



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

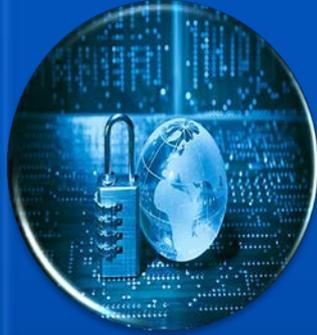
Jiefang Huang assisted by Andrew Opolot

Legal Affairs and External Relations Bureau
International Civil Aviation Organization (ICAO)
Nairobi, Kenya

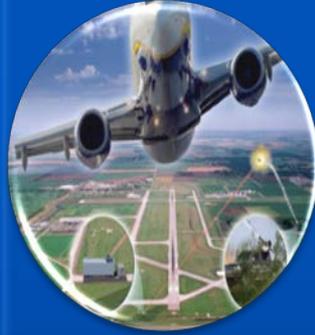
27 to 28 November 2017



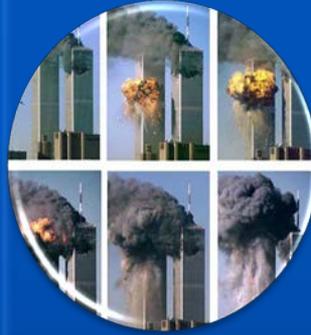
New and Emerging Threats



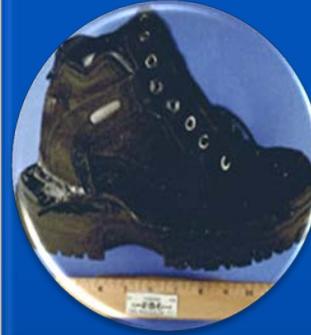
Cyber attacks



MANPAD attacks



Aircraft weapons



Suicide bombings



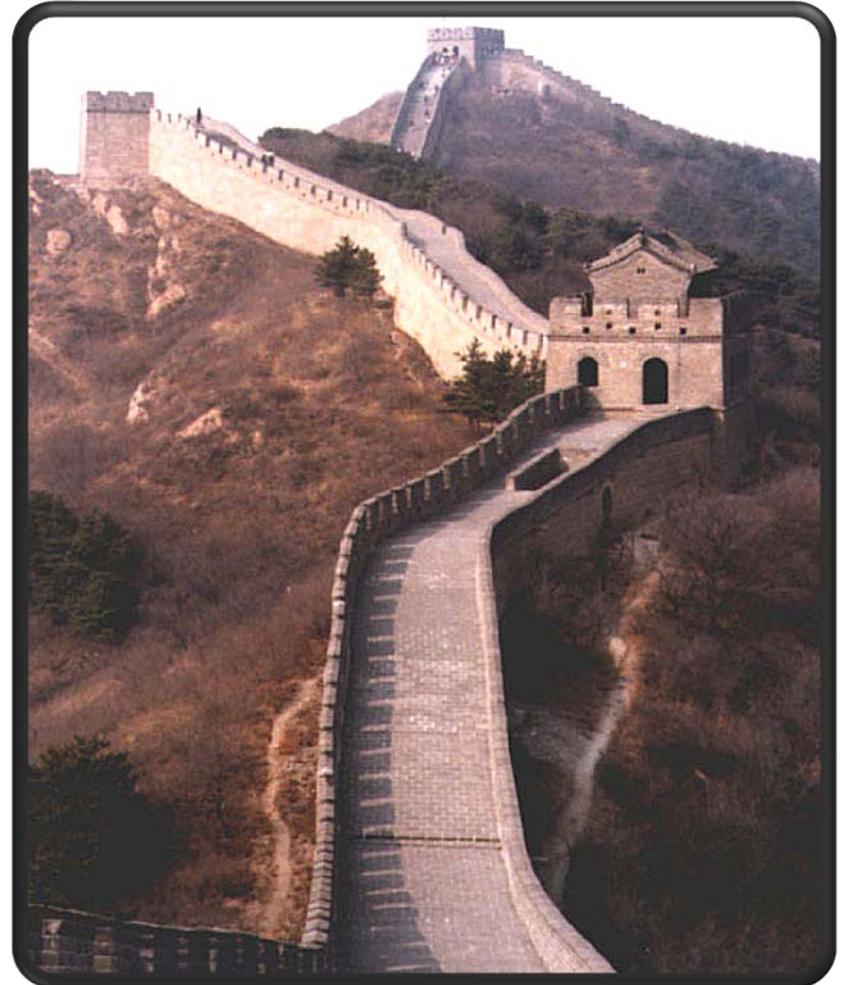
WMD BCNs





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)





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Use of civil aircraft as a weapon

Using or releasing BCN weapons, explosives



Attempts, credible threats, accomplices, organizers, directors, conspirators, contributors



Transportation of BCNs, equipment materials or technology

Cyber attacks on air navigation facilities





COMMON PROVISIONS OF THE TREATIES





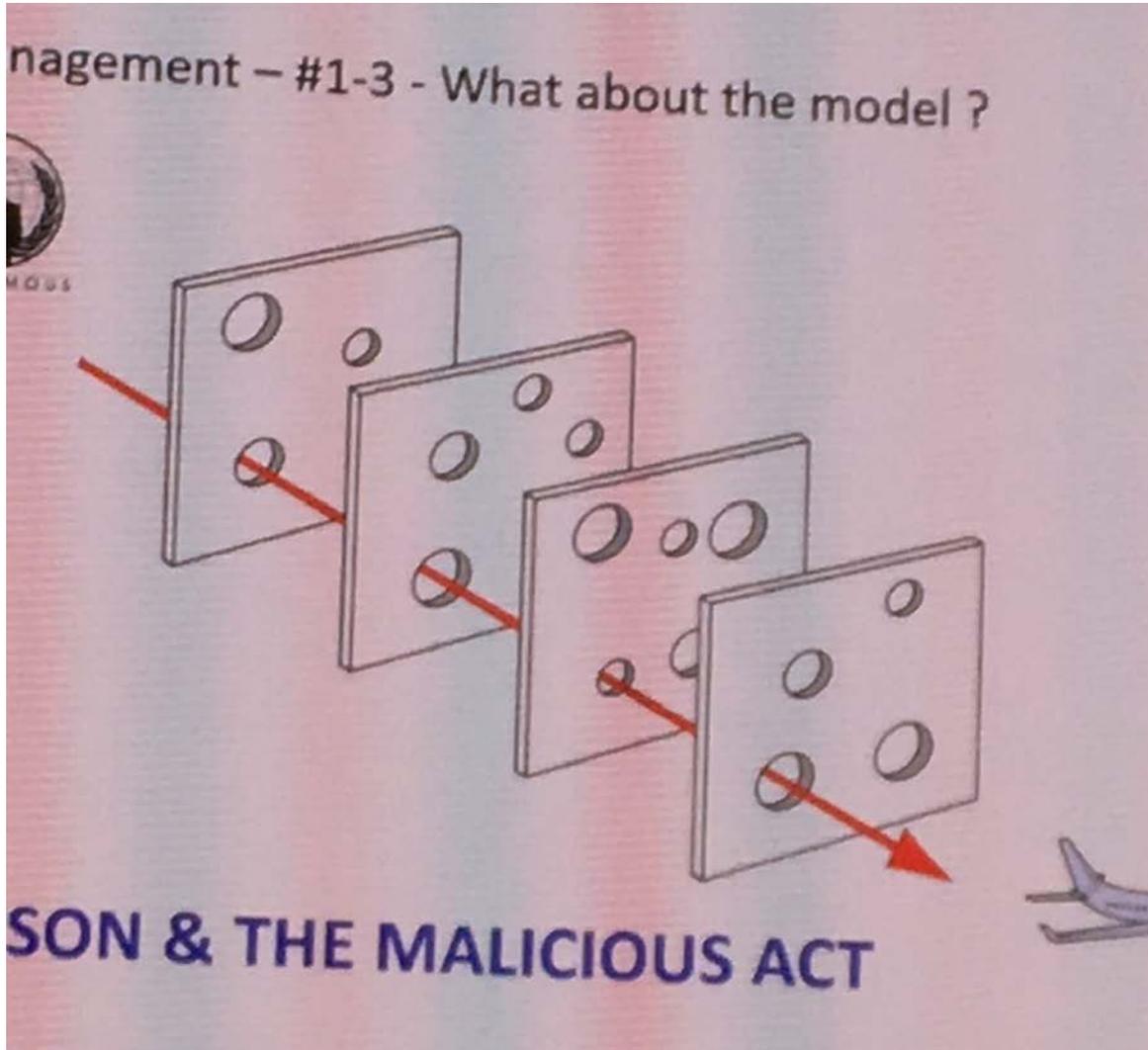
Amendment to The Hague Convention

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.



flight entertainment system

Supply Chain

By your **weakest link**: "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

Eleven Paths
Digital crew security unit

etisalat digital



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



“Lockerbie type”
bombings



Hijacking and
hostage taking



Ordinary crime

The Chicago Convention and the 8 **AVSEC Treaties**: Status of Legal instruments with respect to Aviation Security and drafted under the auspices of ICAO



Multilateral Instruments	Entry into Force	Status
Chicago Convention 1944	In force as of 4/04/47	192 Parties
Tokyo Convention 1963	In force as of 4/12/69	186 Parties
Hague Convention 1970	In force as of 14/10/71	185 Parties
Montreal Convention 1971	In force as of 26/01/73	188 Parties
Montreal Protocol 1988	In force as of 6/08/89	175 Parties
MEX Convention 1991	In force as of 21/06/98	155 Parties
Beijing Convention 2010	Not in force yet	33 signatures, 12 ratifications, 8 accessions, 1 acceptance
Beijing Protocol 2010	Enters into force on 01/01/18	22 Parties
Montreal Protocol 2014	Not in force yet	31 signatures, 4 ratifications, 8 accessions



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Beijing

**Asia and Pacific
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Bangkok



THANK YOU