
CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AGAINST THE SAFETY OF MARITIME NAVIGATION (SUA CONVENTION)

Adopted: 10 March 1988.

Entered into Force: 1 March 1992.

Duration: The Convention does not set any limits on its duration.

Number of Parties: 156

Signatories that have not ratified: 0

Depository: [International Maritime Organization \(IMO\)](#)

2005 Protocol to SUA Convention:

Opened for signature: 14 October 2005

Contracting States: 11

Signatories that have not ratified: 10

Treaty / Protocol Text

Background: Concern about unlawful acts that threaten the safety of ships and the security of their passengers and crews grew during the 1980s, which motivated states to negotiate and subsequently adopt this convention. This concern stemmed from reports of crews being kidnapped, ships being hijacked, deliberately run aground, or blown up by explosives. Due to these developments, especially the 1985 hijacking of the *Achille Lauro*, the UN General Assembly adopted Resolution 40/61 in 1985, urging States to cooperate in contributing to the elimination of causes underlying terrorism and invited the IMO to study the problem of terrorism aboard or against ships with a view to making recommendations on appropriate measures.

In response to the *Achille Lauro* hijacking, the Governments of Austria, Egypt, and Italy made a proposal in November 1986 that the IMO prepare a convention on the subject of unlawful acts against the safety of maritime navigation.

To supplement their efforts, the Maritime Safety Committee of the IMO issued a circular (MSC/Circ.443) on measures to prevent unlawful acts against passengers and crews on board ships. According to the circular, governments, port authorities, administrators, ship-owners, shipmasters, and

crews should take appropriate measures to prevent unlawful acts that may threaten passengers and crews.

The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation was adopted in Rome in 1988

Provisions: The Convention defines “ship” as any type of vessel whatsoever that is not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or other floating craft. Warships, ships owned or operated by a State when being used as a naval auxiliary or for customs or police purposes, or ships that have been withdrawn from navigation or laid up are not included under the auspices of the Convention.

According to the provisions of the Convention, any person commits an offense if that person unlawfully and intentionally commits, attempts to commit, threatens to commit, or abets the seizure or exercise of control over a ship by force or threat of force or any form of intimidation; or commits any of the following acts if it endangers or is likely to endanger the safe navigation of that ship: an act of violence against a person on board; destroying a ship or damaging a ship or its cargo; placing or causing to be placed on a ship a device or substance likely to destroy the ship or cause damage to the ship or its cargo; destroying or seriously damaging maritime navigational facilities or seriously interfering with their operation; or communicating information he knows to be false. It is also an offense to injure or kill any person in connection with the commission or attempted commission of any of the previous offenses.

The 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. In all other cases, the Convention also applies when the offender or alleged offender is found in the territory of a State Party other than the State in whose waters the offense occurred.

States Parties are required to make the offenses punishable by appropriate penalties that take into account the grave nature of those offenses.

Measures to establish jurisdiction over the offenses shall be taken when the offense is committed against or on board a ship flying the flag of the State at the time the offense is committed; in the territory of that State, including its territorial sea; by a national of that State; by a stateless person whose habitual residence is in that State; in an attempt to compel that State to do or abstain from doing any act; or when a national of that State is seized, threatened, injured, or killed during the commission of the offense.

Compliance and Enforcement: Once jurisdiction has been established, States shall take the offender into custody and immediately make a preliminary inquiry into the facts. States Parties are required to either extradite the offender in custody or submit the case for prosecution. States Parties are also required to assist each other in connection with criminal proceedings brought under the Convention. States Parties are also to cooperate in the prevention of offenses by taking all practicable measures to prevent preparations in their respective territories for the commission of those offenses within or outside their territories and by exchanging information in accordance with their national laws.

Reservations and Withdrawal: Under Article 16 paragraph 1, disputes between two or more States concerning the interpretation or application of the Convention will be submitted to arbitration at the request of one of the States if the matter cannot be settled through negotiation. However, at the time of signing, ratification, or accession, a State may make a reservation that it does not consider itself bound by this paragraph, in which case other States Parties shall not be bound to it with respect to any States Party that has made such a declaration.

Under Article 19, the Convention may be denounced by any State Party at any time after the expiry of one year from the date on which the Convention enters into force for that State. Denunciation shall be made by the deposit of an instrument of denunciation with the Secretary-General and will take effect one year, or such a longer period as may be specified in the instrument of denunciation, after the instrument is received by the Secretary-General.

Amendments: A conference for the purpose of revising or amending this Convention may be convened by the IMO. The Secretary-General shall convene such a conference of the States Parties to this Convention at the request of one-third of the States Parties, or 10 States Parties, whichever is the higher fig-

ure. Furthermore, any instrument of ratification, acceptance, approval, or accession deposited after the entry into force of an amendment will apply to the Convention as amended.

2005 Protocol to the SUA Convention: The 2005 SUA Protocol adds Article 3(bis), which criminalizes the intentional transport of any material, equipment, or software that is intended to be used to produce a biological, chemical, or nuclear (BCN) weapon. This does not include nuclear material under IAEA safeguards, which is presumed to be for peaceful purposes.

The 2005 SUA Protocol also criminalizes the transport of a person on board a ship knowing that he committed an offense under the SUA Convention or one of the other UN Counter-Terrorism Conventions. It also requires that States take necessary measures to enable companies, organizations, and similar entities to be held liable when a key manager commits an offense under the Convention.

The new Protocol also modifies the SUA Convention's boarding protocol by establishing additional guidelines for cooperation and procedures to be followed if a State Party desires to board a ship flying the flag of another State Party due to suspicion that the ship or a person on board the ship is, has been, or is about to be involved in, the commission of an offense under the Convention. Once alerted of intention to board a ship, the State Party of the flag the ship is flying has four hours to either deny or approve the boarding. If no response is received within four hours, the requesting State is allowed to board and inspect the vessel.

The 2005 SUA Protocol text establishes that the agreement shall enter into force ninety days following the date on which twelve States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance or approval, or have deposited an instrument of ratification.

The 2005 Protocol to the 1988 SUA Protocol applies the same changes as above but in application to fixed platforms as opposed to moving vessels.

Developments:

2010: On 9 March, the Dominican Republic acceded to the 2005 SUA Protocol. At this point, only one additional contracting state or signature without reservation is needed for the Protocol to enter into force.

2009: In 2009, Latvia and Liechtenstein became contracting states to the 2005 SUA Protocol. The International Civil Aviation Organization began the process of drafting an analogous protocol to the [Con-](#)

[vention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.](#)

2007: 18 States signed the 2005 Protocol to the SUA Convention.

2006: The 2005 Protocols opened for signature on February 13, 2006 and will enter into force 90 days after the twelfth country (three countries in the case of the Fixed Platforms Protocol) deposits an instrument of ratification or acceptance. The United States signed the protocols on 17 February 2006.

2005: The Diplomatic Conference on the Revision of the SUA Treaties, held in London from 10-14 October 2005, adopted new Protocols to the convention following three years of intensive negotiations. They are the 2005 Protocol to the SUA Convention and the 2005 Protocol to the 1988 SUA Protocol (the 1988 Protocol was related to fixed platforms). The new Protocols provide the first international legal framework criminalizing the use of a nonmilitary ship as a weapon or as a means to carry out a terrorist attack, and the transport of terrorists or cargo destined for use in a BCN weapon by ship.

2004: During its 88th session, held from 19 to 23 of April, the IMO Legal Committee continued revising the SUA Convention, taking into consideration other conventions and protocols related to terrorism. Most delegations expressed support for the revision and strengthening of the SUA Convention in order to provide a response to the increasing risks posed to maritime navigation by terrorism. Nevertheless, several delegations drew attention to the need to ensure that the prospective SUA Protocols did not jeopardize the principle of freedom of navigation and the right of innocent passage as prescribed in UNCLOS nor the basic principles of international law and the operation of international commercial shipping.

The 89th session will be held from 25 to 29 October. The revision of the SUA Convention remains a central issue in the agenda. The objective is to have a draft text ready for consideration by a diplomatic conference in 2005.

2003: During its 86th and 87th sessions, the IMO Legal Committee continued to work on proposed amendments to the SUA Convention and its Protocol. The amendments would significantly broaden the range of offenses included in the convention to adapt it to emerging threats.

2002: During its 85th session the IMO Legal Committee held a preliminary exchange of views regarding the text of draft proposed amendments to the 1988 Convention. Four of these new offenses con-

cerned terrorist activities taking place on the ship or directed toward the ship. One of the new offenses concerned the presence of tools or substances not usually used on a ship but useful in a weapon of mass destruction. Two of the new offenses concerned use of the ship for transport of substances to be used for mass destruction. Delegations expressed the need to carefully consider the proposals and to consider whether there was overlap with existing terrorism conventions. It was recognized that even with an expanded focus, SUA would remain a maritime convention under the competency of IMO, and it was important to ensure that the shipping industry does not become a soft target for terrorist activities.

2001: In November, the IMO Assembly adopted resolution A.924(22) calling for a review of measures and procedures to prevent acts of terrorism that threaten the security of passengers and crews and the safety of ships. The IMO Legal Committee (which consists of all member states of IMO) is in charge of the revision of the SUA Convention and its Protocol.

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