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

IMO

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

The delegation of the Islamic Republic of Iran to the International Conference on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, has the pleasure to submit the following views concerning the draft Convention.

Draft Convention

Article 1:

The word "ship" as defined in this article attempts to include not only the purpose for which a ship is put into service but also its operational conditions.

The latter is only a matter of application and not relevant to definition. Thus, for the sake of clarity and in order to avoid any ambiguity, the phrase "not permanently attached to the sea bed, " should be deleted.

Article 2; paragraph 1 (a) and (b):

The aim of this paragraph is to exclude the application of the convention to certain category of ships on the basis of their purpose. Whether or not a ship is "owned or operated by a State" is irrelevant to the case. The following three subparagraphs are proposed to replace the existing subparagraphs (a) and (b):

- (a) A war ship or a naval auxiliary;
- (b) A ship when being used for customs or police purposes;
or
- (c) A ship which has been withdrawn from navigation or laid up.

Article 3, paragraph 1:

1. The word "unlawfully" is redundant and should be deleted, since any offence is unlawful by nature.
2. In sub-paragraphs (e) and (f) of this paragraph, destroying navigational facilities and communicating false information are considered offences. But endangering international waterways, which is also considered a serious offence, is missing. The following sub-paragraph is proposed to be added to this paragraph:

"() obstructs the international shipping routes or causes them to be obstructed or interferes in those routes by any means whatsoever which is likely to endanger the safe navigation of ships."

Article 4, paragraph 1:

1. Delete the word "or lateral" in this paragraph, and in the rest of the draft convention. This word is not defined and adds nothing to the substance of this paragraph. Even the deletion of the whole phrase "in outer or lateral limits of" can be considered. The phrase "beyond the territorial sea" may be sufficient.
2. The phrase "its schedule includes navigation in those waters" needs clarification.

Article 4, paragraph 2:

Replace the phrase "with the exception of articles 13, 14 and 15" with the phrase "with the exception of articles 13 and 14". Article 15 should not be excluded, since it deals **with the provisions in supplying** the relevant information in the possession of State Party.

Article 7, paragraph 2 (d):

For the purpose of unification in international treaties (for example U.N. convention on condition for registration of ships), replace the term "demise-charterer in possession of the ship" with the charterer of the bare-boat chartered ship.

Article 11, paragraph 1:

In order to eliminate the possibility of any probable contradiction between the convention and existing treaties, the phrase "shall be deemed to" should be replaced by the phrase "shall, so far as possible".

Article 11, paragraph 2:

Replace "shall consider" with "may at its option consider" as phrased in Montreals Convention.

Article 16:

The following paragraph is to be added in order to provide an alternative avenue for questions regarding the interpretation or application:

States Parties may remit the matters concerning interpretation or application of this Convention to the Organization. The Organization shall consider those matters and make appropriate recommendations in accordance with articles 3 & 4 of the convention on the International Maritime Organization.

Article 20, paragraph 2:

Provisions for revising or amending the convention as set forth in the draft convention is very much restricted. The proposal is that the last part of article 20 paragraph 2 starting from, "or ten states", be deleted.
