



| ICAO

INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY

**International Air Law Treaty Workshop, Paris – 22 to 23 May
2024**





ICAO

Session 3: The evolution of aerial crime and the development of air law treaties – The road to Beijing 2010.

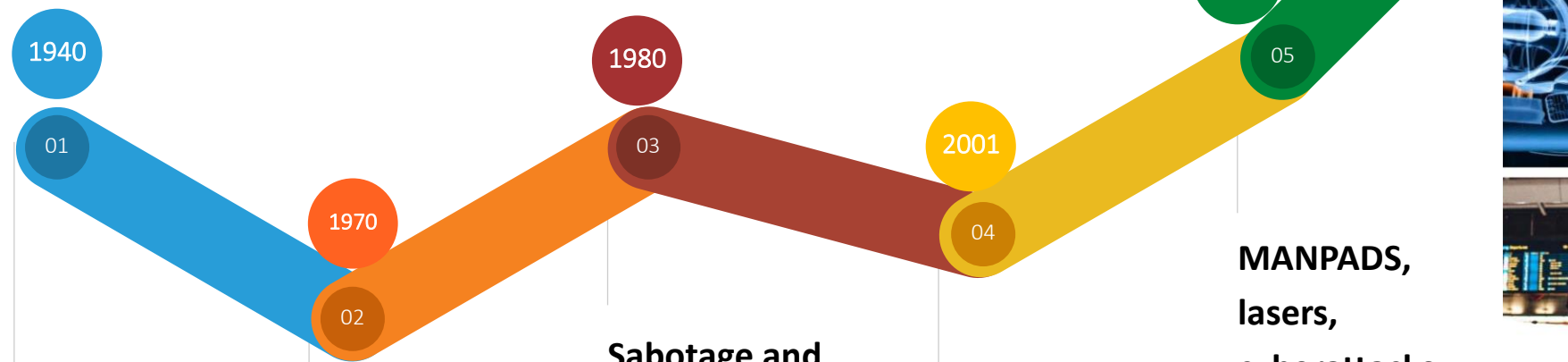
Andrew P. Opolot
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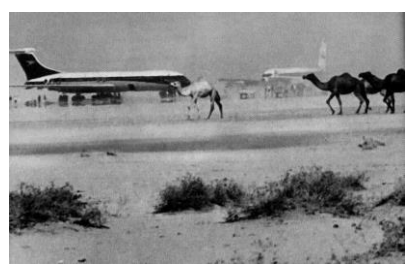
International Air law Treaty Workshop (IAL-TW/2)
Paris, France | 22 – 23 May 2024



Milestones in aerial crime and acts of unlawful interference



01
1940
Ordinary Crime
 Assaults,
 contraband



02
1970
**Hijacking and
 hostage taking**

03
1980
**Sabotage and
 bombings**
 Lockerbie type
 bombings



04
2001
**9/11 and
 aircraft
 weapons**
 Shoe and
 underwear
 bombers, LAGs
 plots

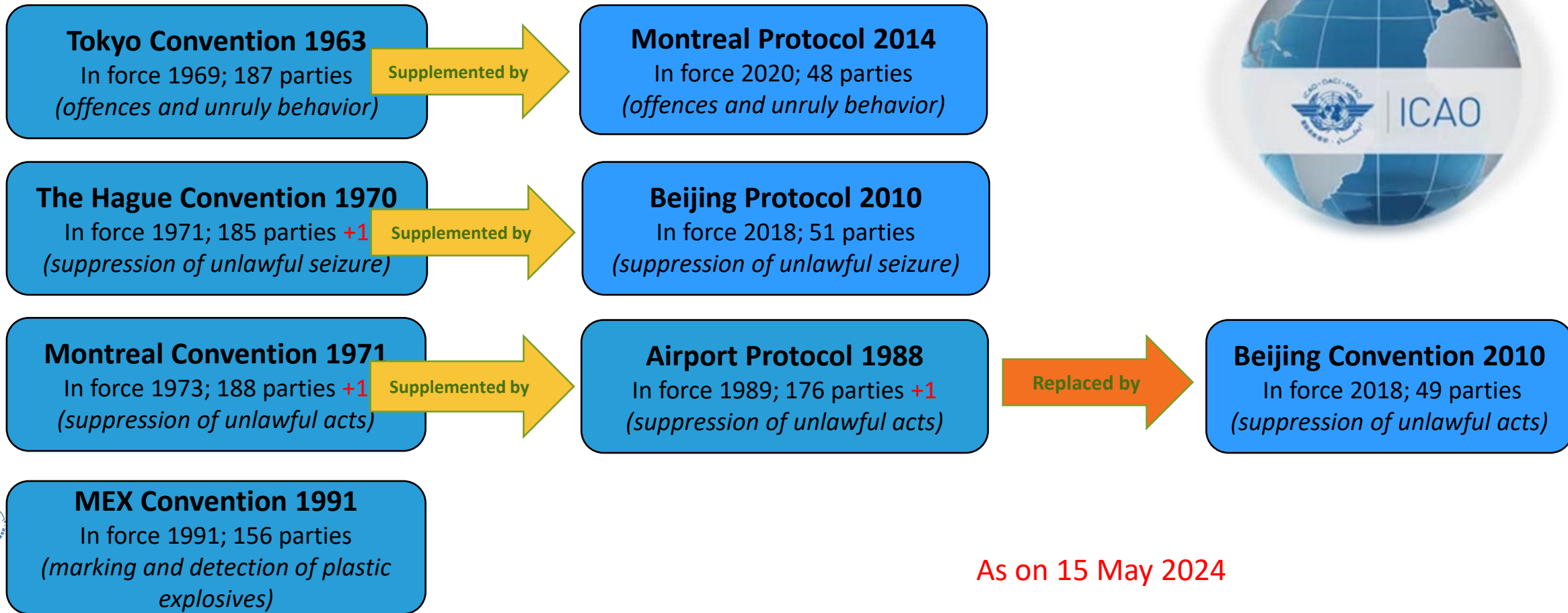


05
2023
**MANPADS,
 lasers,
 cyberattacks,
 insider threat,
 landside
 attacks,
 UAS/drones**
 IEDs, UAS (drones)





Summary of International AVSEC Treaties



Study on legal measures to cover new and emerging threats



WORKING PAPER



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A35-WP/88
EX/29
24/9/04
English only

A-1

A35-WP/88
EX/29

ASSEMBLY — 35TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 14: Aviation security
14.1: Developments since the 33rd Session of the Assembly

ICAO AVIATION SECURITY PLAN OF ACTION
PROJECT 12 : LEGAL

INFORMATION PAPER

SUMMARY

This paper presents the study on legal measures to cover the new and emerging threats to civil aviation.

1. The Study on Legal Measures to Cover the New and Emerging Threats to Civil Aviation (English only), prepared by the Secretariat for the Aviation Security Plan of Action, Project 12: Legal, is set out as Appendix to this paper. This study has been referred to in paragraph 3.4.1.1 of A35-WP/49 “Developments since the 33rd Session of the Assembly”.
2. Other language versions will be available at a later stage.

(13 pages)
A.35.WP.EX29.en.EX29.wpd

1. INTRODUCTION

1.1 The ICAO Assembly adopted, in October 2001, Resolution A33-1 – *Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation*, which directed the Council and the Secretary General to act urgently to address the new and emerging threats to civil aviation, in particular to review the adequacy of the existing aviation security conventions. Pursuant to this Resolution and recommendations of the High-level, Ministerial Conference on Aviation Security held in February 2002, the Council, in June 2002, approved an ICAO Aviation Security Plan of Action, which contains Project 12 – Legal Aspects. Project 12 mandates a review of existing legal instruments in aviation security so as to identify gaps and inadequacies as to their coverage in relation to the new and emerging threats. This document analyzes the coverage of new and emerging threats in existing aviation security conventions and identifies gaps and inadequacies in these conventions. The study focuses on the panel aspects of unlawful interference against civil aviation. It does not address the issue of liability in relation to unlawful interference. In its conclusion, the document contains preliminary recommendations on how to deal, from a legal point of view, with new and emerging threats to civil aviation.

2. DESCRIPTION OF NEW AND EMERGING THREATS

2.1 According to an ICAO study group on new and emerging forms of threat to civil aviation, the term “new threat” refers to acts that make use of methods, actions or objects not previously considered to pose a serious threat to civil aviation. The term “emerging threat” refers to those existing methods, actions or objects that could conceivably be used in an act of unlawful interference which have not yet been employed or documented for use against civil aviation.

2.2 The following threats are the focus of the current study:

- 1) Misuse of aircraft as weapons;
- 2) Suicide attacks in the air and on the ground;
- 3) Electronic attacks using radio transmitters or other means to jam or alter the state of ground or airborne navigation or guidance control systems thereby endangering the safety of persons and aircraft;
- 4) Computer-based attacks which block or alter aeronautical communications or interfere with other aviation operations (e.g. aeronautical data banks) which can endanger the safety of persons and aircraft;
- 5) Chemical and biological attacks against the air travelling public or to disrupt air operations and deny use of aviation facilities by threatening its use;
- 6) Misuse of nuclear or other radioactive materials to endanger persons, contaminate property and deny use of aviation facilities; and
- 7) Attacks by making use of Man-Portable Air Defence Systems (MANPADS).



“If it can happen ...it will”: Scenarios for BCN attacks on civil aviation

Hydrogen cyanide (HCN), mustard, sarin gas dispersed at or via ventilation system of aircraft or airport terminal

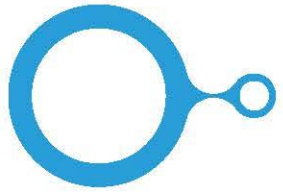
Anthrax or ricin released or deposited in aircraft or airport terminal

Radiological dispersal device placed in public area of airport terminal

Chloroform used to incapacitate air crew

Drone laden with chemical weapons crashed into sports stadium

Foodborne bioagents introduced through Inflight catering



Threats to civil aviation

- use of **IEDs** (artfully concealed, complex, homemade explosives) and **small arms** against airports and aircrafts, etc.
- use of aircraft as a **weapon**
- **MANPADS**
- **insider/non-passenger** exploitation
- **Cyber threat**
- growing concern with use of **UAS (drones)**



★ ICAO Assembly Resolutions A41-4 (Legal Field); A41-18 (Aviation Security); A41-19 (Cybersecurity).

★ UNSCR 2309 (2016)

States Parties to the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft ,Beijing 2010

Beijing
Convention
2010

49 Parties

Angola, Bahrain, Benin, Botswana, Burkina Faso, Cabo Verde, China, Congo, Côte d'Ivoire, Cuba, **Cyprus**, **Czechia**, Dominican Republic, Eswatini, **Finland**, **France**, Gabon, Gambia, **Germany**, Ghana, Guyana, Honduras, **Kazakhstan**, Kuwait, **Luxembourg**, Mali, **Malta**, Mozambique, Myanmar, **Netherlands**, Oman, Panama, Paraguay, **Portugal**, **Romania**, **Russian Federation**, Rwanda, Saint Lucia, Seychelles, Sierra Leone, **Slovakia**, Singapore, **Sweden**, **Switzerland**, **Tunisia**, **Turkey**, **Turkmenistan**, Uganda, Uruguay.

Beijing
Protocol
2010

51 Parties

Angola, Bahrain, Benin, Botswana, Burkina Faso, Cabo Verde, China, Congo, Côte d'Ivoire, Cuba, **Cyprus**, **Czechia**, Dominican Republic, Eswatini, **Finland**, **France**, Gabon, Gambia, **Germany**, Ghana, Guyana, Honduras, India, **Kazakhstan**, Kuwait, **Luxembourg**, Mali, **Malta**, Mozambique, Myanmar, **Netherlands**, Oman, Panama, Paraguay, **Portugal**, **Romania**, **Russian Federation**, Rwanda, Saint Lucia, Saudi Arabia, Seychelles, Sierra Leone, Singapore, **Slovakia**, **Sweden**, **Switzerland**, **Tunisia**, **Turkey**, **Turkmenistan**, Uganda, Uruguay.



Thank You!