Beijing Convention and Unlawful Transport of BCN Weapons

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International Civil Aviation Organization

- Status: United Nations Specialized Agency
- Composition: 190 Member States
- Headquarters in Montreal, Canada
ICAO Objectives

Objectives: Safe and orderly development of international civil aviation:
Safety, Security, and Environment.
What We Try to Prevent
Five AVSEC Treaties
Main Features of Beijing Convention

Criminalize the following acts:

- Using civil aircraft as a weapon (Art. 1, 1)
- Using civil aircraft to release biological, chemical or nuclear weapons or similar substances to cause damage (Art. 1, 1)
- Use these substances to cause damage to civil aircraft (Art. 1, 1)
- Threats to commit an offence defined in the Conventions (Art. 1, para. 3)
Transport of BCN Weapons

Criminalizing unlawful transport by air of particularly dangerous goods

Pros: to follow International Maritime Organization (IMO)

Cons: The Hague-Montreal Conventions may not be the ideal place for dealing with this act.

Final Result: Criminalization of unlawful transport of BCN Weapons. (Art. 1, 1(i))
Applicability of Transport Offence Provision

- It does not apply to aircraft used in military, customs or police services (Art. 5, para 1);
- It does not apply to certain activities of armed forces (Art. 6);
- It does not apply to the acts governed by certain treaties relating non-proliferation (Article 1,1 (f); Art.7).
DIPLOMATIC CONFERENCE

INTERNATIONAL CONFERENCE ON AIR LAW
Beijing, 30 August to 10 September 2010

INSTRUMENTS ADOPTED BY THE CONFERENCE (FINAL ACT, CONVENTION AND PROTOCOL)

Note: The texts below have been approved by the President of the Conference after verification of the different language versions pursuant to the final paragraph of the Convention and the Protocol. They replace those previously published on this website.

- FINAL ACT of the International Conference on Air Law (Diplomatic Conference on Aviation Security) held under the auspices of the International Civil Aviation Organization at Beijing from 30 August to 10 September 2010 (PDF)
- CONVENTION on the Suppression of Unlawful Acts Relating to International Civil Aviation
“Toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere;¹⁰

¹⁰ Definition used in Article II(2) of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction 1993
Conclusions

- Beijing Convention has modernized aviation security instruments, including the criminalization of unlawful transport of BCN weapons.
- The more important task is to promote the ratifications of this instrument.
- International cooperation is essential to complete this task.