



IMO

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

Results of informal consultations on Article 8A

Article

1 The master of a ship of a State Party (the "flag State") may deliver to the authorities of any other State Party (the "receiving State") any person whom he has reasonable grounds to believe has committed one of the offences set forth in article 3.

2 Alternative I

The flag State shall ensure that the master of its ship is obliged whenever practicable, and if possible before entering the territorial sea of the receiving State ^{carrying} ~~with~~ any person whom the master intends to deliver in accordance with paragraph 1, to give notification to the authorities of the receiving State of his intention to deliver such person and the reasons therefor.

Alternative II

The flag State shall ensure that the master of its ship is obliged to give notification in advance, at the earliest practicable time, to the authorities of the receiving State of his intention to deliver any person in accordance with paragraph 1.

3 The receiving State shall accept the delivery, except where it has grounds^{1/} to consider that the Convention is not applicable to the acts giving rise to the delivery, and shall proceed in accordance with the provisions of article 8. Any refusal to accept a delivery shall be accompanied by a statement of the reasons for refusal.

4 The flag State shall ensure that the master of its ship is obliged to furnish the authorities of the receiving State with the evidence in the master's possession which pertains to the alleged offence.

5 A receiving State which has accepted the delivery of a person in accordance with paragraph 3 may in turn request the flag State to accept delivery of that person. The flag State shall consider any such request, and if it accedes to the request it shall proceed in accordance with article 8. If the flag State declines a request, it shall furnish the receiving State with a statement of the reasons therefor.

1/ Some delegations preferred "reasonable" grounds.