



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

Report and interpretations following further 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 informal consultations to review Article 2 in light of SUA/CONF/CW/WP.21, article 3bis in light of SUA/CONF/CW/WP.23.

2 Following these consultations the group agreed to the following revised texts:

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 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".

3 Further discussion revealed the need for minor modifications to paragraph 1 of article 1 of the Protocol. These changes were deemed necessary to account for cross references in the Convention that relate to ships rather than fixed platforms. The revised text of paragraph 1 is 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.

4 A strong majority of the group supported adding the following paragraph to the Preamble to be inserted after the TAKING ACCOUNT clause to read as follows:

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

This provision mirrors that in the Preamble to the Convention and was considered to be a desirable addition by all but one delegation which reserved its position on this point.
