



International Civil Aviation Organization

WORKING PAPER

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ASSEMBLY — 37TH SESSION

LEGAL COMMISSION

Agenda Item 59: 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 ON 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 ON 10 SEPTEMBER 2010 (BEIJING PROTOCOL OF 2010)

(Presented by Canada, China, South Africa and the United States of America)

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 Strategic Objective F (Rule of Law).
<i>Financial implications:</i>	None.
<i>References:</i>	Resolution A36-26, Appendix C

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 financing 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, 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 succeed and improve provisions in 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 the intervening four decades since they were adopted. The new Beijing Convention and Protocol taken together effectively establish a new broader and stronger civil aviation security framework.

2.2 Terrorists' acts against civil aviation are a great, continuing threat to civil aviation and to global political and economic stability. As a promising start, the Beijing Convention received 18 signatures on the day it was adopted, and the Beijing Protocol received 19. The new treaties should receive the widest possible support with the greatest possible speed. Their adoption was a success for civil aviation, but they will be truly successful only when they are widely accepted.

3. ACTION

3.1 The Assembly is invited to adopt the resolution in the Appendix hereto.

APPENDIX

A37-xx

Recalling its Resolution A36-26, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization;

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

The Assembly:

Urges all Member 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);

Urges all Member States to sign and ratify the Beijing Convention and Beijing Protocol of 2010 as soon as possible; and

Directs the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a Member State.

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