

# Session 3: Beijing 2010 Instruments: the new wall safeguarding civil aviation against acts of unlawful interference

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TERRORISM PREVENTION BRANCH



TERRORISM PREVENTION PROGRAMME



**UNODC**

United Nations Office on Drugs and Crime

# International conventions and protocols against terrorism

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- 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

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## Common elements:

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



# International Convention for the Suppression of Terrorist Bombings (1997)

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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)

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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)

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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)

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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



# Evolution as a Response to International Illicit Procurement Networks and Terrorism and Other Criminal Threats

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The 2005 SUA treaties include a substantial broadening of the range of offences including, for example

- the use of a ship in a manner that causes death or serious
- injury or damage
- the transport of terrorists in order to evade criminal prosecution or
- the unauthorized maritime transport of weapons of mass destruction.

# Evolution as a Response to International Illicit Procurement Networks and Terrorism and Other Criminal Threats

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- The 2005 IMO instruments introduce new offences relating to biological, chemical and nuclear (BCN) weapons and nuclear and other radioactive materials which were not included in previous maritime instruments. They are also the first instruments that apply to equipment, materials and technology relevant to the design, manufacture or delivery of WMD.
- They are therefore the first international legal instruments dealing with the prevention and suppression of maritime-related CBRN terrorism.
- The 2010 Beijing Convention mirrored this evolution

*Thank You!*

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