

**RESOLUTION ON SAFETY AT SEA**

Submitted by Japan

**WHEREAS** the safety of vessels and crew, the order of maritime navigation, and environmental protection, are, and have long been, the common interests of nations worldwide;

**WHEREAS** the Commission and Contracting Governments support the right to legitimate and peaceful forms of protest and demonstration;

**RECALLING** that the 58<sup>th</sup> Annual Meeting of the Commission adopted Resolution 2006-2 in which the Commission agreed and declared that the Commission and its Contracting Governments did not condone any actions that are a risk to human life and property in relation to the activities of vessels at sea, and urged persons and entities to refrain from such acts;

**ALSO RECALLING** that the 59<sup>th</sup> Annual Meeting of the Commission adopted Resolution 2007-2 in which the Commission urged its Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders, and to cooperate in accordance with UNCLOS and other relevant instruments in the investigation of incidents at sea including those which might pose a risk to life or the environment;

**REAFFIRMING** the statement on safety at sea made at the Commission's Intersessional Meeting held in Heathrow, UK, 6-8 March, 2008, which noted reports of dangerous actions by the Sea Shepherd Conservation Society (SSCS) in the Southern Ocean directed against Japanese vessels, called upon the SSCS to refrain from dangerous actions that jeopardise safety at sea, and on vessels and crews concerned to exercise restraint, condemned any actions that are a risk to human life and property in relation to the activities of vessels at sea, and again urged Contracting Governments to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders;

**NOTING** the expectation of Contracting Governments that all concerned parties will comply with relevant rules of international law and respective national laws and regulations regarding safety at sea irrespective of the positions of Contracting Governments on whaling;

**NOTING** statements from the Government of Japan that it decided to withdraw its vessels from the Southern Ocean much earlier than originally scheduled in the 2010/11 season in order to secure the safety of the vessels and lives of their crew members in response to dangerous actions by the SSCS;

**NOW THEREFORE THE COMMISSION,**

**AGREES AND DECLARES** again that the Commission and its Contracting Governments do not condone and in fact condemn any actions that are a risk to human life and property in relation to the activities of vessels at sea;

**RECOGNIZES** the primacy of the International Maritime Organization (IMO) on safety at sea, and that its Maritime Safety Committee (MSC) adopted on 17 May 2010 at its 87<sup>th</sup> session the Resolution MSC. 303 (87) titled “Assuring Safety during Demonstrations, Protest or Confrontations on the High Seas” which condemned any actions that intentionally imperil human life, the marine environment, or property during demonstrations, protests or confrontations on the high seas and called upon Governments to urge, among others:

1. persons and entities under their jurisdiction to refrain from actions that intentionally imperil human life, the marine environment, or property during demonstrations, protests or confrontations on the high seas;
2. all vessels entitled to fly their flag to comply with the applicable instruments adopted by the IMO directed at safety of navigation, security and safety of life at sea; and
3. all vessels, during demonstrations, protests or confrontations on the high seas, to comply with COLREG and SOLAS by taking all steps to avoid collisions and safeguard navigation, security and safety of life at sea;

**AGREES** that the resolution of differences on issues regarding whales and whaling should not be pursued through violent actions that risk human life and property at sea;

**URGES** all Contracting Governments concerned to call on the masters of all vessels to take responsibility for ensuring that safety at sea is their highest priority and to strictly observe international collision avoidance regulations.

**URGES** all Contracting Governments concerned to continue to take actions, in accordance with relevant rules of international law and respective national laws and regulations, to cooperate to prevent and suppress actions that risk human life and property at sea and with respect to alleged offenders;

**CONTINUES TO URGE** Contracting Governments to cooperate in accordance with UNCLOS and other relevant instruments in the investigation of incidents at sea including those which might pose a risk to life or the environment;

**FURTHER URGES** all Contracting Governments concerned to take appropriate measures, consistent with relevant IMO instruments, in order to ensure that the substance and spirit of this Resolution are observed both domestically and internationally.