



INTERNATIONAL CIVIL AVIATION ORGANIZATION
Fourth Meeting of AFI Region Directors General of Civil Aviation (DGCA/4)
(Matsapha, Manzini, Swaziland, 8 to 9 November 2010)

Agenda Item 3: Aviation Security

3.2 Amendments to The Hague and Montreal Conventions

(Presented by the Secretariat)

Summary

This paper deals with the latest development to the Hague and Montreal Conventions.

Action by the meeting is in paragraph 3.

Reference :

- *Convention for the Suppression of Unlawful Seizure of Aircraft (ICAO Doc 8920)*
- *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (ICAO Doc 8966)*
- *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving international Civil Aviation Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (ICAO Doc 9518)*

1. Introduction

1.1 Since the 1960s, a number of treaties on aviation security have been concluded under the auspices of ICAO. These legal instruments criminalize acts against international civil aviation, such as hijacking and sabotage, and facilitate the cooperation between States with a view to ensuring that such acts do not remain unpunished.

2. Necessary Modernization in view of Current and New Threat

2.1 In view of the current and new threat, the modernization of the Convention for the Suppression of Unlawful Seizure of Aircraft, the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation was necessary.

2.2 The Diplomatic Conference on Aviation Security was held in Beijing, China, from 30 August to 10 September 2010 under the auspices of ICAO. Seventy-six States and four international organizations participated in the Conference. On 10 September, the Conference adopted two new treaties; namely, the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (commonly referred to as the Beijing Convention) and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (commonly referred to as the Beijing Protocol).

2.3 The treaties adopted in Beijing further criminalize the act of using civil aircraft as a weapon, and of using dangerous materials to attack aircraft or other targets on the ground. The unlawful transport of biological, chemical and nuclear weapons and their related material has been declared punishable under the treaties. Moreover, the criminal liability of directors and organizers of an offence under the treaties is specifically mentioned. Making a threat to commit an offence under the treaties may also trigger criminal liability, when the circumstances indicate that the threat is credible. Under certain conditions, agreement or contribution to an offence, whether such an offence is actually committed or not, may also be punishable. The treaties also update provisions to promote cooperation between States in combating the unlawful acts directed against civil aviation while emphasizing the human rights and fair treatment of the suspects.

2.4 Each of the aforementioned two treaties requires 22 ratifications to bring them into force. In this regard as of October 2010, the Beijing Convention and Protocol have been signed by 20 and 22 States, respectively. No ratifications have yet been deposited.

3. **Action by the Meeting**

The meeting is invited to:

- a) Note the information in this working paper
- b) Encourage States to ratify the two new treaties adopted by the Beijing Conference.
- c) Invite States to take necessary action to incorporate the terms of the new treaties in their respective national legislations.

--- END ---