

**ADMINISTRATIVE PACKAGE
FOR RATIFICATION OF OR ACCESSION TO
THE CONVENTION ON THE SUPPRESSION OF UNLAWFUL ACTS
RELATING TO INTERNATIONAL CIVIL AVIATION
(BEIJING CONVENTION, 2010)**

1) **Full Name of Instrument:**

Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, done at Beijing on 10 September 2010 (Doc 9960).

2) **History:**

International Conference on Air Law (Diplomatic Conference on Aviation Security), Beijing, 30 August to 10 September 2010.

3) **Summary:**

The Beijing Convention modernizes and consolidates the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, done at Montreal on 23 September 1971 (Montreal Convention, 1971) and the *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, done at Montreal on 23 September 1971*, signed at Montreal on 24 February 1988 (Supplementary Protocol, 1988).

The Beijing Convention criminalizes the acts of using civil aircraft for the purpose of causing death, serious bodily injury or serious damage; of using civil aircraft to release or discharge any biological, chemical or nuclear (BCN) weapon or similar substances to cause death, serious bodily injury or serious damage; and of using any BCN weapon or similar substances on board or against civil aircraft. It further criminalizes the unlawful transport of any BCN weapon, related material or other dangerous material. Cyber attacks on air navigation facilities constitute an offence under this Convention.

Moreover, the Convention specifically provides for the criminal liability of directors and organizers of an offence, as well as the liability of those who knowingly assist an offender to evade investigation, prosecution or punishment. Any person making a threat to commit an offence may be criminally accountable when the circumstances indicate that the threat is credible. Under certain conditions, agreement to contribute or contribution to an offence, whether such an offence is actually committed or not, may be punishable. A legal entity may be held criminally liable if the applicable national law so provides. The Convention also expands the grounds of jurisdiction under the earlier instruments by requiring each State Party to establish jurisdiction when the offence is committed by its national, and by enabling each State Party to establish jurisdiction when the victim of the offence is its national. It also affirms the principles of fair treatment and non-discrimination. Moreover, the Convention contains a clause that a State cannot refuse to extradite an offender on the sole ground that the offence would be political in nature.

4) **Main reasons for ratification:**

The Convention is the result of collective efforts of the international community to modernize the legal framework for aviation security. By criminalizing a number of acts constituting new and emerging threats against civil aviation, including certain preparatory acts for the offences, it will strengthen the capacity of States to prevent the commission of these offences, and to prosecute and punish those who commit such offences. The Convention will also contribute to the implementation of the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006 by enhancing the global treaty regime on counter-terrorism.

5) **Declarations and notifications under the Convention:**

A. Notification under subparagraph (a), paragraph 4 of Article 21

Upon ratifying, accepting, approving or acceding to the Convention, a State Party shall notify the Depositary of the jurisdiction it has established under its national law in accordance with paragraph 2 of Article 8 of the Convention. In the absence of such notification, no such jurisdiction under the Convention is deemed to have been established. A State Party shall also immediately notify the Depositary of any change regarding such jurisdiction.

B. Declaration under subparagraph (b), paragraph 4 of Article 21

Upon ratifying, accepting, approving or acceding to the Convention, a State Party may declare that it shall apply the provisions of subparagraph (d) of paragraph 4 of Article 1 in accordance with the principles of its criminal law concerning family exemptions from liability.

6) **Entry into force:**

In accordance with its Article 21, the Convention shall be open to all States for signature at the headquarters of ICAO in Montréal until it enters into force. States which have signed the Convention may ratify, accept or approve it at any time. States which have not signed it may accede to it at any time.

In accordance with its Article 22, the Convention shall enter into force on the first day of the second month following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession.

7) **Depositary:**

Secretary General
International Civil Aviation Organization (ICAO)
Attention: Legal Affairs and External Relations Bureau
999 University Street
Montréal, Québec
Canada H3C 5H7

Attachement

Model instrument of ratification, acceptance or approval and model instrument of accession

**MODEL INSTRUMENT OF [RATIFICATION] [ACCEPTANCE] [APPROVAL] OF THE
BEIJING CONVENTION, 2010**

**(To be signed by the Head of State, Head of Government
or Minister for Foreign Affairs)**

WHEREAS the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* was adopted at Beijing on 10 September 2010;

WHEREAS the said Convention was signed on behalf of the Government of [name of State] on [date];

AND WHEREAS Article 21, paragraph 2, of the Convention specifies that this Convention is subject to ratification, acceptance or approval;

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs], declare that the Government of [name of State], having considered the above-mentioned Convention, *[RATIFIES] [ACCEPTS] [APPROVES]* the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification] [acceptance] [approval] at [place] on [date].

[Signature] and [Seal]

MODEL INSTRUMENT OF ACCESSION TO THE BEIJING CONVENTION, 2010

**(To be signed by the Head of State, Head of Government
or Minister for Foreign Affairs)**

WHEREAS the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* was adopted at Beijing on 10 September 2010;

AND WHEREAS Article 21, paragraph 3, of the Convention specifies that any State which does not ratify, accept or approve this Convention may accede to it at any time;

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs], declare that the Government of [name of State], having considered the above-mentioned Convention, *ACCEDES* to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature] and [Seal]