



Office of  
Deputy Commissioner  
of Maritime Affairs

## THE REPUBLIC OF LIBERIA

### Bureau Of Maritime Affairs

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MARINE OPERATIONS NOTE: 2/2004

#### **RE: Liberia and U.S. Agreement to Suppress the Proliferation of Weapons of Mass Destruction**

Dear Owner/Operator:

On 11 February 2004, the Republic of Liberia and the United States of America entered into an Agreement to cooperate to suppress the proliferation of weapons of mass destruction (WMD), their delivery systems, and related materials by sea. The purpose of this document is to describe how this agreement will work between the U.S., Liberia and ship operators, masters and crew when, and if, this agreement is acted upon. We view the Agreement as a positive development in international maritime security as it puts the world on notice that Liberian ships are not available for terrorist activities. We will issue a Marine Notice, which will capture the information contained in this document and any changes to the procedures described herein, after we have gained experience with the Agreement. As such, we encourage any comments or concerns you may have regarding the procedures related to this agreement.

**The Agreement:** The agreement provides that a "competent authority" of the U.S., and the Republic of Liberia may request authorization from one another for their respective Security Force Officials to board and search vessels that are reported to be under their respective flags and which are suspected of carrying illicit shipments of WMD seaward of any State's territorial sea. The "competent authorities" for purpose of implementation of the Agreement are the Liberian International Ship and Corporate Registry (LISCR) for Liberia and the U.S. Coast Guard for the U.S. Only after confirmation from LISCR, may U.S. Security Force Officials board and search suspected vessels registered under Liberian flag. The same provision applies to a request from Liberia to board and search suspect vessels registered under the U.S. flag. If a vessel is found carrying an illicit shipment of WMD the vessel may be detained, as well as items and persons on board. The nationality of the suspect vessel will be confirmed prior to providing authorization to board.

**Applicability:** For Liberia this agreement applies to suspect vessels confirmed to be under the Liberian Registry, or vessels claiming Liberian Registration that are:

- a. not flying the Liberian flag,
- b. not displaying any marks of its registration or nationality, and
- c. claiming to have no documentation on board the vessel, for the purpose of locating and examining the vessel's documentation.

**Conduct of Boarding's and Searches:** Boarding's and searches pursuant to this Agreement will be carried out by Security Force Officials from Security Force vessels, as well as by vessels and aircraft embarked on or supporting such vessels. For the U.S., Security Force Officials, mean uniformed or otherwise identifiable members of the U.S. Coast Guard and the U.S. Navy, who may be accompanied by clearly identifiable law enforcement officials of the Department of Homeland Security and Justice, and other clearly identifiable officials duly authorized by the U.S.

government and notified to the Liberia International Ship and Corporate Registry, the competent authority for Liberia.

**Security Force Vessels:** Security Force vessels shall be clearly marked and identifiable as being in government service and authorized to that effect, including any vessel and aircraft embarked on or supporting such vessels.

**Liberian Vessel Masters:** Vessel Master's are encouraged to allow a consensual boarding when so requested by the Security Force Officials and the vessel is seaward of any State's territorial sea. When boarded by Security Force Officials, it is essential that the conduct of the Master and crew be professional and cooperative. The Master shall present himself as such, treating the Security Force's in the same manner as other official visitors are treated. The Master should:

1. Not relinquish his role or appear to do so,
2. Request an opening meeting,
3. Introduce key officers/personnel,
4. Ensure that the leader and members of the official boarding party are clearly identified,
5. Ensure the search procedures contemplated by the security force officials are adequately and sufficiently explained, and
6. A closing meeting should be requested at the conclusion of the boarding.

**Security Force Officials:** When conducting boarding's and searches Security Force Officials are expected to:

1. Take due account of the need not to endanger the safety of life at sea;
2. Take due account of the security of the vessel and its cargo;
3. Not prejudice the commercial or legal interests of Liberia; the Flag State;
4. Ensure within available means, that any measure taken with regard to the vessel is environmentally sound under the circumstances;
5. Ensure that persons on board are afforded the protections, rights and guarantees provided by international law; and:
6. Ensure the Master of the vessel is, or has been, afforded the opportunity to contact the vessels' owner, manager or Flag State (LISCR) at the earliest opportunity.

Security Force Officials are also to ensure that reasonable efforts are taken to avoid a vessel being unduly detained or delayed.

**Use of Force:** The authorization to board, search and detain includes the use of force and in accordance with the Agreement shall be in strict accordance with the applicable laws and policies of the U.S., Liberia and applicable international law.

**Communication between the Ship, the Company and the Registry:** When a request to board a suspect vessel is received, LISCR will contact the vessel owner/operator or Company Security Officer. If prior contact has not been received or if the vessel's Master, owner/operator or the Company Security Officer has concerns about the authority of the Security Force Officials to board their Liberian flag vessels, they shall contact LISCR directly as follows:

**During U.S. office hours :**

Telephone: +1 703 790-3434,  
Fax: +1 703 790 5655 or  
email: [safety@liscr.com](mailto:safety@liscr.com).

**After U.S. office hours:** LISCR's Duty Officer

Telephone: + 1 703 963-6216 or  
email: [alarm@liscr.com](mailto:alarm@liscr.com).

**The caller should provide the following information:**

1. Caller's name, and telephone number,
2. The Liberian vessel's name,
3. The vessels official number,
4. The vessels IMO number,
5. The location of the vessel by latitude and longitude,
6. The date and time,
7. The name of the U.S. Security Force vessel or aircraft requesting to board.

This shall be followed up by a fax or Email to 1-703-790-5655 or [safety@liscr.com](mailto:safety@liscr.com) respectively.

For additional information please contact Mr. Timothy M. Keegan as +1 703 251 2409 or email: [safety@liscr.com](mailto:safety@liscr.com)

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