



INTERNATIONAL CONFERENCE ON
THE SUPPRESSION OF UNLAWFUL
ACTS AGAINST THE SAFETY OF
MARITIME NAVIGATION -
Rome, 1-10 March 1988

IMO

PLENARY

Record of Decisions of the sixth meeting
held at 11 a.m. on 10 March 1988

Agenda item 8: Adoption of the Final Act and any instruments, recommendations
and resolutions resulting from the work of the Conference

(a) Adoption of instruments

The Conference heard statements and declarations made by delegations in relation to the Convention and the Protocol which were adopted by the Conference at the fifth plenary meeting.

Statements welcoming the adoption of these instruments by consensus were made by the delegations of Algeria, Argentina, Austria, Bulgaria, Colombia, China, Egypt, France, the Federal Republic of Germany, the Islamic Republic of Iran, Israel, Jordan, Kuwait, Liberia, Nigeria, Peru, Portugal, Saudi Arabia, the Syrian Arab Republic, Turkey, the United Arab Emirates, the United Kingdom and the United States.

The Conference also noted declarations for the record contained in these statements. At the request of the delegations concerned, the Conference decided that the substance of these declarations be included in the records of the Conference. Accordingly, the relevant parts of the declarations have been reproduced in the annex to this Record of Decisions.

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(b) Adoption of the Final Act of the Conference

The Conference adopted the Final Act of the Conference, prepared by the Drafting Committee in accordance with rule 45 of the Rules of Procedure of the Conference^{1/}.

The Conference heard closing addresses by Mr. C.P. Srivastava, Secretary-General of the International Maritime Organization and Secretary-General of the Conference and by Professor L. Ferrari-Bravo, President of the Conference.

The meeting rose for a recess at 13.00 hours.

The meeting was resumed at 17.00 hours.

The Conference was addressed by His Excellency Mr. M. Andreotti, Minister of Foreign Affairs of Italy and by His Honour the Mayor of the City of Rome.

Agenda item 9: Signature of the Final Act, as well as any instruments which may be adopted and opened for signature by the Conference

The Final Act of the Conference was signed by the delegations of the following sixty-nine States which participated in the Conference:

ALGERIA	COSTA RICA
ARGENTINA	CYPRUS
AUSTRALIA	CZECHOSLOVAKIA
AUSTRIA	DENMARK
BAHAMAS	ECUADOR
BANGLADESH	EGYPT
BELGIUM	FINLAND
BRAZIL	FRANCE
BULGARIA	GERMAN DEMOCRATIC REPUBLIC
BYELORUSSIAN SOVIET SOCIALIST REPUBLIC	GERMANY, FEDERAL REPUBLIC OF
CANADA	GHANA
CHILE	GREECE
CHINA	HAITI
COLOMBIA	HONDURAS
	HUNGARY

^{1/} The text of the Final Act, as approved by the Conference, was reproduced as document SUA/CONF/17.

INDIA	PHILIPPINES
INDONESIA	POLAND
IRAN (ISLAMIC REPUBLIC OF)	PORTUGAL
IRAQ	REPUBLIC OF KOREA
IRELAND	SAUDI ARABIA
ISRAEL	SOMALIA
ITALY	SPAIN
JAPAN	SUDAN
JORDAN	SWEDEN
KENYA	SWITZERLAND
KUWAIT	SYRIAN ARAB REPUBLIC
LEBANON	THAILAND
LIBERIA	TURKEY
MALAYSIA	UKRAINIAN SOVIET SOCIALIST REPUBLIC
MALTA	UNION OF SOVIET SOCIALIST REPUBLICS
MEXICO	UNITED ARAB EMIRATES
MOROCCO	UNITED STATES OF AMERICA
NETHERLANDS	UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
NEW ZEALAND	
NIGERIA	
NORWAY	
PERU	

The Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation was signed, subject to ratification, acceptance or approval, by the delegations of the following twenty-three States which had submitted Full Powers for that purpose:

ARGENTINA	ISRAEL
AUSTRIA	ITALY
BAHAMAS	JORDAN
BRAZIL	LIBERIA
BULGARIA	MOROCCO
CANADA	NORWAY
CHILE	PHILIPPINES
COSTA RICA	SWEDEN
ECUADOR	SWITZERLAND
FRANCE	TURKEY
GREECE	UNITED STATES
HUNGARY	

The Protocol on the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf was signed, subject to ratification, acceptance or approval, by the delegations of the following twenty-one States which had submitted Full Powers for that purpose:

ARGENTINA
BAHAMAS
BRAZIL
BULGARIA
CANADA
CHILE
COSTA RICA
ECUADOR
FRANCE
GREECE
HUNGARY

ISRAEL
ITALY
JORDAN
LIBERIA
MOROCCO
NORWAY
PHILIPPINES
SWEDEN
TURKEY
UNITED STATES

CLOSURE OF THE CONFERENCE

The Conference was declared closed at 18.30 hours by the President,
Professor L. Ferrari-Bravo.

ANNEXSUMMARIES OF CLOSING STATEMENTS MADE BY DELEGATIONS IN ATTENDANCE
AT THE INTERNATIONAL CONFERENCE ON THE SUPPRESSION OF
UNLAWFUL ACTS AGAINST THE SAFETY
OF MARITIME NAVIGATIONALGERIA

The preparation of international legal instruments is, by definition, far from easy on account of the sometimes fundamental differences between national legislations and the various legal systems.

For this reason, the Algerian delegation has had a number of difficulties with certain of the provisions of the draft Convention and Protocol which have not entirely disappeared.

It now remains to begin a process of in-depth consideration at national level so as to take a definitive decision concerning the accession of Algeria to these instruments.

The amendments made to the initial draft, which were the subject of prolonged negotiations, will undoubtedly assist such consideration. The global compromise which we have reached, like any compromise, does not of course give full satisfaction but the balance which characterizes it is a positive element which the Algerian authorities will certainly bear in mind in taking their decision.

It is, of course, understood - and that was the entire thrust of the amendment to the preamble proposed by the Algerian delegation - that this Convention, which is the fruit of a real and shared desire to put an end to unlawful acts, must find its natural and, I would say, obligatory counterpart in a redoubling of efforts by the international community as a whole, and particularly its most powerful elements, to eradicate the underlying causes of terrorism which go under the names of colonialism, the illegal and unjustified occupation of territories, denial of the most elementary human rights, the rights to liberty, to have a State and to live in peace and security in one's own territory.

That is what should be the counterpart to this Convention for it must be considered that the latter will not produce its full effects so long as the underlying and deep-seated causes of a phenomenon which we all condemn have not been resolved.

ARGENTINA

Argentina is very satisfied with the results that we have achieved in this Conference in a spirit of co-operation and in a constructive sense. We shall sign the Convention and the Protocol in the conviction that these instruments will contribute towards the objective of making the seas safer for a world which is safer, more human and more just.

AUSTRIA

This Conference has thus fully responded to the request addressed to IMO by the General Assembly of the United Nations in December 1985 to wit: "to study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures".

The adoption by consensus of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf constitutes a further milestone in the development of an international anti-terrorist legislation. The new legal instruments represent renewed proof for the continued and unfailing determination of the international community to lay down the legal foundations for the eradication of the scourge of terrorism. For my delegation, the adoption of these instruments also constitutes the successful outcome of more than two years of joint endeavours of the three co-sponsors Austria, Italy and Egypt. The Achille Lauro incident of 1985, which affected an important number of citizens of my country travelling on that Italian cruise ship, has shown that there was a gap in international law in the field of the safety of maritime navigation.

This gap will now be closed thanks to the spirit of co-operation and compromise which has enabled us to reach the present result, which has found the approval of all the segments of the international community. For this I wish to express my sincere gratitude to all of you here.

The Austrian delegation wishes to emphasize that, in our view, the texts adopted by this Conference are, on the whole, well-balanced and constitute an excellent basis for extending the application of the principle of "aut dedere aut judicare" to serious acts of violence endangering or likely to endanger the safety of maritime navigation.

This delegation will have the great pleasure to sign the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. I may express the sincere hope that many other delegations will also be able to sign the Convention and that those which are not yet in a position to do so in Rome, will soon be able to sign in London at the Headquarters of the International Maritime Organization.

BULGARIA

The text of the Convention, being a compromise which is considered to generate widespread support, could not be perfect. There are some ambiguities but we do not consider this Convention and the Protocol as establishing rules and norms contradicting or deviating from the existing rules of international law. There is a guarantee that States' practice will compensate and adjust to the imperfection of some provisions, such as those related to the scope of application, the mechanism of establishing jurisdiction and the procedure for extradition. We hope that the Convention will soon prove its viability.

COLOMBIA

The delegation of Colombia, both at the appropriate meetings of the Committee of the Whole and at those of the group responsible for consulting delegations interested in this article, pointed out the difficulty it faced in respect of the second part of article 11, paragraph 1. In particular, the delegation suggested that the expression "undertake to" be replaced by the optional expression "may". The delegation of Colombia considered that:

- .1 States cannot be obliged to include the offences set forth in article 3 of the draft Convention in all extradition treaties concluded in the future;

- .2 it must be borne in mind that an extradition treaty is made on the basis of a juridical relationship which arises from certain specific violations which involve the national interest;
- .3 the draft Convention, in article 11, paragraph 2, recognizes that the State has the option of considering the present Convention as a legal basis for extradition;
- .4 although article 11, paragraph 1, is in fact identical to article 8, paragraph 1, of the 1971 Montreal Convention, it cannot necessarily be concluded that the circumstances which led to inclusion of the latter provision in 1971 are the same as those which prevail now;
- .5 to establish a relationship between this type of offence and others which are the central purpose of an extradition treaty, merely as a compromise solution, goes beyond the commitments which Colombia would be in a position to make.

EGYPT

The adoption of the Convention shows that the international community is concerned about putting an end to terrorism in all of its forms and by whomever committed, and affirms the necessity of putting an end to the causes of terrorism, especially the violations of human rights and fundamental freedoms, arising from foreign occupation.

The Egyptian delegation affirms the right of peoples in their legitimate struggle for self-determination and affirms the necessity for co-operating to remove the causes of terrorism by helping these peoples to attain their legitimate rights.

FRANCE

The French Government declares that, within the meaning of article 3, paragraph 2(b) of the Convention, abetment is only punishable if it constitutes an act of complicity.

The same applies to corresponding provision of the Protocol.

FEDERAL REPUBLIC OF GERMANY

With regard to the documents adopted, my Government regards them as an important step towards establishing a workable system for the safety of maritime navigation, as well as of fixed platforms. May this remarkable result of the continued efforts of all Governments represented here lead to more security in our world.

ISLAMIC REPUBLIC OF IRAN

This Conference has taken significant and fundamental steps toward preventing unlawful acts against the safety of maritime navigation. However, it is imperative that further effective measures be taken in order to guarantee still safer maritime navigation, and to stimulate the confidence of the people of the world in this very important mode of transport. Although this Conference has accomplished a lot in a very short period of time, the task seems to be incomplete and more work needs to be done in order to achieve its lofty goals.

Right now, the brave people of the world are struggling against the occupying Governments which constantly endanger the safety of maritime navigation. Paradoxically, however, the representatives of such Governments have excelled the others at this conference in adopting provisions against international terrorism.

While we are all gathered here to adopt provisions to suppress international terrorism, the oppressive Governments are illegally attacking commercial ships, oil platforms and fishing boats almost thousands of miles away from their territorial boundaries.

The people of Iran have sustained extensive damage, both materially and in human lives. Therefore, all of us as representatives of the nations are obliged to respond to it in the Divine Court of Justice.

Are not these dreadful acts which result from direct aggressions of Governments a crime and threat to the safety of maritime navigation? Should we not respond to the occupying Governments appropriately and condemn their acts? Should we not condemn the aggression of an arrogant world committed in the Persian Gulf which endangers the safety of maritime navigation?

The Islamic Republic of Iran has defended itself strongly against these oppressive and racial acts committed by arrogant powers and shall continue to do so at any cost and for any period of time required.

ISRAEL

Some of the provisions that have been inserted into the text of the Convention do not belong there, particularly in a Convention concluded under the auspices of IMO. However, as the main points have been preserved, my delegation proposes to sign the Convention and Protocol subject to ratification. Such signing must however be understood in the light of the following declaration:

My delegation declares that nothing in this Convention or in its preamble can be interpreted as excluding from the application of the Convention any individual, or any category of individuals, on the pretext of considerations of a political nature relating to any supposed "underlying causes". My delegation considers, moreover, that the principle of "prosecute or extradite" is the basic principle of this Convention and that any State for which the Convention is in force is bound to respect this principle, under the terms of the Convention, with regard to any individual suspected of having committed one of the offences mentioned therein and cannot exclude itself from the obligation to prosecute or extradite any individual, or entire category of individuals, on the pretext of considerations of a political nature relating to any supposed "underlying causes".

JORDAN

The two texts that we adopted yesterday were adopted on the basis of compromise. Compromise by definition cannot satisfy everyone's concerns and points of view completely, but I think we have arrived at a text that we can live with.

The text that we adopted yesterday constitutes another step in the international community's fight against terrorism.

My delegation believes that the fight against international terrorism should not be at the expense of sacrificing the guarantees provided for under the law of human rights.

We also believe that, in the last analysis, the fight against international terrorism can be effective only if its underlying causes are eradicated. As Shelley wrote in one of his poems, "only the actions of the just smell sweet and blossom in their dust".

KUWAIT

We agree with the wise remarks made by the Italian Minister of Justice, the Honourable Professor Giuliano Vassalli, during his statement at the opening of the Conference, that international measures in this field must aim at two objectives: at combating unlawful acts of violence, on the one hand, and, on the other, at studying the causes underlying terrorism, with a view to taking appropriate measures in order to prevent and control this phenomenon. This is, after all, the stand taken by the General Assembly of the United Nations with its two most recent resolutions adopted in this field: Resolution N.40/61 of 1985 and Resolution 42/159 of 1987, constituting the programmatic documents on this particular matter, since they voice the common beliefs of the States.

We also agree with all that is contained in the statements made by Algeria and Jordan.

The approach of dealing only with the effects but not with the underlying causes of terrorism carries with it the inherent twin danger of apparent success and real failure.

Those who refuse to tackle the underlying causes of terrorism often themselves pursue policies which contribute to these causes. Consequently, they bear a heavy responsibility towards the rest of the international community because such policies aggravate the suffering of humanity as a whole and perpetuate the horrors of terrorism.

It is also of vital importance for the success of our common aim in combating terrorism that there is no infringement of basic human rights in the name of combating terrorism. Any such infringement would be counter-productive and defeat our common aim which is to remove terrorism from the international scene. To this end, and with the support of the other Arab States, we proposed, for inclusion in the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, a provision similar in wording to the whole of article 9 of the International Convention Against the Taking of Hostages which was adopted by the United Nations General Assembly on December 17, 1979, but, in the short time available in Rome, we succeeded only in adding paragraphs 6 and 7 to article 11 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation.

LIBERIA

With regard to paragraph 2 of article 8A, the delegation of Liberia believes it to be most important to state its view that, in making a determination as to the practicability, timing and means of giving notice to the receiving State, the master of a merchant ship must be guided by his supervening obligation to the safety of his ship, his crew and his passengers, if any.

NIGERIA

This delegation wishes to give its whole-hearted support to the Convention and the Protocol now adopted for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Safety of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf.

PERU

The texts of the draft Convention and Protocol contain terms relating to the law of the sea which, in some cases, need to be harmonized with the terminology used by States in their national legislation. In the case of Peru, this applies specifically to its Constitution. Accordingly, my delegation wishes to announce that at the time of signature, ratification or accession, it will make a declaration to that effect. This declaration will not affect the substance of any provisions of the Convention or of the Protocol.

PORTUGAL

The Portuguese delegation wishes to specify that any act of handing over persons to a State for the purposes envisaged in the Convention and its Protocol will remain dependent on the presentation of a request for extradition.

The Portuguese delegation wishes to declare that it interprets the Convention and its Protocol in the sense that they do not sanction any exclusion clause relating to the illegality of the criminal acts included therein.

SAUDI ARABIA

The Government of Saudi Arabia shares in the feeling of satisfaction at the condemnation of unlawful acts against the safety of shipping. However, the delegation of the Kingdom of Saudi Arabia would have liked the provisions contained in the Convention concerning measures to prevent and punish the perpetrators of unlawful acts against the safety of maritime navigation to have been extended so as to apply to Governments which interfere with maritime navigation by committing unlawful acts. This would have made it impossible for the omission of that matter from the text of the Convention to be interpreted as a neglect by the international community of its responsibilities in regard to States which hinder international maritime navigation. Such neglect could encourage those States to continue with their unlawful acts.

SYRIAN ARAB REPUBLIC

The delegation of the Syrian Arab Republic interprets the phrase "wherever and by whomever committed" as referring to States which practise terrorism. We consider it necessary to emphasize this point. We wish to refer in this connection to the acts of official terrorism which occur in the Middle East, on the West Bank, in Gaza, in South Lebanon and in the Syrian Golan Heights.

The time available to the Conference did not permit this delegation to deal with the details which are known to all delegations. However, we consider that we cannot simply overlook terrorism of this kind in the important Convention which we have all adopted.

TURKEY

The Convention and the Protocol which we were able to finalize and adopt late last night deal with one of the most serious and urgent problems facing the international community.

The acts of terrorism at sea seriously threaten innocent human lives. The acts of terrorism in all of its forms, wherever and whenever perpetuated, constitute an immediate challenge to us. No country is immune from this scourge. Yesterday it was us; tomorrow it is them.

In view of its universal measure and terrible impact, close and effective co-operation is of paramount importance, and is the only way in preventing, combating and hopefully eradicating this menace to our democracies.

The historic Convention and the Protocol adopted in this Rome Conference constitute an important landmark in the right direction. These two legal instruments have developed further the codification in international law and filled a vacancy that existed in the field of maritime navigation.

Turkey, with a substantial merchant fleet, ranging fifteenth place in world navigation, has a special interest in this Convention.

UNITED ARAB EMIRATES

I should like to express the hope of the United Arab Emirates that the Convention will enhance the safety of all who work in seafaring professions and will prove a deterrent to intending terrorists.

UNITED STATES

To the body of international agreements which have been negotiated under the auspices of IMO, we now add an important new treaty and protocol to assure that those who prey against the safety of men and women who travel and carry on commerce at sea, will be brought to account for their crimes before the courts of justice of States Parties.

As my Government goes forward to sign the Final Act, as well as the Convention and Protocol today, we do so with great pride in the accomplishments of this Conference and with a hope that people who live, work and travel at sea will be spared the violence that prompted our negotiations.
