

Session 2: Introducing key air law treaties – background, overview of policy objectives and ratification status

International Air Law Treaty Workshop

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TERRORISM PREVENTION BRANCH



UNODC

United Nations Office on Drugs and Crime

*“For nearly two decades, UNODC has been at the forefront of efforts to **promote universalization and effective implementation of the counter-terrorism international legal instruments...** We stand ready to continue to provide tailor-made technical and legal assistance towards these aims.”*



Ghada Waly
Executive Director
United Nations Office on Drugs and Crime

UNODC's mandate to counter CBRN terrorism

CCPCJ 32nd session resolution on technical assistance provided by UNODC related to CBRN Terrorism



Para 24: *“Requests the United Nations Office on Drugs and Crime to continue, within its mandate, to develop its specialized knowledge of the **international legal framework against chemical, biological, radiological and nuclear terrorism as enshrined in the relevant conventions and protocols in order to continue to provide assistance to requesting Member States in the effective legal, operational and technical implementation of these instruments, including through capacity-building.**”*

New Agenda for Peace

Secretary-General's New Agenda for Peace (July 2023)

- Reinforce the non-proliferation regime through adherence to the highest nuclear safeguards standards, ensuring that they keep pace with technological developments and ensure accountability for non compliance with non-proliferation obligations. **Strengthen measures to prevent the acquisition of weapons of mass destruction by non-State actors** (pg. 16).



UNODC's Terrorism Prevention Branch



Promote adherence to 19 international legal instruments against terrorism (including the 2010 Beijing Convention and other ICAO instruments)



Assist MS in bringing their CT legislation in line with these instruments



Build the capacity of criminal justice officials to prevent and combat terrorism (including CBRN terrorism)



Strengthen international cooperation in criminal matters

International conventions and protocols against terrorism

- 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft
- 1970 Convention for the Suppression of Unlawful Seizure of Aircraft
- 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
- 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
- 1979 International Convention against the Taking of Hostages
- 1980 Convention on the Physical Protection of Nuclear Material (CPPNM)*
- 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation
- 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection
- 1997 International Convention for the Suppression of Terrorist Bombings*
- 1999 International Convention for the Suppression of the Financing of Terrorism
- 2005 International Convention for the Suppression of Acts of Nuclear Terrorism*
- 2005 Amendment to the CPPNM*
- 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation*
- 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf*
- **2010 Convention on the Suppression of Unlawful Acts relating to International Civil Aviation***
- 2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft
- 2014 Protocol to the Convention on Offences and Certain other Acts Committed on Board Aircraft

* International legal instruments against CBRN terrorism
ICAO Instruments

International Legal Instruments Against CBRN Terrorism

Seven instruments adopted under the auspices of different organizations

United Nations Conventions



Civil Aviation Instruments (ICAO)



Maritime Agreements (IMO)



IAEA Instruments



International conventions and protocols against CBRN Terrorism

Common elements:

- ✓ Criminalization
- ✓ Jurisdiction
- ✓ Principle 'extradite or prosecute'
- ✓ International cooperation



International Convention for the Suppression of Terrorist Bombings (1997)

170 States Parties as of December 2023

Entry into force: 23 May 2001

Depositary: UN

- Criminalizes the act of delivering, placing, discharging or detonating in/into/against various defined public places an explosive or other lethal device with the intent to cause death, serious bodily injury or extensive material damage
- “Explosive or other lethal device” defined as a weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material
- Also covers preparatory conduct

Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (2005 SUA Convention)

53 Contracting States as of December 2023

Entry into force: 28 July 2010

Depositary: IMO

- Amends the existing maritime legal regime (1988)
- Includes CBRN related offences
- Creates new offences when the purpose of the act is to intimidate a population, or to compel a Government or international organization to do or abstain from doing any act:
 - Using (or threatening to use) any explosive, radioactive material or BCN weapon against or on a ship
 - Discharging (or threatening to discharge) any explosive, radioactive material or BCN weapon from a ship
 - Unlawfully transporting on board a ship any BCN weapon or any explosive or radioactive material, or related equipment, materials, software or technology

Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (2005 SUA Protocol)

46 Contracting States as of December 2023

Entry into force: 28 July 2010

Depositary: IMO

- Also amends the existing maritime legal regime applicable to fixed platforms located on the continental shelf
- Creates new offences when the purpose of the act in question is to intimidate a population, compel a Government or international organization to do or abstain from doing any act :
 - Using (or threatening to use) any explosive, radioactive material or BCN weapon against or on a fixed platform
 - Discharging (or threatening to discharge) any explosive, radioactive material or BCN weapon from a fixed platform

Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010 Beijing Convention)

47 States Parties as of December 2023

Entry into force: 1 July 2018

Depositary: ICAO

- Modernizes the legal framework for aviation security to deal with new and emerging threats against civil aviation, including the use of BCN weapons or substances
- Criminalizes:
 - The use of a civil aircraft to release or discharge any BCN weapon or explosive, radioactive or similar substances
 - The use of any BCN weapon or explosive, radioactive or similar substances on board or against civil aircraft
 - The unlawful transport of any BCN weapon, explosive or radioactive material or related equipment, materials, software or technology

2010 Beijing Convention

2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation	Date of Signature	Date of Entry into force
Afghanistan	-	-
Australia	15/3/2013	-
Bangladesh	-	-
Bhutan	-	-
Brunei Darussalam	-	-
Cambodia	-	-
China	10/9/2010	1/10/2023
Cook Islands	-	-
Democratic People's Republic of Korea	-	-
Fiji	-	-
India	-	-
Indonesia	10/9/2010	-
Kiribati	-	-

2010 Beijing Convention

2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation	Date of Signature	Date of Entry into force
Laos People's Democratic Republic	-	-
Malaysia	-	-
Maldives	-	-
Marshall Islands	-	-
Micronesia (Federated States of)	-	-
Mongolia	-	-
Myanmar	-	1/7/2018
Nauru	-	-
Nepal	10/9/2010	-
New Zealand	-	-
Pakistan	-	-
Palau	-	-

2010 Beijing Convention

2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation	Date of Signature	Date of Entry into force
Papua New Guinea	-	-
Philippines	-	-
Republic of Korea	10/9/2010	-
Samoa	-	-
Singapore	-	1/9/2022
Solomon Islands	-	-
Sri Lanka	-	-
Thailand	-	-
Timor Leste	-	-
Tonga	-	-
Tuvalu	-	-
Vanuatu	-	-
Viet Nam		
Niue		

2010 Beijing Convention

2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation	Date of Signature	Date of Entry into force
Kenya	-	-
Oman		1/3/2023
Tanzania	-	-

UNSCR 1540 (2004)



OP 2: *“all States ... shall adopt and enforce **appropriate effective laws** which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.”*

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- **OP 3:** “*all States ... shall take and enforce effective measures to establish **domestic controls to prevent the proliferation of nuclear, chemical or biological weapons** and their means of delivery, including by establishing appropriate controls over related materials and to this end shall [...]:*
 - (b) *Develop and maintain **appropriate effective physical protection measures**”;*



Incorporation into national legislation of the criminalization obligations established by the CBRN legal instruments may also contribute to the fulfilment by UN Member States of several obligations set forth by UNSCR 1540

UNSCR 2325 (2016)

OP 7. Calls upon States to take into account developments on the evolving nature of risk of proliferation and rapid advances in science and technology in their implementation of resolution 1540 (2004);

OP 13: *Encourages States, as appropriate, to control access to intangible transfers of technology and to information that could be used for weapons of mass destruction and their means of delivery*

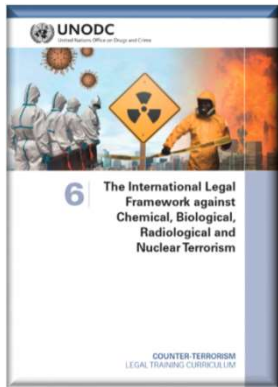
OP 15: *[The Security Council] recalls its decision that all States, in accordance with their national procedures, shall **adopt and enforce appropriate effective laws** for the prohibition of activities under paragraph 2 of resolution 1540 (2004) [...]*

Legislative assistance tools

Legislative assistance
Available upon request

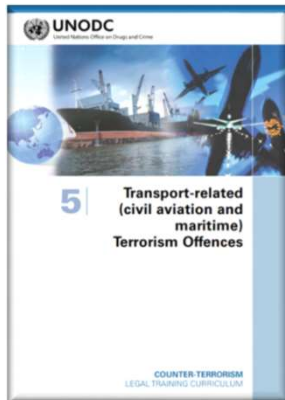


Capacity building tools



Module Six of Counter-Terrorism legal training curriculum

- All six official UN languages

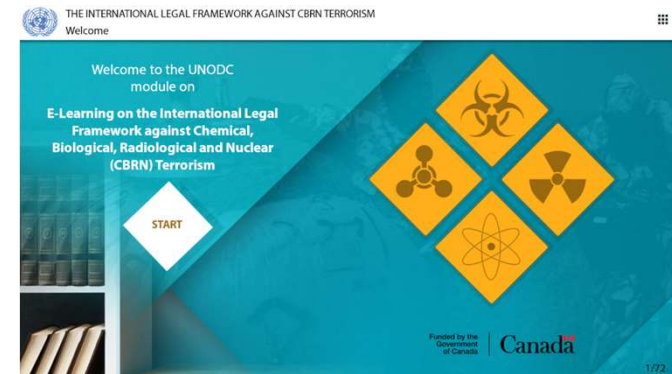


Module Five of Counter-Terrorism legal training curriculum

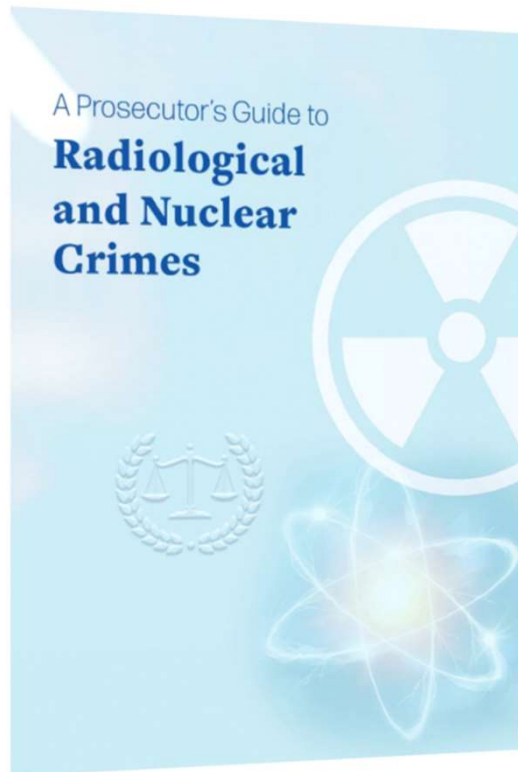
Capacity building tools

eLearning module on the international legal instruments against CBRN terrorism:

- 2,100+ practitioners from 100+ States
- available in six official UN languages + Portuguese



Prosecutor's Guide on Radiological and Nuclear Crimes (upcoming)



- IAEA-UNICRI-IAP-JRC-UNODC initiative
- Guidance for prosecutors, investigators and law enforcement and judicial authorities to support the investigation, prosecution and adjudication of radiological/nuclear crimes

Online Awareness-Raising Event on the International Legal Framework against Biological Terrorism (2020)



- ICAO
- IMO
- INTERPOL
- James Martin Center for Non-Proliferation Studies
- UNODC

Contribution to Sustainable Development Goals (SDGs) 16 and 17



PROMOTE THE RULE OF LAW AND ENSURE EQUAL ACCESS TO JUSTICE

Promote the rule of law at the national and international levels and ensure equal access to justice for all.



STRENGTHEN NATIONAL INSTITUTIONS TO PREVENT VIOLENCE AND COMBAT TERRORISM AND CRIME

Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.



ENHANCE THE GLOBAL PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT

Enhance the Global Partnership for Sustainable Development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the Sustainable Development Goals in all countries, in particular developing countries.

Thank You!

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Canada 

 **UNODC**
United Nations Office on Drugs and Crime