



**WORKING PAPER**

**ASSEMBLY — 38TH SESSION**

**LEGAL COMMISSION**

**Agenda Item 46: Acts or offences of concern to the international aviation community and not covered by existing air law instruments**

**PROMOTION OF THE CONVENTION ON THE SUPPRESSION OF UNLAWFUL ACTS RELATING TO INTERNATIONAL CIVIL AVIATION DONE AT BEIJING 10 SEPTEMBER 2010 (BEIJING CONVENTION OF 2010) AND THE PROTOCOL SUPPLEMENTARY TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT DONE AT BEIJING 10 SEPTEMBER 2010 (BEIJING PROTOCOL OF 2010)**

(Presented by the United States)

**EXECUTIVE SUMMARY**

The Beijing Convention and Beijing Protocol of 2010, adopted and opened for signature just two weeks before the opening of the Assembly session, broaden and strengthen the global civil aviation anti-terrorism framework. Their universal adoption would significantly advance cooperation in the prevention of the full range of unlawful acts relating to civil aviation and the prosecution and punishment of offenders. This paper seeks to encourage all Member States to sign and ratify the two new treaties.

**Action:** The Assembly is invited to adopt the resolution attached in the Appendix.

<i>Strategic Objectives:</i>	This working paper relates to Supporting Implementation Strategy – Programme Support – Legal Services and External Relations.
<i>Financial implications:</i>	None
<i>References:</i>	Doc 9958, <i>Assembly Resolutions in Force (as of 8 October 2010)</i>

## 1. INTRODUCTION

1.1 The Beijing Convention and Beijing Protocol of 2010 will require parties to criminalize a number of new and emerging threats to the safety of civil aviation, including using aircraft as a weapon and organizing, directing, and otherwise contributing to acts of terrorism. These new treaties reflect the international community's shared effort to prevent acts of terrorism against civil aviation and to prosecute and punish those who would commit them. The treaties promote cooperation between states while emphasizing the human rights and fair treatment of terrorist suspects.

1.2 The Beijing Convention of 2010 will also require states to criminalize the transport of biological, chemical, and nuclear weapons and related material. These provisions reflect the nexus between non-proliferation and terrorism and ensure that the international community will act to combat both. This treaty will strengthen global efforts to ensure that these extraordinarily dangerous materials will not be transported via civil aircraft for illicit purposes and, if such attempts are made, those responsible will be held accountable under the law.

## 2. DISCUSSION

2.1 The Beijing Convention of 2010 will prevail over the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation* (the Montreal Convention of 1971) and its amending Airports Protocol of 1988 as between States Parties. The Beijing Protocol of 2010 amends the *Convention for the Suppression of Unlawful Seizure of Aircraft* (the Hague Convention of 1970) as between States Parties. The underlying treaties are widely ratified and have stood the test of time, but many of their provisions have become outdated during the intervening four decades since they were adopted. Terrorists' acts against civil aviation are a great, continuing threat to the safety of civil aviation and to global political and economic stability. The new Beijing Convention and Protocol taken together will effectively establish a new broader and stronger civil aviation security framework.

2.2 The Beijing Convention has 28 signatures, five ratifications, and three accessions. The Beijing Protocol has 30 signatures, five ratifications, and two accessions. Both instruments require 22 parties to come into force. The 37th Session of the Assembly adopted a resolution (Resolution A37-23) urging Member States that have not already done so to ratify the Beijing Convention and Protocol of 2010. They should receive the widest possible support with the greatest possible speed. The treaties will be truly successful, however, not just when they come into force but only when they are widely accepted. Member States should again be urged to sign and ratify these documents.

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## **APPENDIX**

*Recalling* its Resolution A37-23 entitled: *Promotion of the Beijing Convention and the Beijing Protocol of 2010*;

*Recalling* further its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization; and

*Recognizing* the importance of broadening and strengthening the global aviation security regime to meet new and emerging threats;

The Assembly:

1. *Urges* all States to support and encourage the universal adoption of the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention of 2010) and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol of 2010);
2. *Urges* all States to sign and ratify the Beijing Convention and Beijing Protocol of 2010 as soon as possible;
3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a State; and
4. *Declares* that this Resolution supersedes Resolution A37-23.

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