



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

Report and interpretations following informal consultations
on article 1 of the Convention and 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 informal consultations to review the definition of "ship" in article 1 of the Convention and "fixed platform" in article 1 of the Protocol. There was agreement that the two definitions should be complementary with no gaps, and that the definition of "ship" should be as wide as possible.

2 After exploring various possibilities a strong majority of the group concluded that the words "permanently attached" should be retained in each definition, and that any other approach raised the possibility that the two definitions would not be complementary. One delegation reserved its position on this point.

3 One delegation observed that the reference to navigation in articles 3 and 4 of the Convention may create a situation where a mobile offshore drilling unit attached to the sea-bed was not in navigation, and, therefore, not subject to the Convention. The group agreed, however, that the term "navigation" in fact encompassed the operation of mobile offshore drilling units or similar vessels when attached to the sea-bed, and that these vessels would be under the Convention.

4 Informal consultations were also undertaken to consider the proposal to add the phrase "or structure, whether capable of navigating under its own power or not" to the end of the definition of "ship" and it was concluded that this was not necessary as the phrase "or any other floating craft" includes such structures.

5 Discussion on the addition of the words "or in the exclusive economic zone" at the end of paragraph 1 of article 1 of the Protocol indicated that as the terms were not in fact alternatives it would be best to retain the existing wording of the paragraph.

6 Informal consultations also took place on the proposal to add the words "or for marine scientific research or conservation purposes" at the end of paragraph 2 of article 1 of the Protocol. These consultations showed a consensus not to extend the subparagraph in the way suggested.

7 Consultations were concluded on the further proposal to add a new article 3bis to the Protocol to read:

"In cases where the Protocol does not apply pursuant to article 1, it shall nevertheless apply if the offender is found in a State Party other than the State in which the fixed platform is located".

8 The consultations showed agreement that this new article should be added to the Protocol to ensure consistency with the Convention.
