

MARINE SAFETY ADVISORY NO. 01-2022

**To: DEPUTY REGISTRARS, SHIP OWNERS/ ISM OPERATORS /
RECOGNIZED ORGANIZATIONS/ SHIPPING AGENTS /GENERAL
SAFETY INSPECTORS**

Subject: WARNING ON PERSPECTIVE POLITICAL INSTABILITY IN LIBYA

Date: 21 October 2022

PURPOSE

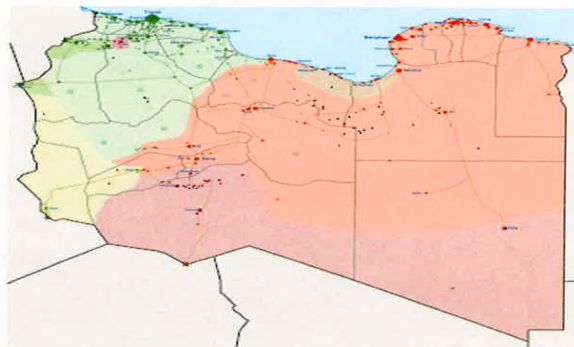
The purpose of this Advisory is to inform owners/operators of the military situation in Libya as per the attached Circular Letter No. 4641.

BACKGROUND

The alleged military zone is one established by the State of Libya in its *Navigation Warning 225/2016* relating to an area designated as Area III along parts of the eastern coastline of Libya which was in force until 9 June 2022 when notice of its cancellation was published in IMO Circular No. 4585.

CURRENT SITUATION

UNCLOS Article 58 extends the freedom of navigation on the high seas to the Exclusive Economic Zone (EEZ) with the caveat of the due regard principle. This means that freedom of navigation in the EEZ can be limited to an extent by the laws of the coastal State. Vessels entering the area in the coastal zone of Libya and near the Mediterranean Sea are advised on the “pretense of violating a military exclusion zone.” According to two previous incidents (refer to the attached circular) the detaining of the vessels, threat of violence and seizure of personal documents of the crew are combined with a “fine.”



The Tripoli-based Government of National Accord which is an interim government backed by the UN is considered the legitimate government of Libya and is in control of the western portions of the country (green area). Their opposition, the Libyan National Army, is in control of the east and central parts of the country and is considered an illegitimate government (red area).



NEXT STEPS

The International Merchant Marine Registry of Belize (IMMARBE) hereby advises the vessel's Management Company, Charterers, Owners, and Crew of the Maritime Industry on the military situation in Libya. We recommend ship operators to warn their ships' crews of the volatility of the situation in Libya, check with local agents and/or port authorities as to the port's status and carry out an assessment of the risks involved prior to entering or transiting Libyan waters and instruct their ships to continue to exercise caution when entering its ports and waters. We strongly advise our vessels to keep a safe, clear distance and stay as far as practicable from the Libyan EEZ if there is no intention to call at Libyan Ports so as to avoid any similar situations as mentioned in the attached article.

Our recommendations for ships in transit, i.e., ships that are *not* bound for Libyan ports, to consider routes north of 34-00N to avoid any potential misidentification. For our ships calling at Libyan ports, or are otherwise required to operate closer to the Libyan coast, we recommend the following:

- Adhere to the international laws of trading (UNCLOS) and follow the official sea navigation routes to any of the working Libyan ports. Proceed with caution and liaise with the nearest coastal station to receive a safe track line, particularly when approaching the Eastern parts of Libya.
- Declare the intended voyage and type of cargo to be discharged/loaded to the local agent well in advance of arrival at any Libyan port to allow the agent sufficient time to notify the appropriate authorities.
- Stay in close contact with local port authorities, ship's agent, or Gard's local correspondent to obtain the most up-to-date and reliable information available at any given time.
- To heightened security level for the Belize Flag ships trading to Libya, meaning that ships must implement additional protective measures in accordance with the Ship Security Plan (SSP) equivalent to security level 2 while in port in Libya, and maintain contact with our administration.
- And to log all security actions in the ship's security records in ensuring appropriate protective measures are incorporated into ship security plans.

For tankers trading to this region, we recommend the following:

- Tankers loading from Libyan ports must undertake all pre-checks and compliance measures to ensure the cargo intended to be loaded has been authorized by the Libyan National Oil Corporation (NOC).
- Operators contracting ships for voyages to Libya must request a certificate of origin from the charterers indicating that the shippers are indeed the NOC or an approved legal entity of the NOC.
- Upon completion of cargo operations and receipt of port clearance, tankers delivering fuel oil to Libya should sail directly out of Libyan waters.

According to the NATO Shipping Centre (NCS), the establishment of the NSZ was aimed at deterring the transit/smuggling of weapons and other materials to Eastern Libya. Hence, as long as the conflict between the LNA and the GNU is ongoing, and Libya is not a sovereign state, the risk of being stopped and detained/penalised by the local coastguard in this region should not be completely ignored.

Finally, please ensure that the LRIT and AIS are always operational as per [MMN-19-005r1](#) and to ensure the Self-Inspection Program as per [MMN-19-006r2](#), Self-Inspection Checklist as per [Form TDL-018r2 Annex 1](#) are submitted and all Seafarers onboard Contracts or SEAs as per [MMN-20-005](#) are valid prior to entry near these areas. The administration highly recommends our ships to be in their best condition so if intercepted by the Libyan authorities there are no valid reasons that would deem these vessels for inspections or further detention.

UNCLOS Article 17-19 reminds all that a vessel in transit or proceeding to or from internal waters which is not prejudicial to the peace, good order, or security of the coastal State enjoys the protection of innocent passage.

We anticipate your cooperation and assistance in this regard and look forward to receiving confirmation of this email.



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