



香 港 商 船 資 訊

HONG KONG MERCHANT SHIPPING INFORMATION NOTE

Avoidance of Entering the Libyan Ports which subject to the Declaration of Force Majeure

To : Shipowners, Ship Managers, Ship Operators and Masters

Summary

This Note promulgates IMO Circular Letter No. 3442 which provides information by the Government of Libya with a view to alerting vessels to avoid entering Libyan ports where the Libyan National Oil Corporation has issued a declaration of Force Majeure.

1. At the request of the Government of Libya, the International Maritime Organization issued IMO Circular Letter No. 3442 dated 3 April 2014 attaching a self-explanatory letter. The letter issued by the Permanent Representative of Libya to IMO states that recently there was an incident that a Democratic People's Republic of Korea registered motor tanker sailed through Libyan territorial waters and entered a Libyan port in contravention of Libyan and international law and regulations and in violation of the sovereignty of the Libyan State, where it proceeded to load a cargo of crude oil subject to an export ban. The port in question was the oil port Es Sider [Sidra], which is in an area of the Libyan State currently under a declaration of Force Majeure by the Libyan National Oil Corporation.

2. In the letter, the Government of Libya further stated that the ports currently subject to the declaration of Force Majeure are the ES Sider, Ras Lanuf, Zueitina, EL Brega and Hariga terminals. They also emphasized that the Libyan State would not hesitate to assert its sovereign right and its right as a coastal State under "United Nations Convention on the Law of the Sea" (UNCLOS), to take the necessary and commensurate steps to protect its property and resources and prevent any passage by any vessel which is not innocent, such steps including in particular:

- a) Use of armed force and the right of hot pursuit;
- b) Confiscation of the vessel;
- c) Imposition of the maximum criminal penalties on the master and the crew involved in the violation; and

- d) Prosecution of the owners and operators of the vessel and the companies that receive the stolen oil shipments.

3. A copy of the IMO Circular Letter No. 3442 and the attached letter issued by the Permanent Representative of Libya to IMO can be found on the website of Marine Department (<http://www.mardep.gov.hk/en/msnote/msin.html>) as attachments to this Note. Shipowners, ship managers, ship operators and masters of Hong Kong registered ships are advised to note the information provided in the Circular Letter and act accordingly if offered any cargo or charterer hire to and from the relevant ports in Libyan territorial waters.

Marine Department
Multi-lateral Policy Division

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