

A-15:Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Name of the Convention: Convention for the Suppression of Unlawful Acts against the Safety of Marine Navigation, 1988.

Acronym or short name: SUA

International organisation in charge of it: International Maritime Organization (IMO)

Summary description (in plain language):

The SUA Convention was devised to overcome the limitation of legal application to piracy acts defined by piracy clauses of UNCLOS. (UNCLOS covers piracy acts of only limited categories such as made 1)against other ships, 2) for private ends, 3)on the high seas)

The SUA Convention extends its application to the unlawful acts committed on/by ships navigating from/to high seas (art.4) and also to the offence committed in the State's territory.(art.6). As the condition of private ends is not stipulated, unlawful acts for both political and private ends are covered by the Convention.

This Convention aims to facilitate the suppression of unlawful acts which threaten the safety of ships and the security of their passengers and crews. The main objective of the SUA Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. (art.5) The concept of unlawful acts include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it (art.3).

The Convention obliges Contracting State to either extradite or prosecute alleged offenders (art.7), if an offence is committed against a ship flying its flag or within its territory or by a national of this State.(Art. 6) The SUA Convention does not affect the powers of national States under international law to investigate or to enforce on board of ships not flying their flags (art.9).

The SUA Convention applies to ships navigating the high seas, i.e. beyond the territorial waters of the national States (art. 4). However SUA does not apply to warships, ships owned or operated by a State, ships which have been withdrawn from navigation (art.2).

This Convention is supplemented by the [Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf](#) 1988. (The 1988 SUA Protocol) This Protocol extends the requirements of the Convention to fixed platforms such as those engaged in the exploitation of offshore oil and gas (art.1).

Date of signature: 10 March 1988 (Both 1988 SUA Convention, and 1988 SUA Protocol)

Date of entry into force: 1 March 1992 (Both 1988 SUA Convention, and 1988 SUA Protocol)

Major Revisions or Amendments:

2005 Protocol to the SUA Convention (SUA 2005); (Adoption 14 October 2005 / Entered into force 28 July 2010)

New Article 3bis: This new provision extends the application of SUA Convention 1988 to the following acts : “To intimidate a population, or to compel a Government or an international organization to do or abstain from doing any act, a) using explosive, radioactive material or BCN(biological, chemical, nuclear) weapon / discharging oil, liquefied natural gas or other HNS from a ship / using a ship to cause death or injury, b) transporting on board a ship any explosive, radioactive material, any BCN weapons or any source material etc.

New Article 8bis: This new provision sets out procedures of co-operation between Contracting States to prevent and suppress unlawful acts covered by this Convention. If a Contracting State has reasonable grounds to suspect that a ship flying its flag is, has been, or is about to be involved in, committing an offence under the SUA Convention, it may request the assistance of another Contracting State.(8bis-4)

If a Contracting State desires to board a ship flying the flag of another Contracting State based on an assumption that the ship or a person on board the ship is involved in committing an offence stipulated in the Convention, the requesting Contracting State shall ask the flag State for authorization to board and to take appropriate measures. The flag State shall either authorize the boarding by the requesting Contracting State or decline the request.

New Article 11bis & 11ter: The new Article 11bis states that the offences stipulated in articles 3,3bis,3ter or 3quarter should not be considered as a political offence for the purposes of extradition. New article 11ter states that the obligation to extradite or afford mutual legal assistance need not apply if the request for extradition is believed to have been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinion or gender, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

New Article 12bis: The new Article 12bis covers the conditions under which a person who is being detained or is serving a sentence in the territory of a Contracting State may be transferred to another Contracting State for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences.

2005 Protocol to 1988 SUA Protocol(SUA Protocol 2005); (Adoption 14 October 2005 / Entered into force 28 July 2010)

The amendments to “the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf “ reflect those amendments made in the 2005 Protocol to the SUA Convention.

Applicability (situation of ratification): Both the SUA Convention 1988 and the protocol of

1988 to the SUA Convention have entered into force on 1 March 1992, when the requirements in art. 18 SUA and art. 6 Protocol of 1988 were fulfilled.

SUA 1988: 156 States, 94.73% of world tonnage (as at 31 December 2010)

SUA Protocol 1988: 145 States, 89.56 % of world tonnage (as at 31 December 2010)

SUA 2005: 17 States, 7.66% of world tonnage (as at 31 December 2010)

SUA Protocol 2005: 13 States, 6.93% of world tonnage (as at 31 December 2010)

Stakes for ports: The SUA Convention substantially extends the powers of national States to act against unlawful acts committed at sea and offers procedures for co-ordinated action to be taken by Contracting States. The Convention has also introduced a principle which obliges Contracting Governments either to extradite or prosecute alleged offenders.

Links with other conventions:

[Charter of United Nations,](#)

[Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf](#) (extends the requirements of the Convention to fixed platforms such as those engaged in the exploitation of offshore oil and gas).

(Hostage Taking)

[http://www.un.org/en/sc/ctc/docs/conventions/Conv5.pdf#search=""international convention against the taking of hostage"](http://www.un.org/en/sc/ctc/docs/conventions/Conv5.pdf#search=)

Key-words: safety of navigation, unlawful acts, offence, suppression of unlawful acts

Internet hyperlink with other website:

<http://www.imo.org/>

<http://www.comitemaritime.org/>

<http://www.un.org/>

(Full Text of 1988 Convention) <http://www.admiraltylawguide.com/conven/suppression1988.html>

