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# Mechanisms under the 1988 SUA Convention for Combating Maritime Security Threats

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### **Outline of the Presentation**

- Main Components of the SUA Convention
- Maritime Security Threats in South-East Asia
- Ratification and Implementation of SUA Convention in South-East Asia
- Conclusions





### Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

#### Background

- The hijacking of the *Achille Lauro* in 1985
- Insufficiency of UNCLOS piracy provision

#### Status

- Adopted 10 March 1988
- Enter into force 1 March 1992
- 164 States parties representing 94.52% of the gross tonnage of the world's merchant fleet
- Amendment by the 2005 SUA Protocol which entered into force 28
   July 2010 with 32 States parties





### **Comparing Jurisdictions**

- Piracy offence on the high seas/EEZ; all States can arrest and prosecute;
- Armed robbery against ships offence within internal waters, territorial sea and archipelagic waters; only coastal State can arrest and prosecute;
- SUA offences offence can take place in any maritime zones; no special power to arrest at sea; State parties must arrest if the alleged offenders enter their territory;





### Offences under the 1988 SUA Convention (Article 3)

- Seizure of or exercise of control over a ship by any form of intimidation;
- Endanger or likely to endanger the safe navigation of a ship by:
  - Perform an act of violence against a person on board;
  - Destroy a ship or cause damage to a ship or to its cargo;
  - Place on a ship a device/substance that is likely to damage it;
  - Destroy or seriously damage, or seriously interfere with maritime navigational facilities;
  - Communicate false information;
- Injure or kill any person in connection with the commission of the abovementioned offences;





# Jurisdiction under the 1988 SUA Convention (Articles 5-6)

- States shall establish jurisdiction when the offence is committed:
  - Against or on board a ship flying its flag;
  - In its territory/territorial sea;
  - By its nationals;
- States may establish jurisdiction when the offence is committed:
  - By a stateless person habitually resident in its territory;
  - Against its nationals;
  - In an attempt to compel it to do or abstain from doing any act;
- States shall establish jurisdiction where the alleged offender is present in its territory and it does not extradite him to any States that have established jurisdiction





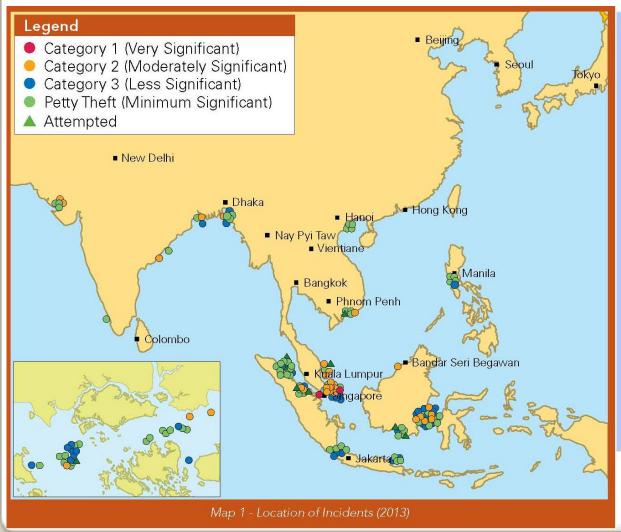
### **Obligations of the States Parties**

- Make SUA offences crimes under national law
- Establish jurisdiction over alleged offenders
- Prosecute or extradition
- Co-operation and mutual legal assistance





# Major Non-Traditional Maritime Security Threats in SEA



- Piracy and armed robbery against ships
- Unlawful acts
   threaten the safety
   of navigation,
   cause damage to a
   ship or its cargo,
   injure or kill any
   person



#### States Parties to the SUA Convention

States	Enter into Force	States	Enter into Force
Brunei Darussalam	3 Mar. 2004	Cambodia	16 Nov. 2006
China	1 Mar. 1992	Japan	23 Jul. 1998
Laos	18 Jun. 2012	Myanmar	18 Dec. 2003
Philippines	5 Apr. 2004	Republic of Korea	12 Aug. 2003
Singapore	3 May 2004	Viet Nam	10 Oct. 2002

- Non-Parties:
  - Malaysia, Indonesia and Thailand





### **Implementation of SUA Convention**

- Passed implementing legislation:
  - Singapore and The Republic of Korea
- No specific implementing legislation:
  - Brunei, Cambodia, China, Japan, Laos, Myanmar,
     the Philippines, and Viet Nam





#### **Jurisdiction under SUA**

- Ship flying Singapore flag, hijacked by Indonesian nationals in Malaysian territorial sea. Hijackers enter a Philippine port to sell the cargo/ship.
- If all parties to SUA and have implementing legislation:
  - The Philippines must take the hijackers into custody and prosecute, or extradite them to
    - 1) Indonesia State of nationality;
    - 2) Singapore Flag State;
    - 3) Malaysia State of territory;





### **Conclusions**

- The 1988 SUA Convention fill many of the limitations in dealing with piracy, armed robbery against ships and other violent acts threatening the safety of navigation
- If all States in South-East Asia ratify and effectively implement SUA, it would give the them a set of useful tools to combat non-traditional maritime security threats





#### **Thank You for Your Attention**

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