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Circular Letter No.3442  
3 April 2014

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

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

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



ANNEX

PERMANENT REPRESENTATION OF LIBYA  
TO THE INTERNATIONAL MARITIME ORGANIZATION  
LONDON

المنندوية الليبية الدائمة  
لدى المنظمة البحرية الدولية - لندن

Ref L - IMO - 2014 - 03

Date 25 - 03 - 2014

الرقم الأشارى .....

التاريخ .....

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

**Dear Secretary-General,**

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely,

Captain Jamal Elmalhouf

Permanent Representative of Libya to IMO

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