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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

Report following the fourth session of
informal consultations on the Protocol

1 Several States (Australia, Canada, China, Denmark, the Federal Republic of Germany, the Islamic Republic of Iran, Italy, the Netherlands, Norway, Spain, the United Kingdom and the United States) interested in the Protocol held their fourth session of informal consultations on the Protocol.

2 The group considered article 3 of the Protocol in view of decisions taken by the Committee of the Whole on article 7 of the Convention and SUA/CONF/CW/WP.31. This text is contained in the annex to this report, which reproduces the entire text of the Protocol as agreed to by the group. The group also noted that there may be some changes solely of a drafting nature that the Drafting Committee may have to make to further conform the Protocol to the Convention.

ANNEX

The States Parties to this Protocol,

BEING PARTIES to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation,

RECOGNIZING that the reasons for which the Convention was elaborated also apply to fixed platforms located on the continental shelf,

TAKING ACCOUNT of the provisions of that Convention,

AFFIRMING that matters not regulated by this Protocol continue to be governed by the rules and principles of general international law,

HAVE AGREED as follows:

ARTICLE 1

1 The provisions of articles 6 and 8 and of articles 10 to 16 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (hereinafter referred to as the Convention) shall also apply mutatis mutandis to the offences set forth in article 2 of this Protocol where such

offences are committed on board or against fixed platforms located on the continental shelf.

2 For the purposes of this Protocol, "fixed platform" means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

ARTICLE 2

- 1 Any person commits an offence if that person unlawfully and intentionally:
 - (a) by force or threat thereof or any other form of intimidation seizes or exercises control over a fixed platform; or
 - (b) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety; or
 - (c) destroys a fixed platform or causes damage to it which is likely to endanger its safety; or
 - (d) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety; or
 - (e) injures or kills any person in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (d).
- 2 Any person also commits an offence if that person:
 - (a) attempts to commit any of the offences set forth in paragraph 1; or
 - (b) abets the commission of any such offences perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or
 - (c) threatens to commit any of the offences set forth in paragraph 1 subparagraph (b) and (c) if that threat is likely to endanger the safety of the fixed platform.

ARTICLE 3

1 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when the offence is committed:

- (a) against or on board a fixed platform while it is located on the continental shelf of that State; or
- (b) by a national of that State.

2 A State Party may also establish its jurisdiction over any such offence when:

- (a) it is committed by a stateless person whose habitual residence is in that State;
- (b) during its commission a national of that State is seized, threatened, injured or killed; or
- (c) it is committed in an attempt to compel that State to do or abstain from doing any act.

2bis Any State Party which has established jurisdiction mentioned in paragraph 2, shall notify the Secretary-General. If such Party subsequently rescinds that jurisdiction, it shall notify that to the Secretary-General.

3 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite him to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

4 This Protocol does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 3 BIS

In cases where the Protocol does not apply pursuant to article 1, it nevertheless applies when the offender or the alleged offender is found in the territory of a State Party other than the State in which the fixed platform is located.

ARTICLE 4

Nothing in this Protocol shall affect in any way the rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on fixed platforms located on their continental shelf.

ARTICLE 5

1 This Protocol shall be open for signature in Rome on 10 March 1988 and at the Headquarters of the Organization from 14 March 1988 to 9 March 1989 by any State which has signed the Convention. It shall thereafter remain open for accession.

2 States may express their consent to be bound by this Protocol by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(c) accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization (hereinafter referred to as the Secretary-General).

4 Only a State which has signed the Convention without reservation as to ratification, acceptance or approval, or has ratified, accepted, approved or acceded to the Convention may become a Party to this Protocol.

ARTICLE 6

1 This Protocol shall enter into force ninety days following the date on which three States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession in respect thereof, or on the date on which the Convention enters into force, whichever is the later date.

2 For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the condition for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

ARTICLE 7

1 This Protocol may be denounced by any State Party at any time after the expiry of one year from the date on which this Protocol enters into force for that State.

2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3 A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.

4 A denunciation of the Convention by a State Party shall be deemed to be a denunciation of this Protocol by that Party.

ARTICLE 8

1 A conference for the purpose of revising or amending this Protocol may be convened by the Organization.

2 The Secretary-General shall convene a conference of the States Parties to this Protocol for revising or amending the Protocol, at the request of one third of the States Parties or 5 States Parties, whichever is the higher figure.

3 Any instrument of ratification, acceptance, approval or accession, deposited after the date of the entry into force of an amendment to this Protocol, shall be deemed to apply to the Protocol as amended.

ARTICLE 9

1 This Protocol shall be deposited with the Secretary-General.

2 The Secretary-General shall:

(a) inform all States which have signed this Protocol or acceded thereto, and all Members of the Organization, of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of the entry into force of this Protocol;

(iii) the deposit of any instrument of denunciation of this Protocol together with the date on which it is received and the date on which the denunciation takes effect;

(iv) the receipt of any declaration or notification made under article 3 of this Protocol and article 16 of the Convention, concerning this Protocol;

(b) transmit certified true copies of this Protocol to all States which have signed this Protocol or acceded thereto.

ARTICLE 10

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Protocol.

DONE AT Rome this tenth day of March one thousand nine hundred and eighty-eight.
