite Technical Experts Group on Maritime Security.

NOTING WITH APPRECIATION the contribution States and other stakeholders have made and continue to make towards the enhancement of the safety of navigation in, and the protection of the environment of, the Straits.

NOTING ALSO that the littoral States have identified a number of projects aimed at enhancing the safety of navigation and environmental protection in the Straits for which they are seeking cooperation from user States and other stakeholders for their implementation.

DESIRING that the Straits remain safe and open to international shipping at all times, in accordance with international law, in particular UNCLOS, and where applicable domestic law, and to build upon and enhance existing cooperative arrangements and measures towards this end.

DESIRING FURTHER to continue to enhance the safety, security and environmental protection of the Straits.

HAS AGREED:

- (a) that the work of the TTEG on Safety of Navigation, in enhancing the safety of navigation and in protecting the marine environment in the Straits, should continue to be supported and encouraged;
- (b) to support the continuous efforts of the littoral States and the proposed cooperative mechanism as presented by the littoral States on safety of navigation and environmental protection, which is to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industry and other stakeholders;
- (c) that the projects presented¹ at the Kuala Lumpur Meeting for enhancing safety of navigation and environmental protection should be supported;
- (d) that the littoral States, user States, the shipping industry and other stakeholders should co-operate towards the establishment of a mechanism for voluntary funding the above projects and the maintenance and renewal of the aids to navigation in the Straits;
- (e) that the littoral States should continue their efforts towards enhancing maritime security in the Straits.

¹ Refer to IMO/KUL 1/3

HAS INVITED the IMO:

- (a) to continue to co-operate with the littoral States and to provide every assistance possible in attracting sponsors for the agreed projects and contributors for the maintenance, repair and replacement of the aids to navigation in the Straits;
- (b) to consider, in consultation with the littoral States, convening further follow-on meetings for the littoral States to identify and prioritize specific needs, and for user States to identify possible assistance and to respond to those specific needs, which may include provision of resources, capacity building, training and technical support, with a view to promote further co-operative measures including possible options for burden sharing.

EXPRESSED DEEP APPRECIATION to the Government of Malaysia for the excellent arrangements made for, the facilities and generous hospitality provided during the Kuala Lumpur Meeting; and to the Governments of the Republic of Indonesia, Malaysia and the Republic of Singapore and the International Maritime Organization for their diligent efforts to prepare for the Kuala Lumpur Meeting and ensure its successful conclusion.

ภาคผนวก ๑



REPUBLIC OF SINGAPORE

SINGAPORE MEETING ON THE STRAITS OF
MALACCA AND SINGAPORE: ENHANCING
SAFETY, SECURITY AND ENVIRONMENTAL
PROTECTION
4 - 6 September 2007
Agenda item 4



INTERNATIONAL MARITIME ORGANIZATION

IMO/SGP F/4
6 September 2007
ENGLISH ONLY

SINGAPORE STATEMENT

ON

**ENHANCEMENT OF SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION
IN THE STRAITS OF MALACCA AND SINGAPORE**

Singapore on 6 September 2007

The Government of the Republic of Singapore and the International Maritime Organization (hereinafter referred to as "IMO") convened, pursuant to the decisions of the Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection held in Kuala Lumpur, Malaysia from 18 to 20 September 2006 (hereinafter referred to as "the Kuala Lumpur Meeting") and of the ninety-seventh session of the Council of the IMO in relation to the Protection of Vital Shipping Lanes, a Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection, which took place in Singapore from 4 to 6 September 2007 (hereinafter referred to as "the Singapore Meeting"). The Singapore Meeting was organized in co-operation with the Government of the Republic of Indonesia and the Government of Malaysia.

The purpose of the Singapore Meeting was to provide a follow-up forum to build on the outcome of the Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection held in Jakarta, Indonesia on 7 and 8 September 2005 (hereinafter referred to as "the Jakarta Meeting") and the Kuala Lumpur Meeting. During the Singapore Meeting, Indonesia, Malaysia and Singapore (hereinafter referred to collectively as the "littoral States") presented, *inter alia*, the actions taken by them in enhancing safety, security and environmental protection in the Straits of Malacca and Singapore (hereinafter referred to as "the Straits") since the Kuala Lumpur Meeting; details on the Co-operative Mechanism they have established following the outline they provided during the Kuala Lumpur Meeting; and the progress made with regard to securing sponsors for the six projects on enhancing the safety of navigation and environmental protection in the Straits they presented during the Kuala Lumpur Meeting. The littoral States, user States and users of the Straits exchanged views on related

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- 2 -

matters and the participants were updated on the latest developments following the start of the implementation of the Marine Electronic Highway demonstration project for the Straits.

The Singapore Meeting was attended by Indonesia, Malaysia and Singapore and by delegations from:

ANGOLA	LAO PEOPLE'S DEMOCRATIC REPUBLIC
AUSTRALIA	LIBERIA
BAHAMAS	MYANMAR
BANGLADESH	NEW ZEALAND
BELGIUM	NORWAY
BRUNEI DARUSSALAM	PANAMA
CAMBODIA	PAPUA NEW GUINEA
CANADA	PHILIPPINES
CHINA	REPUBLIC OF KOREA
CYPRUS	RUSSIAN FEDERATION
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	SAUDI ARABIA
DENMARK	SOUTH AFRICA
FINLAND	SWEDEN
GERMANY	THAILAND
GREECE	TURKEY
INDIA	UKRAINE
ITALY	UNITED ARAB EMIRATES
JAPAN	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
KENYA	UNITED STATES

by a representative from the following United Nations specialized agency:

WORLD BANK GROUP

by observers from the following intergovernmental organization:

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION
AND LIGHTHOUSE AUTHORITIES (IALA)
BIMCO
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
THE INTERNATIONAL GROUP OF P & I ASSOCIATIONS (P & I Clubs)

THE INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LTD
(ITOPF)
SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS
LIMITED (SIGTTO)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
MALACCA STRAIT COUNCIL
THE NIPPON FOUNDATION
ASIAN SHIPOWNERS' FORUM

The SINGAPORE MEETING.

UPHOLDING the Batam Joint Statement, adopted on 2 August 2005 by the Fourth Tripartite Ministerial Meeting of the Littoral States on the Straits of Malacca and Singapore.

RECALLING the achievements of the Jakarta and Kuala Lumpur Meetings and upholding also the Jakarta Statement¹, adopted on 8 September 2005 by the Jakarta Meeting, and the Kuala Lumpur Statement², adopted on 20 September 2006 by the Kuala Lumpur Meeting.

RECALLING ALSO that the Straits are located within the territorial sea of Indonesia, Malaysia and Singapore and within the continental shelf and the exclusive economic zone of Malaysia and Indonesia and are straits used for international navigation as defined in the United Nations Convention on the Law of the Sea (hereinafter referred to as "UNCLOS").

RECOGNIZING the continued strategic importance of the Straits for regional and global seaborne trade and economy and the need to ensure that they remain safe and open to shipping at all times.

RECOGNIZING ALSO the importance of enhancing the safety, security and protection of the marine environment of the Straits and the possibility that unlawful acts committed therein may have a negative impact on the flow of traffic there-through and, consequently, on trade and the economy.

RECOGNIZING FURTHER the equally important role of the Straits in contributing towards the development and enrichment of the economies and people of other States.

AFFIRMING the sovereignty, sovereign rights, jurisdiction and territorial integrity of the littoral States over the Straits, as provided for under international law, in particular UNCLOS, and that the primary responsibility over the safety of navigation, environmental protection and maritime security in the Straits lies with the littoral States.

COMMENDING the sustained efforts and achievements of the Tripartite Technical Experts Group on Safety of Navigation (hereinafter referred to as "TTEG on Safety of Navigation") in enhancing safety of navigation and protection of the marine environment in the Straits.

¹ The Jakarta Statement is set document IMO/JKT 1/2. It is also found in document C/ES.23/8 (Secretary-General), annex 2 and in document IMO/SGP 1/INF.3, annex 5.

² The Kuala Lumpur Statement is set out in document IMO/KUL 1/4. It is also found in document C 97/12 (Secretary-General), annex 2 and in document IMO/SGP 1/INF.3, annex 6.

IMO/SGP I/4

- 4 -

ACKNOWLEDGING that the TTEG on Safety of Navigation is an effective mechanism for advancing future co-operation efforts among interested parties consonant with article 43 of UNCLOS.

ACKNOWLEDGING ALSO the role of IMO, the user States, the shipping industry and other stakeholders in co-operating with the littoral States in promoting and enhancing safety of navigation and environmental protection, and in ensuring the uninterrupted flow of traffic in the Straits.

WELCOMING the progress made in relation to the implementation of the Marine Electronic Highway Demonstration Project for the Straits of Malacca and Singapore.

COMMENDING the significant and effective efforts of the littoral States since the Kuala Lumpur Meeting in enhancing safety of navigation, environmental protection and security in the Straits; and, in particular, in reducing substantially the number of shipping incidents, oil spill incidents from ships, and armed robbery and other unlawful acts against ships.

COMMENDING FURTHER the joint efforts of the armed forces of the littoral States in contributing to the security of the Straits, through the Malacca Straits Sea Patrols and the "Eyes in the Sky" maritime air patrols, as formalized by the signing of the Malacca Straits Patrol Standard Operating Procedures on 21 April 2006.

WELCOMING WITH APPRECIATION the establishment by the littoral States of the Co-operative Mechanism between the littoral States and user States on safety of navigation and environmental protection in the Straits³, consisting of three components namely the Co-operation Forum, the Project Co-ordination Committee and the Aids to Navigation Fund (hereinafter referred to as "Co-operative Mechanism"), the aim of which is to facilitate regular discussions, exchange of information and co-operation between littoral States, user States, the shipping industry and other stakeholders for the enhancement of safety of navigation in and protection of the environment of the Straits.

RECOGNIZING that the establishment of the Co-operative Mechanism represents, notwithstanding the role of the TTEG on Safety of Navigation, a historic breakthrough and landmark achievement in co-operation between States bordering a strait used for international navigation and user States as well as other interested stakeholders, and, for the first time, brings to realization the spirit and intent of article 43 of the UNCLOS.

RECOGNIZING ALSO the importance and potential of the Co-operative Mechanism in promoting dialogue and co-operation on matters pertaining to the enhancement of the safety of navigation in, and the protection of the environment of, the Straits.

NOTING WITH APPRECIATION that the Information Sharing Centre (hereinafter referred to as "the Centre") of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia is already operational and welcoming the indication of preparedness of Indonesia and Malaysia to co-operate with the Centre.

NOTING WITH APPRECIATION ALSO the contribution States and other stakeholders have made and continue to make towards the enhancement of the safety of navigation in, and the protection of the environment of, the Straits.

³ Refer to document IMO/SGP I/2, I/1 (Indonesia, Malaysian and Singapore).

RECALLING that the littoral States identified, during the Kuala Lumpur Meeting, six projects aimed at enhancing the safety of navigation in, and the protection of the environment of, the Straits (hereinafter referred to as "the six projects") and that the Kuala Lumpur Meeting has agreed that the implementations of the six projects should be supported.

COMMENDING the States which initiated a process, or made arrangements, for supporting or undertaking the implementation of some of the six projects or parts thereof.

DESIRING that the Straits remain safe and open to international shipping at all times, in accordance with international law, in particular UNCLOS, and, where applicable, domestic law, and to build upon and enhance existing co-operative arrangements and measures towards this end.

DESIRING FURTHER to continue to enhance the safety, security and environmental protection of the Straits.

HAS AGREED that:

- (a) the work of the TTEG on Safety of Navigation, in enhancing the safety of navigation and in protecting the marine environment in the Straits, should continue to be supported and encouraged;
- (b) the Co-operative Mechanism, which comprises of the Co-operation Forum, the Project Co-ordination Committee and the Aids to Navigation Fund, should be supported and encouraged;
- (c) user States, shipping industry and other stakeholders should seek to participate in and endeavour to contribute, on a voluntary basis, to the work of the Co-operative Mechanism;
- (d) the projects⁴ presented at the Kuala Lumpur Meeting or parts thereof which have not yet attracted sponsors should be supported; and
- (e) the littoral States should continue their efforts towards enhancing maritime security in the Straits and that such efforts should be supported and encouraged.

HAS INVITED the IMO to participate in the Co-operative Mechanism, to continue to co-operate with the littoral States and to provide every assistance possible in attracting sponsors for the projects presented during the Kuala Lumpur Meeting and contributors for the establishment, maintenance, repair and replacement of the aids to navigation in the Straits;

EXPRESSED DEEP APPRECIATION to the Government of the Republic of Singapore for the excellent arrangements made for, and for the facilities and generous hospitality provided during, the Singapore Meeting; and to the Governments of the Republic of Indonesia, Malaysia and the Republic of Singapore and the International Maritime Organization for their diligent efforts to prepare for the Singapore Meeting and ensure its successful conclusion.

⁴ Refer to document IMO/KUL 1/3. The littoral States have updated the projects presented during the Kuala Lumpur Meeting and the updated versions of the projects are provided in document IMO/SGP 1/3 (Indonesia, Malaysia and Singapore).

ภาคผนวก จ**ARF Statement on Cooperation Against Piracy and Other Threats to Security**

The Chairman of the ASEAN Regional Forum (ARF), on behalf of the participating states and organization, issues the following statement:

1. Recognizing that:
 - a). Piracy and armed robbery against ships and the potential for terrorist attacks on vulnerable sea shipping threaten the growth of the Asia-Pacific region and disrupt the stability of global commerce, particularly as these have become tools of transnational organized crime ;
 - b). ARF Countries represents approximately 80 percent of the world's GDP and trade, and even more of maritime or container shipping trade;
 - c). Maritime security is an indispensable and fundamental condition for the welfare and economic security of the ARF region. Ensuring this security is in the direct interest of all countries, and in particular the ARF countries;
 - d). Most maritime armed-robberies in the Asia-Pacific region tend to occur in the coastal and archipelagic waters. Trends over the last few years indicate that piracy and armed-robbery against ships continue to threaten to be a significant problem in the Asia-Pacific region;
 - e). To deal with this increasingly violent international crime, it is necessary to step up broad-based regional cooperative efforts to combat transnational organized crime, including through cooperation and coordination among all institutions concerned, such as naval units, coastal patrol and law enforcement agencies, shipping companies, crews, and port authorities;
 - f). Such efforts must be based on relevant international law, including the 1982 Law of the Sea Convention;
 - g). It is important that there be national and regional cooperation to ensure that maritime criminals and pirates do not evade prosecution;
 - h). Effective responses to maritime crime require regional maritime security strategies and multilateral cooperation in their implementation;
 - i). National, Regional and International efforts to combat terrorism also enhance the ability to combat transnational organized crime and armed-robberies against ships.

2. The Participants of ARF endeavour to achieve effective implementation of the relevant international instruments and recommendations/guidelines for the suppression of piracy and armed-robbery against ships, including the United Nations Convention on the Law of the Sea, 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 the Safety of Fixed Platforms Located on the Continental Shelf; and the International Maritime Organization's recommendations and guidelines for preventing and suppressing piracy and armed-robbery against ships at sea; the International Convention for the Safety of Life at Sea, 1974 particularly the new Chapter XI-2 and the International Ship and Port Facilities Security (ISPS Code); and to enhance their coordination and cooperation to that end. The members of ARF express their commitment to become parties to 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 the Safety of Fixed Platforms Located on the Continental Shelves as soon as possible, if they have not yet done so.

3. The ARF Participants will work together to protect ships engaged in international voyages by:

a). Enhancing cooperation on fighting piracy and armed-robbery in the region between ARF participants' shipping and organizations such as the International Maritime Organization (IMO) and the Piracy Reporting Center of the International Maritime Bureau (IMB);

b). Early implementation of the comprehensive amendment to the International Convention for the Safety of Life at Sea, 1974, and the new ISPS Code adopted by the Diplomatic Conference on Maritime Security in December 2002; as called for in Conference Resolution 6.

c). Affirming their responsibilities to prosecute, in accordance with relevant domestic laws, perpetrators of acts of piracy and armed-robbery against ships.

d). Endorsing the development by the International Maritime Organization of the following instruments and recommendations/ guidance for use in preventing and suppressing piracy and armed-robbery against ships:

- Recommendations to Governments for preventing and suppressing piracy and armed-robbery against ships, MSC/Circ. 622/Rev. I, 16 June 1999;
 - Guidance to ship-owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed-robbery against ships, MSC/Circ. 623/Rev. 3, 29 May 2002; Directives for Maritime Rescue Coordination Centers (MRCCs), MSC/Circ. 967, 6 June 2000;
 - Interim Procedures for MRCCs on Receipt of Distress Alerts, MSC/Circ. 959, 20 June 2000;
 - Resolution A. 922 (22)- Code of Practice for the investigation of the crimes of piracy and armed-robberies against ships;
 - Resolution A. 923 (22)- "Phantom" ships and registration process; and
 - Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 and its Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.
4. The ARF participants *commit to* undertake the following actions:
- a . Encourage bilateral and multilateral maritime cooperation among ARF members to combat piracy, including at the present increased personnel contact among personnel, information exchanges and anti-piracy exercises on the basis of respecting territorial integrity, sovereignty, sovereign rights and jurisdiction and in accordance with the principles of voluntary participation and agreement in line with the respective applicable international conventions.
 - b . Encourage ARF consideration and future discussion of new IMB proposals (10/23/02) on prescribed traffic lanes for large supertankers with coastguard or naval escort whenever and wherever possible on the high sea upon the consent of all ARF countries concerned. If considered feasible, forward to IMO for adoption as appropriate.
 - c . Provide, where and when possible, technical assistance and capacity-building infrastructure to countries that need help in developing necessary laws, extending training, and where and when possible, providing equipment.

- d . Enhance ARF participants' ability to share information domestically and internationally as a vital component in the fight against maritime piracy and armed-robberies.
- e . Institute regional ARF cooperation and training in anti-piracy and security. Cooperate with the world maritime university (under the IMO) as regards education and training of personal engaged in anti-piracy and security.
- f . Encourage greater ARF member states' transport industries and shipping community to report incidents to the relevant coastal states and to ships' flag administration for follow up action by the proper authorities as prescribed in MSC/Circ. 623. In addition to the IMO, ships may also report to secondary reporting centers such as the International Maritime Bureau's Piracy Reporting Center in Kuala Lumpur.
- g . Encourage the ARF Chair to explore with the ASEAN Secretariat or an ARF participant whether it would be willing to coordinate logging of requests for assistance by ARF participants in implementing the provisions of 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 the Safety of Fixed Platforms on the Continental Shelf and other relevant instruments.
- h . Review progress on efforts to combat maritime piracy and armed-robberies against ships at the 11th ARF Ministerial meeting, in 2004 and share their experiences with member states of the IMO.
- i . Endorse the ongoing efforts to establish a legal framework for regional cooperation to combat piracy and armed-robberies against ships.
- j . Welcome the discussion in the IMO on various issues relating to the delivery of criminals who have committed crimes on a ship on the high sea or on the exclusive economic zone to the authorities of port state by the master of the ship, and hope to reach a conclusion as soon as possible. (IMO document "LEG 85/10")
- k . Nothing in this statement, nor any act or activity carried out in pursuant to this statement, should prejudice the position of ARF countries with regard to any unsettled dispute concerning sovereignty or other rights over territory
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ภาคผนวก ข

**Regional Cooperation Agreement on Combating Piracy
and Armed Robbery against Ships in Asia**

The Contracting Parties to this Agreement,

Concerned about the increasing number of incidents of piracy and armed robbery against ships in Asia,

Mindful of the complex nature of the problem of piracy and armed robbery against ships,

Recognizing the importance of safety of ships, including their crew, exercising the right of navigation provided for in the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as "the UNCLOS",

Reaffirming the duty of States to cooperate in the prevention and suppression of piracy under the UNCLOS,

Recalling "Tokyo Appeal" of March 2000, "Asia Anti-Piracy Challenges 2000" of April 2000 and "Tokyo Model Action Plan" of April 2000,

Noting the relevant resolutions adopted by the United Nations General Assembly and the relevant resolutions and recommendations adopted by the International Maritime Organization,

Conscious of the importance of international cooperation as well as the urgent need for greater regional cooperation and coordination of all States affected within Asia, to prevent and suppress piracy and armed robbery against ships effectively,

Convinced that information sharing and capacity building among the Contracting Parties will significantly contribute towards the prevention and suppression of piracy and armed robbery against ships in Asia,

Affirming that, to ensure greater effectiveness of this Agreement, it is indispensable for each Contracting Party to strengthen its measures aimed at preventing and suppressing piracy and armed robbery against ships,

Determined to promote further regional cooperation and to enhance the effectiveness of such cooperation,

Have agreed as follows:

Part I

Introduction

Article 1

Definitions

1. For the purposes of this Agreement, "piracy" means any of the following acts:

(a) any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(i) on the high seas, against another ship, or against persons or property on board such ship;

(ii) against a ship, persons or property in a place outside the jurisdiction of any State;

(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

2. For the purposes of this Agreement, "armed robbery against ships" means any of the following acts:

(a) any illegal act of violence or detention, or any act of depredation, committed for private ends and directed against a ship, or against persons or property on board such ship, in a place within a Contracting Party's jurisdiction over such offences;

(b) any act of voluntary participation in the operation of a ship with knowledge of facts making it a ship for armed robbery against ships;

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

Article 2

General Provisions

1. The Contracting Parties shall, in accordance with their respective national laws and regulations and subject to their available resources or capabilities, implement this Agreement, including preventing and suppressing piracy and armed robbery against ships, to the fullest extent possible.
2. Nothing in this Agreement shall affect the rights and obligations of any Contracting Party under the international agreements to which that Contracting Party is party, including the UNCLOS, and the relevant rules of international law.
3. Nothing in this Agreement shall affect the immunities of warships and other government ships operated for non-commercial purposes.
4. Nothing in this Agreement, nor any act or activity carried out under this Agreement shall prejudice the position of any Contracting Party with regard to any dispute concerning territorial sovereignty or any issues related to the law of the sea.
5. Nothing in this Agreement entitles a Contracting Party to undertake in the territory of another Contracting Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other Contracting Party by its national law.
6. In applying paragraph 1 of Article 1, each Contracting Party shall give due regard to the relevant provisions of the UNCLOS without prejudice to the rights of the third Parties.

Article 3

General Obligations

1. Each Contracting Party shall, in accordance with its national laws and regulations and applicable rules of international law, make every effort to take effective measures in respect of the following:
 - (a) to prevent and suppress piracy and armed robbery against ships;
 - (b) to arrest pirates or persons who have committed armed robbery against ships;

(c) to seize ships or aircraft used for committing piracy or armed robbery against ships, to seize ships taken by and under the control of pirates or persons who have committed armed robbery against ships, and to seize the property on board such ships; and

(d) to rescue victim ships and victims of piracy or armed robbery against ships.

2. Nothing in this Article shall prevent each Contracting Party from taking additional measures in respect of subparagraphs (a) to (d) above in its land territory.

Part II

Information Sharing Center

Article 4

Composition

1. An Information Sharing Center, hereinafter referred to as "the Center", is hereby established to promote close cooperation among the Contracting Parties in preventing and suppressing piracy and armed robbery against ships.

2. The Center shall be located in Singapore.

3. The Center shall be composed of the Governing Council and the Secretariat.

4. The Governing Council shall be composed of one representative from each Contracting Party. The Governing Council shall meet at least once every year in Singapore, unless otherwise decided by the Governing Council.

5. The Governing Council shall make policies concerning all the matters of the Center and shall adopt its own rules of procedure, including the method of selecting its Chairperson.

6. The Governing Council shall take its decisions by consensus.

7. The Secretariat shall be headed by the Executive Director who shall be assisted by the staff. The Executive Director shall be chosen by the Governing Council.

8. The Executive Director shall be responsible for the administrative, operational and financial matters of the Center in accordance with the policies as determined by the Governing Council and the provisions of this Agreement, and for such other matters as determined by the Governing Council.

9. The Executive Director shall represent the Center. The Executive Director shall, with the approval of the Governing Council, make rules and regulations of the Secretariat.

Article 5

Headquarters Agreement

1. The Center, as an international organization whose members are the Contracting Parties to this Agreement, shall enjoy such legal capacity, privileges and immunities in the Host State of the Center as are necessary for the fulfillment of its functions.

2. The Executive Director and the staff of the Secretariat shall be accorded, in the Host State, such privileges and immunities as are necessary for the fulfillment of their functions.

3. The Center shall enter into an agreement with the Host State on matters including those specified in paragraphs 1 and 2 of this Article.

Article 6

Financing

1. The expenses of the Center, as provided for in the budget decided by the Governing Council, shall be provided by the following sources:

(a) Host State financing and support;

(b) Voluntary contributions from the Contracting Parties;

(c) Voluntary contributions from international organizations and other entities, in accordance with relevant criteria adopted by the Governing Council; and

(d) Any other voluntary contributions as may be agreed upon by the Governing Council.

2. Financial matters of the Center shall be governed by a Financial Regulation to be adopted by the Governing Council.

3. There shall be an annual audit of the accounts of the Center by an independent auditor appointed by the Governing Council. The audit report shall be submitted to the Governing Council and shall be made public, in accordance with the Financial Regulation.



Article 7

Functions

The functions of the Center shall be:

- (a) to manage and maintain the expeditious flow of information relating to incidents of piracy and armed robbery against ships among the Contracting Parties;
- (b) to collect, collate and analyze the information transmitted by the Contracting Parties concerning piracy and armed robbery against ships, including other relevant information, if any, relating to individuals and transnational organized criminal groups committing acts of piracy and armed robbery against ships;
- (c) to prepare statistics and reports on the basis of the information gathered and analyzed under subparagraph (b), and to disseminate them to the Contracting Parties;
- (d) to provide an appropriate alert, whenever possible, to the Contracting Parties if there is a reasonable ground to believe that a threat of incidents of piracy or armed robbery against ships is imminent;
- (e) to circulate requests referred to in Article 10 and relevant information on the measures taken referred to in Article 11 among the Contracting Parties;
- (f) to prepare non-classified statistics and reports based on information gathered and analyzed under subparagraph (b) and to disseminate them to the shipping community and the International Maritime Organization; and
- (g) to perform such other functions as may be agreed upon by the Governing Council with a view to preventing and suppressing piracy and armed robbery against ships.

Article 8

Operation

1. The daily operation of the Center shall be undertaken by the Secretariat.

2. In carrying out its functions, the Center shall respect the confidentiality of information provided by any Contracting Party, and shall not release or disseminate such information unless the consent of that Contracting Party is given in advance.

3. The Center shall be operated in an effective and transparent manner, in accordance with the policies made by the Governing Council, and shall avoid duplication of existing activities between the Contracting Parties.

Part III

Cooperation through the Information Sharing Center

Article 9

Information Sharing

1. Each Contracting Party shall designate a focal point responsible for its communication with the Center, and shall declare its designation of such focal point at the time of its signature or its deposit of an instrument of notification provided for in Article 18.

2. Each Contracting Party shall, upon the request of the Center, respect the confidentiality of information transmitted from the Center.

3. Each Contracting Party shall ensure the smooth and effective communication between its designated focal point, and other competent national authorities including rescue coordination centers, as well as relevant non-governmental organizations.

4. Each Contracting Party shall make every effort to require its ships, ship owners, or ship operators to promptly notify relevant national authorities including focal points, and the Center when appropriate, of incidents of piracy or armed robbery against ships.

5. Any Contracting Party which has received or obtained information about an imminent threat of, or an incident of, piracy or armed robbery against ships shall promptly notify relevant information to the Center through its designated focal point.

6. In the event that a Contracting Party receives an alert from the Center as to an imminent threat of piracy or armed robbery against ships pursuant to subparagraph (d) of Article 7, that Contracting Party shall promptly disseminate the alert to ships within the area of such an imminent threat.

Article 10

Request for Cooperation

1. A Contracting Party may request any other Contracting Party, through the Center or directly, to cooperate in detecting any of the following persons, ships, or aircraft:

(a) pirates;

(b) persons who have committed armed robbery against ships;

(c) ships or aircraft used for committing piracy or armed robbery against ships, and ships taken by and under the control of pirates or persons who have committed armed robbery against ships; or

(d) victim ships and victims of piracy or armed robbery against ships.

2. A Contracting Party may request any other Contracting Party, through the Center or directly, to take appropriate measures, including arrest or seizure, against any of the persons or ships mentioned in subparagraph (a), (b), or (c) of paragraph 1 of this Article, within the limits permitted by its national laws and regulations and applicable rules of international law.

3. A Contracting Party may also request any other Contracting Party, through the Center or directly, to take effective measures to rescue the victim ships and the victims of piracy or armed robbery against ships.

4. The Contracting Party which has made a direct request for cooperation pursuant to paragraphs 1, 2 and 3 of this Article shall promptly notify the Center of such request.

5. Any request by a Contracting Party for cooperation involving extradition or mutual legal assistance in criminal matters shall be made directly to any other Contracting Party.

Article 11

Cooperation by the Requested Contracting Party

1. A Contracting Party, which has received a request pursuant to Article 10, shall, subject to paragraph 1 of Article 2, make every effort to take effective and practical measures for implementing such request.

2. A Contracting Party, which has received a request pursuant to Article 10, may seek additional information from the requesting Contracting Party for the implementation of such request.

3. A Contracting Party, which has taken measures referred to in paragraph 1 of this Article, shall promptly notify the Center of the relevant information on the measures taken.

Part IV

Cooperation

Article 12

Extradition

A Contracting Party shall, subject to its national laws and regulations, endeavor to extradite pirates or persons who have committed armed robbery against ships, and who are present in its territory, to the other Contracting Party which has jurisdiction over them, at the request of that Contracting Party.

Article 13

Mutual Legal Assistance

A Contracting Party shall, subject to its national laws and regulations, endeavor to render mutual legal assistance in criminal matters, including the submission of evidence related to piracy and armed robbery against ships, at the request of another Contracting Party.

Article 14

Capacity Building

1. For the purpose of enhancing the capacity of the Contracting Parties to prevent and suppress piracy and armed robbery against ships, each Contracting Party shall endeavor to cooperate to the fullest possible extent with other Contracting Parties which request cooperation or assistance.

2. The Center shall endeavor to cooperate to the fullest possible extent in providing capacity building assistance.

3. Such capacity building cooperation may include technical assistance such as educational and training programs to share experiences and best practices.

Article 15

Cooperative Arrangements

Cooperative arrangements such as joint exercises or other forms of cooperation, as appropriate, may be agreed upon among the Contracting Parties concerned.

Article 16

Protection Measures for Ships

Each Contracting Party shall encourage ships, ship owners, or ship operators, where appropriate, to take protective measures against piracy and armed robbery against ships, taking into account the relevant international standards and practices, in particular, recommendations adopted by the International Maritime Organization.

Part V

Final Provisions

Article 17

Settlement of Disputes

Disputes arising out of the interpretation or application of this Agreement, including those relating to liability for any loss or damage caused by the request made under paragraph 2 of Article 10 or any measure taken under paragraph 1 of Article 11, shall be settled amicably by the Contracting Parties concerned through negotiations in accordance with applicable rules of international law.

Article 18

Signature and Entry into Force

1. This Agreement shall be open for signature at the depositary referred to in paragraph 2 below by the People's Republic of Bangladesh, Brunei Darussalam, the Kingdom of Cambodia, the People's Republic of China, the Republic of India, the Republic of Indonesia, Japan, the Republic of Korea, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Democratic Socialist Republic of Sri Lanka, the Kingdom of Thailand, the Socialist Republic of Viet Nam.
2. The Government of Singapore is the depositary of this Agreement.

3. This Agreement shall enter into force 90 days after the date on which the tenth instrument of notification by a State listed in paragraph 1, indicating the completion of its domestic requirements, is submitted to the depositary. Subsequently it shall enter into force in respect of any other State listed in paragraph 1 above 30 days after its deposit of an instrument of notification to the depositary.
4. The depositary shall notify all the States listed in paragraph 1 of the entry into force of this Agreement pursuant to paragraph 3 of this Article.
5. After this Agreement has entered into force, it shall be open for accession by any State not listed in paragraph 1. Any State desiring to accede to this Agreement may so notify the depositary, which shall promptly circulate the receipt of such notification to all other Contracting Parties. In the absence of a written objection by a Contracting Party within 90 days of the receipt of such notification by the depositary, that State may deposit an instrument of accession with the depositary, and become a party to this Agreement 60 days after such deposit of instrument of accession.

Article 19

Amendment

1. Any Contracting Party may propose an amendment to this Agreement, any time after the Agreement enters into force. Such amendment shall be adopted with the consent of all Contracting Parties.
2. Any amendment shall enter into force 90 days after the acceptance by all Contracting Parties. The instruments of acceptance shall be deposited with the depositary, which shall promptly notify all other Contracting Parties of the deposit of such instruments.

Article 20

Withdrawal

1. Any Contracting Party may withdraw from this Agreement at any time after the date of its entry into force.
2. The withdrawal shall be notified by an instrument of withdrawal to the depositary.
3. The withdrawal shall take effect 180 days after the receipt of the instrument of withdrawal by the depositary.
4. The depositary shall promptly notify all other Contracting Parties of any withdrawal.

Article 21

Authentic Text

This Agreement shall be authentic in the English language.

Article 22

Registration

This Agreement shall be registered by the depositary pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.



ประวัติผู้เขียนวิทยานิพนธ์

นางสาวอนิรัตน์ จินดา เกิดเมื่อวันที่ 13 กันยายน พ.ศ. 2525 สำเร็จการศึกษามัธยมศึกษาปลาย จาก โรงเรียนเซนต์โยเซฟคอนเวนต์ เมื่อ พ.ศ. 2543 สำเร็จการศึกษานิติศาสตรบัณฑิต จาก มหาวิทยาลัยธรรมศาสตร์ เมื่อ พ.ศ. 2547 สำเร็จการศึกษารัฐศาสตรบัณฑิต จากมหาวิทยาลัย สุโขทัยธรรมวิราช เมื่อ พ.ศ. 2551