



Key Aviation Security Legal Instruments: Benefits & Obligations – Beijing Convention & Protocol of 2010

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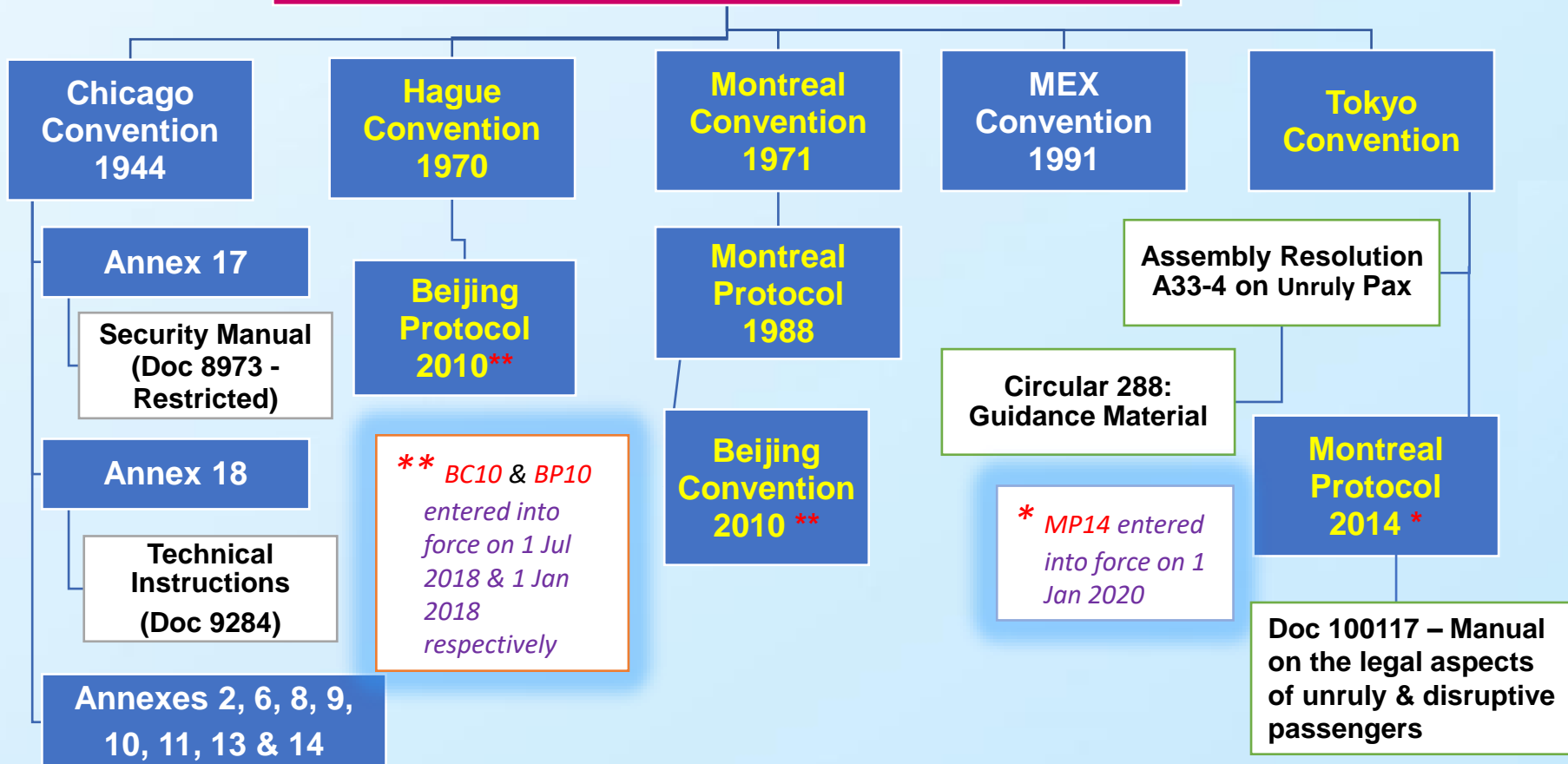
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International AvSec Legal Framework



AvSec Treaties & related documents



ICAO Response to 9/11 Attacks (2001)



- Review of adequacy of existing AvSec Conventions & addressing of new & emerging threats to civil aviation (2002)

- Secretariat Study Group (2005)
 - Acts not covered in existing AvSec Treaties
 - Criminalisation of threat
 - Provisions in then recent UN counter-terrorism Conventions

- Special Sub-Committee (2007-08)

- Legal Committee (2009)

- Diplomatic Conference (2010)



Beijing Convention & Protocol of 2010: *The New Wall Safeguarding Aviation*

- **Beijing Convention 2010** – replacing *Montreal Convention 1971 & Montreal Protocol 1988* (Art. 1)
 - Aircraft as weapon
 - Spread of BCN
 - Organisers, directors, financiers, accomplices (“*bin Laden*” acts)
 - Credible threat
 - Transport of WMDs (BCN, explosives and nuclear material)
- **Beijing Protocol 2010** – amending *Hague Convention 1970* (Art II)
 - Coercion and threats
 - Technological means
 - Organisers, directors, financiers (“*bin Laden*” acts)



Beijing Convention 2010 - Criminalisation



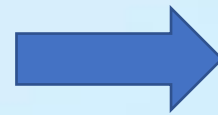
Use of civil aircraft
as a weapon

Using or releasing
BCN weapons,
explosives



Transport of BCNs,
equipment materials
or technology

Cyber attacks on air
navigation facilities

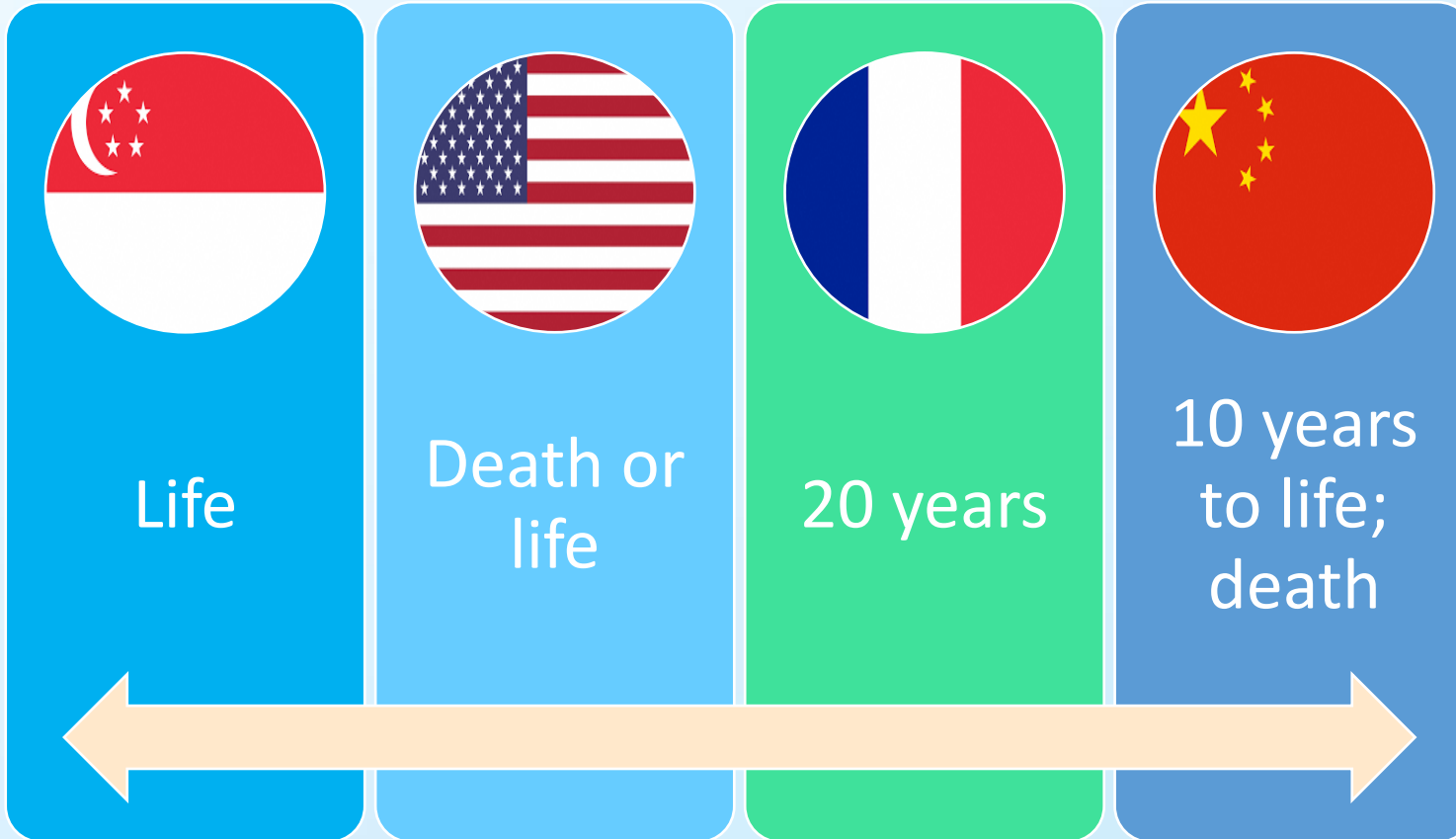


Attempts,
credible threats,
accomplices,
organizers,
directors,
conspirators,
contributors



Beijing Convention & Protocol 2010

- “*offences ... punishable by severe penalties*”



Beijing Convention & Protocol of 2010:



Common provisions of the Treaties



Beijing Convention 2010

- *Air Navigation Facilities definition*

Montreal Convention 1971

Article 1

1. Any person commits an offence if that person unlawfully and intentionally:

...

(d) destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight;

Beijing Convention 2010

Article 2

For the purposes of this Convention:

(c) “**Air navigation facilities**” include signals, data, information or systems necessary for the navigation of the aircraft;



Beijing Protocol of 2010 - Amending The Hague Convention 1970

Hague Convention 1970

Article 1. Any person who *on board* an aircraft *in flight*:

(a) *unlawfully*, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; ...

commits an offence.

Article II

Article 1 of *Hague Convention 1970* shall be replaced by the following:

“Article 1

1. Any person commits an offence if that person **unlawfully and intentionally** seizes or exercises control of an aircraft **in service** by force or threat thereof, or by **coercion**, or by any other form of intimidation, or **by any technological means**.



Beijing Convention & Protocol of 2010: Major Contributions



- ❑ Criminalize acts constituting new and emerging threats against civil aviation
- ❑ Expand grounds of jurisdiction (by the State of nationality / residence of offender and the State of nationality of victim)





Thank you



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