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INTERNATIONAL CONFERENCE ON THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION -

Committee of the Whole  
Agenda item 3

CONSIDERATION OF THE DRAFT CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION AND THE DRAFT PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED ON THE CONTINENTAL SHELF

Comments submitted by New Zealand

1 New Zealand believes that the Convention should be as comprehensive as possible in protecting the safety of maritime navigation and suppressing unlawful acts against it. For that reason New Zealand proposed, in the Ad Hoc Preparatory Committee, the inclusion of offences against maritime navigation facilities and the communicating of false information (now article 3(1)(e) and (f)). The inclusion of such offences in the Convention is consistent with the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, which contains similar provisions (see article 1(1)(d) and (e) thereof).

2 Offences of this nature have potentially serious consequences for the safety of maritime navigation as in the situation where, for example, navigation aids are destroyed or interfered with for the purpose of deliberately misleading shipping in crowded or difficult waterways. While it must be acknowledged that not all such offences will necessarily have serious consequences for shipping, that is also true of other offences in article 3 (similarly, not all offences against air navigation facilities or communicating false information to aircraft will necessarily have serious consequences for the safety of aircraft in flight). This aspect is, however, covered by the final phrases in article 3(1)(e) and (f) which, insofar as offences against navigation facilities are concerned, specifically limits the application of the Convention to only those cases which are likely to endanger the safe navigation of ships and, insofar as communicating false information is concerned, specifically limits the application of the Convention to only those cases which do endanger the safe navigation of ships. Similar qualification are found in the Montreal Convention, in relation to aircraft.

3 The new Convention would nevertheless benefit from greater consistency between article 3(1)(e) and (f) and the comparable provisions of the Montreal Convention. The proposal by Australia to limit the application of article 3(1)(e) to only those facilities used for international navigation is, therefore, supported. Moreover, article 3(1)(f) could be limited to actions which actually endanger the safe navigation of a particular ship, rather than shipping in general, by replacing the word "ships" by "a ship" (see, in this respect, the comparable provision of the Montreal Convention).

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