Key aviation security legal instruments: benefits and obligations – Beijing Convention and Protocol, 2010

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Legal Affairs and External Relations Bureau
International Civil Aviation Organization (ICAO)
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New and Emerging Threats

- Cyber attacks
- MANPAD attacks
- Aircraft weapons
- Suicide bombings
- WMD BCNs
Beijing 2010: The New Wall Safeguarding Aviation

• Beijing Convention (Article 1):
  – aircraft as weapon
  – Spread of BCN
  – Organisers, directors, financiers, accomplices (“Bin Laden” acts)
  – Credible threat
  – Transportation of WMDs (BCN, explosives and nuclear material)

• Beijing Protocol:
  – Coercion and threats
  – Technological means
  – Organisers, directors, financiers (“Bin Laden” acts)
Use of civil aircraft as a weapon

Using or releasing BCN weapons, explosives

Transportation of BCNs, equipment materials or technology

Cyber attacks on air navigation facilities

Attempts, credible threats, accomplices, organizers, directors, conspirators, contributors
COMMON PROVISIONS OF THE TREATIES

Responsibility to Notify

Non-exclusion of criminal jurisdiction in accordance with national law

Military, customs and Police Exclusion

Political Offence Exclusion

Fair Treatment

facilitating flight continuation

ICAO  UNITING AVIATION

Tokyo-Montreal P 2014

Hague-Beijing P 2010

Montreal-Beijing C 2010
Amendment to The Hague Convention

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.

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.
Management - #1-3 - What about the model?

SON & THE MALICIOUS ACT
flight entertainment system

Supply Chain

“...you can have your door closed but your window is widely open”

Hackers could take control of a plane using in-flight entertainment system

Business Impact: Compromised security / APTs / Infected systems
What We Try to Prevent
Article 1 (d) of the Montreal Convention

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;
Air Navigation Facilities

Article 2, paragraph (c) of the Beijing Convention

“Air navigation facilities” include signals, data, information or systems necessary for the navigation of the aircraft;
Beijing Protocol of 2010

Article II

Article 1 of the Convention 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.
Milestones in Aerial Crime

- Ordinary crime
- Hijacking and hostage taking
- “Lockerbie type” bombings
The Chicago Convention and the **8 AVSEC Treaties**: Status of Legal instruments with respect to Aviation Security and drafted under the auspices of ICAO

<table>
<thead>
<tr>
<th>Multilateral Instruments</th>
<th>Entry into Force</th>
<th>Status</th>
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<tr>
<td>Chicago Convention 1944</td>
<td>In force as of 4/04/47</td>
<td>192 Parties</td>
</tr>
<tr>
<td>Tokyo Convention 1963</td>
<td>In force as of 4/12/69</td>
<td>186 Parties</td>
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<td>Hague Convention 1970</td>
<td>In force as of 14/10/71</td>
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<td>Montreal Convention 1971</td>
<td>In force as of 26/01/73</td>
<td>188 Parties</td>
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<td>Montreal Protocol 1988</td>
<td>In force as of 6/08/89</td>
<td>175 Parties</td>
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<tr>
<td>MEX Convention 1991</td>
<td>In force as of 21/06/98</td>
<td>155 Parties</td>
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<tr>
<td>Beijing Convention 2010</td>
<td>Not in force yet</td>
<td>33 signatures, 12 ratifications, 8 accessions, 1 acceptance</td>
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<tr>
<td>Beijing Protocol 2010</td>
<td>Enters into force on 01/01/18</td>
<td>22 Parties</td>
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<tr>
<td>Montreal Protocol 2014</td>
<td>Not in force yet</td>
<td>31 signatures, 4 ratifications, 8 accessions</td>
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