



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

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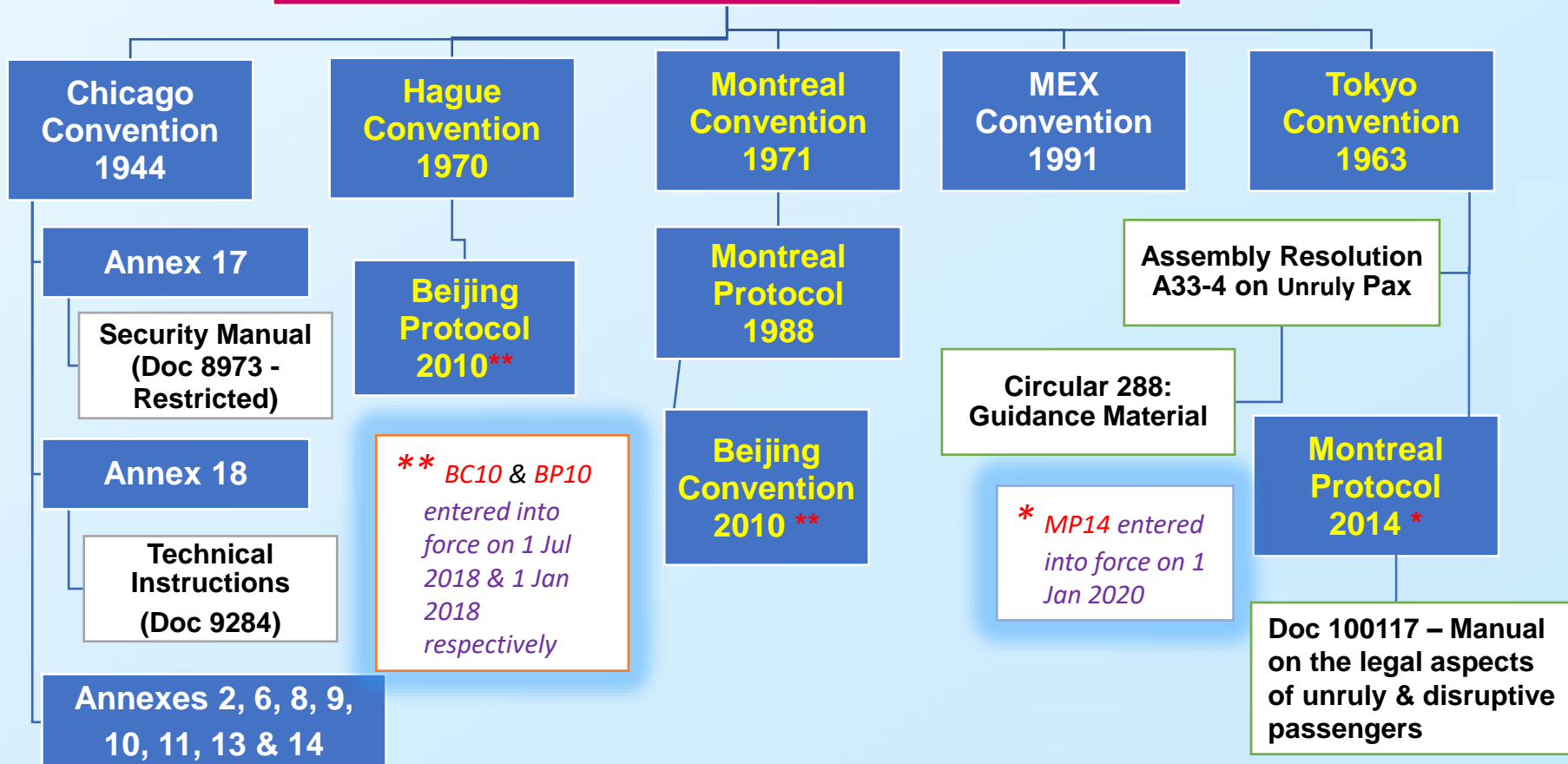
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International AvSec Legal Framework



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 & Protocol of 2010:

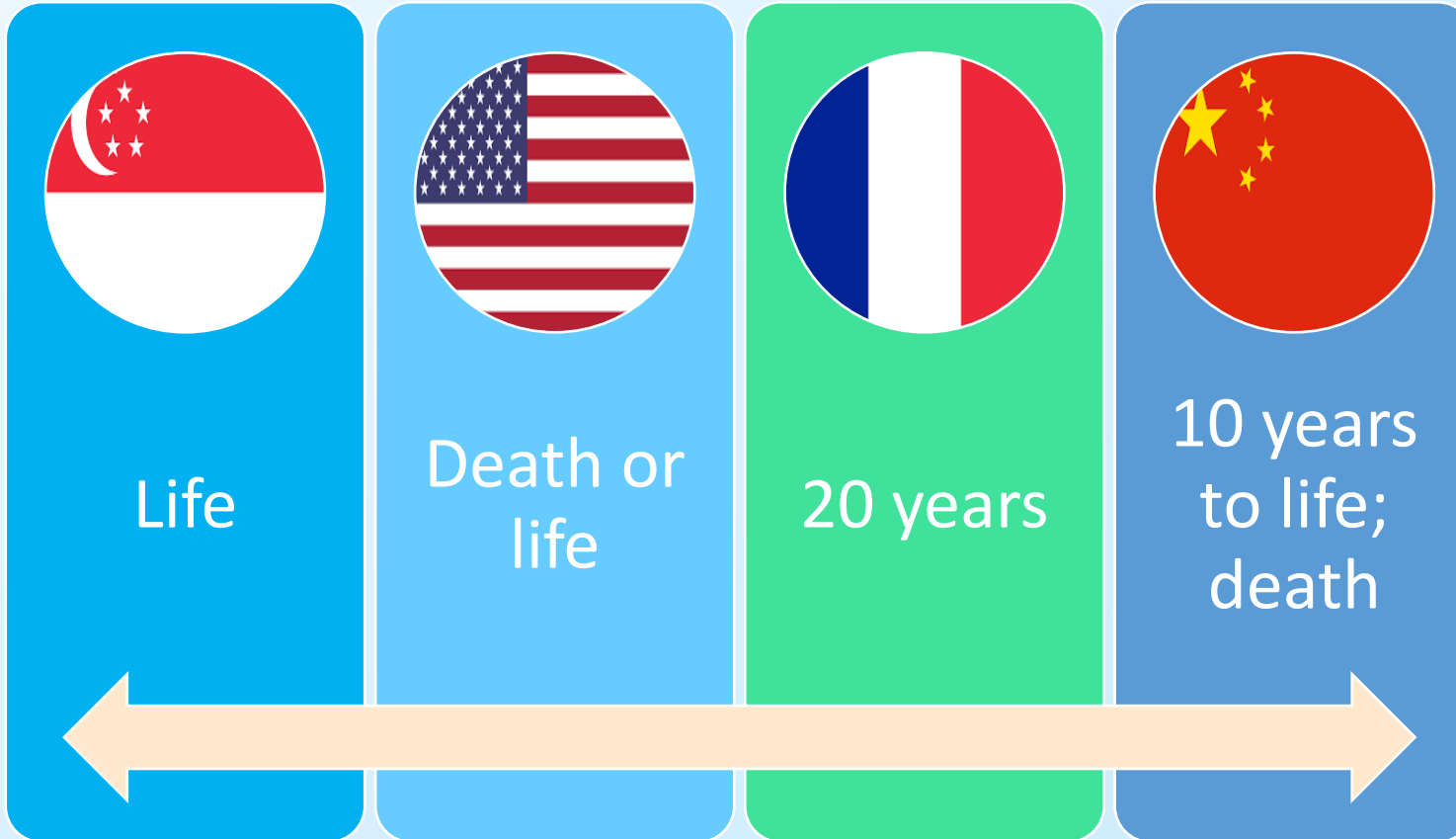


Common provisions of the 3 Treaties



Beijing Convention & Protocol 2010

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





Beijing Convention 2010



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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 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 2010



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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**.





BC & BP 10 – Major Contributions & Ratification Reasons



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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)



Beijing Convention & Protocol of 2010: *Main reasons for ratification*



- ❑ Result of **collective efforts** of international community to **modernise** the **legal framework for aviation security**
- ❑ Criminalization of acts constituting new and emerging threats against civil aviation, including certain preparatory acts for the offences, **strengthen States' capacity to prevent the commission of these offences & to prosecute & punish those who commit such offences**
- ❑ Contribute to the **implementation of UN Global Counter-Terrorism Strategy** adopted on 8 Sep 2006 by enhancing the global treaty regime on counter-terrorism





Thank you



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