



Treaty Series No. 64 (1995)

Convention  
for the Suppression of Unlawful Acts against the Safety of  
Maritime Navigation  
with  
Protocol  
for the Suppression of Unlawful Acts against the Safety of Fixed  
Platforms located on the Continental Shelf

Rome, 10 March 1988 and at the Headquarters of the International Maritime  
Organization from 14 March 1988 to 9 March 1989

[The United Kingdom instrument of ratification was deposited on 3 May 1991 and the  
Convention and Protocol entered into force on 1 March 1992]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
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**CONVENTION  
FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF  
MARITIME NAVIGATION**

The States Parties to this Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of friendly relations and co-operation among States,

Recognizing in particular that everyone has the right to life, liberty and security of person, as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Deeply concerned about the world-wide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,

Considering that unlawful acts against the safety of maritime navigation jeopardize the safety of persons and property, seriously affect the operation of maritime services, and undermine the confidence of the peoples of the world in the safety of maritime navigation,

Considering that the occurrence of such acts is a matter of grave concern to the international community as a whole,

Being convinced of the urgent need to develop international co-operation between States in devising and adopting effective and practical measures for the prevention of all unlawful acts against the safety of maritime navigation, and the prosecution and punishment of their perpetrators,

Recalling resolution 40/61 of the General Assembly of the United Nations of 9 December 1985 which, *inter alia*, “urges all States unilaterally and in co-operation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of causes underlying international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien occupation, that may give rise to international terrorism and may endanger international peace and security”,

Recalling further that resolution 40/61 “unequivocally condemns, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize friendly relations among States and their security”,

Recalling also that by resolution 40/61, the International Maritime Organization was invited to “study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures”,

Having in mind resolution A.584(14) of 20 November 1985, of the Assembly of the International Maritime Organization, which called for development of measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews,

Noting that acts of the crew which are subject to normal shipboard discipline are outside the purview of this Convention,

Affirming the desirability of monitoring rules and standards relating to the prevention and control of unlawful acts against ships and persons on board ships, with a view to updating them as necessary, and, to this effect, taking note with satisfaction of the Measures to Prevent Unlawful Acts against Passengers and Crews on Board Ships, recommended by the Maritime Safety Committee of the International Maritime Organization,

Affirming further that matters not regulated by this Convention continue to be governed by the rules and principles of general international law,

Recognizing the need for all States, in combating unlawful acts against the safety of maritime navigation, strictly to comply with rules and principles of general international law,

Have agreed as follows:

#### ARTICLE 1

For the purposes of this Convention, "ship" means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft.

#### ARTICLE 2

1. This Convention does not apply to:
  - (a) a warship; or
  - (b) a ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes; or
  - (c) a ship which has been withdrawn from navigation or laid up.
2. Nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

#### ARTICLE 3

1. Any person commits an offence if that person unlawfully and intentionally:
  - (a) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or
  - (b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or
  - (c) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or
  - (d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or
  - (e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or
  - (f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or
  - (g) 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 (f).
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 of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or
  - (c) threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (b), (c) and (e), if that threat is likely to endanger the safe navigation of the ship in question.

#### ARTICLE 4

1. This Convention applies if the ship is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single State, or the lateral limits of its territorial sea with adjacent States.
2. In cases where the Convention does not apply pursuant to paragraph 1, it nevertheless applies when the offender or the alleged offender is found in the territory of a State Party other than the State referred to in paragraph 1.

#### ARTICLE 5

Each State Party shall make the offences set forth in article 3 punishable by appropriate penalties which take into account the grave nature of those offences.

#### ARTICLE 6

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 when the offence is committed:
  - (a) against or on board a ship flying the flag of the State at the time the offence is committed; or
  - (b) in the territory of that State, including its territorial sea; or
  - (c) 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; or
  - (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.
3. Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General of the International Maritime Organization (hereinafter referred to as "the Secretary-General"). If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.
4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 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.
5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

#### ARTICLE 7

1. Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present shall, in accordance with its law, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary inquiry into the facts, in accordance with its own legislation.
3. Any person regarding whom the measures referred to in paragraph 1 are being taken shall be entitled to:
  - (a) communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;
  - (b) be visited by a representative of that State.

4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or the alleged offender is present, subject to the proviso that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify the States which have established jurisdiction in accordance with article 6, paragraph 1 and, if it considers it advisable, any other interested States, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

#### ARTICLE 8

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 who he has reasonable grounds to believe has committed one of the offences set forth in article 3.

2. 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 on board 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.

3. The receiving State shall accept the delivery, except where it has grounds 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 7. 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 7. If the flag State declines a request, it shall furnish the receiving State with a statement of the reasons therefor.

#### ARTICLE 9

Nothing in this Convention shall affect in any way the rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on board ships not flying their flag.

#### ARTICLE 10

1. The State Party in the territory of which the offender or the alleged offender is found shall, in cases to which article 6 applies, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 3 shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided for such proceedings by the law of the State in the territory of which he is present.

#### ARTICLE 11

1. The offences set forth in article 3 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 3. Extradition shall be subject to the other conditions provided by the law of the requested State Party.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 3 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 3 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.

5. A State Party which receives more than one request for extradition from States which have established jurisdiction in accordance with article 6 and which decides not to prosecute shall, in selecting the State to which the offender or alleged offender is to be extradited, pay due regard to the interests and responsibilities of the State Party whose flag the ship was flying at the time of the commission of the offence.

6. In considering a request for the extradition of an alleged offender pursuant to this Convention, the requested State shall pay due regard to whether his rights as set forth in article 7, paragraph 3, can be effected in the requesting State.

7. With respect to the offences as defined in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent that they are incompatible with this Convention.

#### ARTICLE 12

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 3, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties on mutual assistance that may exist between them. In the absence of such treaties, States Parties shall afford each other assistance in accordance with their national law.

#### ARTICLE 13

1. States Parties shall co-operate in the prevention of the offences set forth in article 3, particularly by:

- (a) taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories;
- (b) exchanging information in accordance with their national law, and co-ordinating administrative and other measures taken as appropriate to prevent the commission of offences set forth in article 3.

2. When, due to the commission of an offence set forth in article 3, the passage of a ship has been delayed or interrupted, any State Party in whose territory the ship or passengers or crew are present shall be bound to exercise all possible efforts to avoid a ship, its passengers, crew or cargo being unduly detained or delayed.

#### ARTICLE 14

Any State Party having reason to believe that an offence set forth in article 3 will be committed shall, in accordance with its national law, furnish as promptly as possible any relevant information in its possession to those States which it believes would be the States having established jurisdiction in accordance with article 6.

## ARTICLE 15

1. Every State Party shall, in accordance with its national law, provide to the Secretary-General, as promptly as possible, any relevant information in its possession concerning:

- (a) the circumstances of the offence;
- (b) the action taken pursuant to article 13, paragraph 2;
- (c) the measures taken in relation to the offender or the alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

2. The State Party where the alleged offender is prosecuted shall, in accordance with its national law, communicate the final outcome of the proceedings to the Secretary-General.

3. The information transmitted in accordance with paragraphs 1 and 2 shall be communicated by the Secretary-General to all States Parties, to Members of the International Maritime Organization (hereinafter referred to as "the Organization"), to the other States concerned, and to the appropriate international intergovernmental organizations.

## ARTICLE 16

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by any or all of the provisions of paragraph 1. The other States Parties shall not be bound by those provisions with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 may, at any time, withdraw that reservation by notification to the Secretary-General.

## ARTICLE 17

1. This Convention shall be open for signature at Rome on 10 March 1988 by States participating in the International Conference on the Suppression of Unlawful Acts against the Safety of Maritime Navigation and at the Headquarters of the Organization by all States from 14 March 1988 to 9 March 1989. It shall thereafter remain open for accession.

2. States may express their consent to be bound by this Convention 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.

## ARTICLE 18

1. This Convention shall enter into force ninety days following the date on which fifteen 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.<sup>1</sup>

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<sup>1</sup> The Convention entered into force on 1 March 1992.

2. For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Convention after the conditions 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 19

1. This Convention may be denounced by any State Party at any time after the expiry of one year from the date on which this Convention 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.

#### ARTICLE 20

1. A conference for the purpose of revising or amending this Convention may be convened by the Organization.
2. The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of one third of the States parties, or ten States Parties, whichever is the higher figure.
3. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

#### ARTICLE 21

1. This Convention shall be deposited with the Secretary-General.
2. The Secretary-General shall:
  - (a) inform all States which have signed this Convention 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 Convention;
    - (iii) the deposit of any instrument of denunciation of this Convention 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 this Convention;
  - (b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.
3. As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

#### ARTICLE 22

This Convention 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 Convention.

Done at Rome this tenth day of March one thousand nine hundred and eighty-eight.



## SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of Ratification, Acceptance (AC) Approval (AP)</i>
Argentina*	10 Mar. 1988	17 Aug. 1993†
Austria*	10 Mar. 1988	28 Dec. 1989
Bahamas*	10 Mar. 1988	
Belgium*	9 Mar. 1988	
Brazil*	10 Mar. 1988	
Brunei Darussalam*	3 Feb. 1989	
Bulgaria*	10 Mar. 1988	
Byelorussia*	2 Mar. 1989†	
Canada*	10 Mar. 1988	18 Jun. 1993†
Chile*	10 Mar. 1988	22 Apr. 1994
China, People's Republic of*	25 Oct. 1988	20 Aug. 1991†
Costa Rica*	10 Mar. 1988	
Czechoslovakia*	9 Mar. 1989	
Czech Republic†	—	—
Denmark*	26 Oct. 1988	
Ecuador*	10 Mar. 1988	
Egypt*	16 Aug. 1988	8 Jan. 1993†
Finland*	18 Nov. 1988	
France*	10 Mar. 1988	2 Dec. 1991(AP)†
Greece*	10 Mar. 1988	11 Jun. 1993
Hungary*	10 Mar. 1988	9 Nov. 1989
Iraq*	17 Oct. 1988†	
Israel*	10 Mar. 1988	
Italy*	10 Mar. 1988	26 Jan. 1990
Jordan*	10 Mar. 1988	
Liberia*	10 Mar. 1988	
Morocco*	10 Mar. 1988	
Netherlands*	23 Jan. 1989	5 Mar. 1992(AC)
New Zealand*	8 Dec. 1988	
Nigeria*	9 Sept. 1988	
Norway*	10 Mar. 1988	18 Apr. 1991
Philippines*	10 Mar. 1988	
Poland*	22 Nov. 1988	25 Jun. 1991
Saudi Arabia*	6 Mar. 1989	
Seychelles*	24 Jan. 1989	24 Jan. 1989
Soviet Union*	2 Mar. 1989†	
Spain*	28 Sept. 1988	7 Jul. 1989
Sweden*	10 Mar. 1988	13 Sept. 1990
Switzerland*	10 Mar. 1988	12 Mar. 1993
Turkey*	10 Mar. 1988†	
Ukraine*	2 Mar. 1989†	21 Apr. 1994
United Kingdom*	22 Sept. 1988	3 May 1991†
United States*	10 Mar. 1988	6 Dec. 1994

## ACCESSIONS

<i>State</i>	<i>Date of Accession</i>
Australia	19 Feb. 1993
Barbados	6 May 1994
Gambia	1 Nov. 1991
German Democratic Republic	14 Apr. 1989†
Lebanon	16 Dec. 1994
Marshall Islands	29 Nov. 1994
Mexico	13 May 1994†
Oman	24 Sept. 1990
Romania	2 Jun. 1993
Trinidad and Tobago	27 Jul. 1989

\* signature subject to ratification

† declaration/reservation/statement/notification

## DECLARATIONS, RESERVATIONS, STATEMENTS AND NOTIFICATIONS

### ARGENTINA

The instrument of ratification contained the following reservation:

[*Translation*]

“The Argentine Republic declares, in accordance with the provisions of article 16, paragraph 2, of the Convention, that it shall not be bound by any of the provisions of paragraph 1 of that article.”

### BYELORUSSIA

The following reservation was made at the time of signature of the Convention:

In compliance with article 17, paragraph 2(b) of the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988, this Convention enters into force for the Byelorussian SSR after its ratification by the competent authorities of the Byelorussian Soviet Socialist Republic.

### CANADA

In a notification dated 1 July 1993, Canada notified the Secretary General of the International Maritime Organization that Canada has established jurisdiction over offences in all of the cases cited in Article 6, paragraph 2 of the Convention.

### CHILE

The following statement was made at the time of signature of the Convention:

[*Translation*]

“In connection with the provisions of article 4 of the present Convention, the Government of Chile shall not apply the provisions thereof to incidents that occur in its internal waters and in the waters of Magellan Strait.”

### CHINA

The following statement was made at the time of signature of the Convention:

[*Translation*]

“The People’s Republic of China shall not be bound by paragraph 1 of article 16 of the said Convention.”

This statement was reaffirmed in the instrument of ratification of the People’s Republic of China.

### CZECH REPUBLIC

In a communication dated 19 October 1993, the Minister of Foreign Affairs of the Czech Republic stated:

“In conformity with the valid principles of international law and to the extent defined by it, the Czech Republic, as a successor State to the Czech and Slovak Federal Republic, considers itself bound as of January 1, 1993, i.e., the date of the dissolution of the Czech and Slovak Federal Republic, by the multilateral international treaties to which the Czech and Slovak Federal Republic was a party on that date, including reservations and declarations to their provisions made earlier by the Czech and Slovak Federal Republic.”

### EGYPT

The instrument of ratification was accompanied by the following reservations:

[*Translation*]

“1. A reservation is made to article 16 on the peaceful settlement of disputes because it provides for the binding jurisdiction of the International Court of Justice, and also with regard to the application of the Convention to seagoing ships in internal waters which are scheduled to navigate beyond territorial waters.

2. A reservation is made to article 6, paragraph 2, of the Convention and article 3, paragraph 2, of the Protocol because those articles permit the optional jurisdiction of blackmailed States (which are asked by the perpetrator of an act of terrorism to do or abstain from doing any act).

This is in compliance with the provision of paragraph 4 of each of the two articles.”

## FRANCE

The instrument of approval of the French Republic contained the following declarations:

[Translation]

"1. As far as article 3, paragraph 2, is concerned the French Republic understands by "tentative", "incitation", "complicité" and "menace", *la tentative, l'incitation, la complicité* and *la menace* as defined in the conditions envisaged by French criminal law.

2. The French Republic does not consider itself bound by the provisions of article 16, paragraph 1, according to which: "Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court".

## GERMAN DEMOCRATIC REPUBLIC

The instrument of accession of the German Democratic Republic was accompanied by the following reservation in the German language:

[Translation]

"In accordance with article 16, paragraph 2, of the Convention the German Democratic Republic declares that it does not consider itself bound by article 16, paragraph 1, of the Convention."

## IRAQ

The following reservation was made at the time of signature of the convention:

[Translation]

"This signature does not in any way imply recognition of Israel or entry into any relationship with it."

## MEXICO

The following reservation was made at the time of recession:

"Mexico's accession to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, and to its Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988, is on the understanding that in matters relating to extradition, both article 11 of the Convention and article 3 of the Protocol will be applied in the Republic of Mexico subject to the modalities and procedures laid down in the applicable provisions of national law."

## SOVIET UNION

The following reservation was made at the time of signature of the Convention:

In compliance with article 17, paragraph 2(b) of the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988, this Convention enters into force for the USSR after its ratification by the competent authorities of the Union of Soviet Socialist Republics.

## TURKEY

The following reservation was made at the time of signature of the Convention:

The Government of the Republic of Turkey signs the Convention subject to ratification and with reservation to the effect that it does not consider itself bound by all of the provisions of article 16 paragraph (1).

## UKRAINE

The following reservation was made at the time of signature of the Convention:

In compliance with article 17, paragraph 2(b) of the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988, this Convention enters into force for the Ukrainian SSR after its ratification by the competent authorities of the Ukrainian Soviet Socialist Republic.

## UNITED KINGDOM

The instrument of ratification of the United Kingdom of Great Britain and Northern Ireland was accompanied by the following declaration:

". . . that until consultations with various territories under the territorial sovereignty of the United Kingdom are completed, the Convention and Protocol will apply in respect of the United Kingdom of Great Britain and Northern Ireland only. Consultations with the territories are in hand and are expected to be completed by the end of 1991."

**PROTOCOL**  
**FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF**  
**FIXED PLATFORMS LOCATED ON THE CONTINENTAL SHELF**

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 5 and 7 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. In cases where this Protocol does not apply pursuant to paragraph 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 whose internal waters or territorial sea the fixed platform is located.

3. 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) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation; 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, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (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.
3. Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General of the International Maritime Organization (hereinafter referred to as "the Secretary-General"). If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.
4. 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.
5. This Protocol does not exclude any criminal jurisdiction exercised in accordance with national law.

### ARTICLE 4

Nothing in this Protocol shall affect in any way the rules of international law pertaining to fixed platforms located on the continental shelf.

### ARTICLE 5

1. This Protocol shall be open for signature at Rome on 10 March 1988 and at the Headquarters of the International Maritime Organization (hereinafter referred to as "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.
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. However, this Protocol shall not enter into force before the Convention has entered into force.<sup>1</sup>

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<sup>1</sup> The Protocol entered into force on 1 March 1992.

2. For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the conditions 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 five States Parties, whichever is the higher figure.

3. Any instrument of ratification, acceptance, approval or accession deposited after the date of 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 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 this Protocol or under the Convention, concerning this Protocol;

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

3. As soon as this Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

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.

## SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of Ratification, Acceptance (AC) Approval (AP)</i>
Argentina*	10 Mar. 1988	
Bahamas*	10 Mar. 1988	
Belgium*	9 Mar. 1989	
Brazil*	10 Mar. 1988	
Brunei Darussalam*	3 Feb. 1989	
Bulgaria*	10 Mar. 1988	
Byelorussia*	2 Mar. 1989†	
Canada*	10 Mar. 1988	18 Jun. 1993†
Chile*	10 Mar. 1988	22 Apr. 1994
China, People's Republic of*	25 Oct. 1988	20 Aug. 1991†
Costa Rica*	10 Mar. 1988	
Czechoslovakia*	9 Mar. 1989	
Czech Republic†	—	—
Denmark*	26 Oct. 1988	
Ecuador*	10 Mar. 1988	
Egypt*	16 Aug. 1988	8 Jan. 1993†
France*	10 Mar. 1988	2 Dec. 1991†
Greece*	10 Mar. 1988	11 Jun. 1993
Hungary*	10 Mar. 1988	9 Nov. 1989
Iraq*	17 Oct. 1988†	
Israel*	10 Mar. 1988	
Italy*	10 Mar. 1988	26 Jan. 1990
Jordan*	10 Mar. 1988	
Liberia*	10 Mar. 1988	
Morocco*	10 Mar. 1988	
Netherlands*	23 Jan. 1989	5 Mar. 1992(AC)†
New Zealand*	8 Dec. 1988	
Nigeria*	9 Sept. 1988	
Norway*	10 Mar. 1988	18 Apr. 1991
Philippines*	10 Mar. 1988	
Poland*	22 Nov. 1988	25 Jun. 1991
Saudi Arabia*	6 Mar. 1989	
Seychelles*	24 Jan. 1989	24 Jan. 1989
Soviet Union*	2 Mar. 1989†	
Spain*	28 Sept. 1988	7 Jul. 1989
Sweden*	10 Mar. 1988	13 Sept. 1990
Switzerland*	27 Feb. 1989	12 Mar. 1993
Turkey*	10 Mar. 1988†	
Ukraine*	2 Mar. 1989†	21 Apr. 1994†
United Kingdom*	22 Sept. 1988	3 May 1991†
United States*	10 Mar. 1988	6 Dec. 1994

## ACCESSIONS

<i>State</i>	<i>Date of Accession</i>
Austria	28 Dec. 1989
Barbados	6 May. 1994
German Democratic Republic	14 Apr. 1989†
Lebanon	16 Dec. 1994
Mexico	13 May 1994†
Oman	24 Sept. 1990
Romania	2 Jun. 1993
Trinidad and Tobago	27 Jul. 1989

\* subject to ratification

† declaration/reservation/statement/notification



## DECLARATIONS, RESERVATIONS, STATEMENTS AND NOTIFICATIONS

### BYELORUSSIA

The following reservation was made at the time of signature of the Protocol:

In compliance with article 5, paragraph 2(b) of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 10 March 1988, this Protocol enters into force for the Byelorussian SSR after its ratification by the competent authorities of the Byelorussian Soviet Socialist Republic.

### CANADA

In a notification dated 1 July 1993, Canada notified the Secretary-General of the International Maritime Organization that Canada has established jurisdiction over offences in all of the cases cited in Article 3, paragraph 2 of the Protocol.

### CHINA

The following statement was made at the time of signature of the Protocol:

[*Translation*]

“The People’s Republic of China shall not be bound by paragraph 1 of article 16 of the said Convention.”

The following statement was made on ratification.

The instrument of ratification contained the following statement:

“The Government of the People’s Republic of China reaffirms that the People’s Republic of China is not bound by paragraph 1, article 16 of the Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation.”

### CZECH REPUBLIC

In a communication dated 22 December 1993 the Minister of Foreign Affairs of the Czech Republic stated:

“In conformity with the valid principles of international law and to the extent defined by it, the Czech Republic, as a successor State to the Czech and Slovak Federal Republic, considers itself bound as of January 1, 1993, i.e., the date of the dissolution of the Czech and Slovak Federal Republic, by the multilateral international treaties to which the Czech and Slovak Federal Republic was a party on that date, including reservations and declarations to their provisions made earlier by the Czech and Slovak Federal Republic.”

### EGYPT

The instrument of ratification was accompanied by the following reservations:

[*Translation*]

“1. A reservation is made to article 16 on the peaceful settlement of disputes because it provides for the binding jurisdiction of the International Court of Justice, and also with regard to the application of the Convention to seagoing ships in internal waters which are scheduled to navigate beyond territorial waters.”

2. A reservation is made to article 6, paragraph 2, of the Convention and article 3, paragraph 2, of the Protocol because those articles permit the optional jurisdiction of blackmailed States (which are asked by the perpetrator of an act of terrorism to do or abstain from doing any act).

This is in compliance with the provision of paragraph 4 of each of the two articles.”

### FRANCE

The instrument of approval of the French Republic contained the following declarations:

[*Translation*]

“1. As far as article 2, paragraph 2, is concerned the French Republic understands by “tentative”, “incitation”, “complicité” and “menace”, *la tentative, l’incitation, la complicité* and *la menace* as defined in the conditions envisaged by French criminal law.

2. The French Republic does not consider itself bound by the provisions of article 1, paragraph 1, to the extent that reference is made to the provisions of article 16, paragraph 1, according to which: “Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court”.”

## GERMAN DEMOCRATIC REPUBLIC

The instrument of accession of the German Democratic Republic was accompanied by the following reservation in the German language:

[*Translation*]

“In accordance with article 16, paragraph 2, of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the provisions of which shall also apply *mutatis matandis* to the Protocol according to article 1, paragraph 1, of the Protocol, the German Democratic Republic declares that it does not consider itself bound by article 16, paragraph 1 of the Convention as regards the Protocol.”

## IRAQ

The following reservation was made at the time of signature of the Protocol:

[*Translation*]

“This signature does not in any way imply recognition of Israel or entry into any relationship with it.”

## MEXICO

The following reservation was made at the time of Accession:

“Mexico’s accession to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, and to its Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988, is on the understanding that in matters relating to extradition, both Article 11 of the Convention and Article 3 of the Protocol will be applied in the Republic of Mexico subject to the modalities and procedures laid down in the applicable provisions of national law”.

## NETHERLANDS

The instrument of acceptance of the Kingdom of the Netherlands contained the following reservation:

“With regard to the obligation laid down in article 1 of the Protocol in conjunctions with article 10 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to exercise jurisdiction in cases where the judicial authorities of the Netherlands cannot exercise jurisdiction on any of the grounds referred to in article 3, paragraph 1, of the Protocol, the Government of the Kingdom of the Netherlands reserves the right to be bound to exercise such jurisdiction only after the Kingdom has received and rejected a request for extradition from a State Party”.

## SOVIET UNION

The following reservation was made at the time of signature of the Protocol:

In compliance with article 5, paragraph 2(b) of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 10 March 1988, this Protocol enters into force for the USSR after its ratification by the competent authorities of the Union of Soviet Socialist Republics.

## TURKEY

The following reservation was made at the time of signature of the Protocol:

The Government of Turkey signs the Protocol subject to ratification and with reservation to the effect that it does not consider itself bound by all of the provisions of article 16 paragraph (1) of the Convention.

## UKRAINE

The following reservation was made at the time of signature of the Protocol:

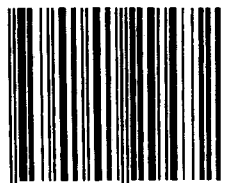
In compliance with article 5, paragraph 2(b) of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 10 March 1988, this Protocol enters into force for the Ukrainian SSR after its ratification by the competent authorities of the Ukrainian Soviet Socialist Republic.

## UNITED KINGDOM

The instrument of ratification of the United Kingdom of Great Britain and Northern Ireland was accompanied by the following declaration.

“ . . . that until consultations with various territories under the territorial sovereignty off the United Kingdom are completed, the Convention and Protocol will apply in respect of the United Kingdom of Great Britain and Northern Ireland only. Consultations with the terrorists are in hand and are expected to be completed by the end of 1991.”

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