

**ADMINISTRATIVE PACKAGE
FOR RATIFICATION OF OR ACCESSION TO THE
PROTOCOL SUPPLEMENTARY TO THE CONVENTION
FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT
(BEIJING PROTOCOL, 2010)**

1) **Full Name of Instrument:**

Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, done at Beijing on 10 September 2010 (Doc 9959).

2) **History:**

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

3) **Summary:**

The Beijing Protocol supplements the *Convention for the Suppression of Unlawful Seizure of Aircraft*, done at The Hague on 16 December 1970 (The Hague Convention, 1970). The Protocol expands the scope of The Hague Convention to cover different forms of aircraft hijackings, including through modern technological means.

Moreover, it 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 also be criminally liable if the applicable national law so provides.

The Protocol also expands the grounds of jurisdiction 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 Protocol 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 Beijing Protocol is the result of collective efforts by the international community to modernize the legal framework for aviation security. By expanding the scope of the offence to cover different forms of hijacking, including certain preparatory acts for the offence, 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 Protocol 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) **Notifications and declarations under the Protocol:**

A. Notification under paragraph (a) of Article XXII:

Upon ratifying, accepting, approving or acceding to the Protocol, a State Party shall notify the Depositary of the jurisdiction it has established under its national law in accordance with paragraph 2 of Article 4 of The Hague Convention as amended by the Beijing Protocol, 2010. In the absence of such notification, no such jurisdiction under the Protocol is deemed to have been established. A State Party shall also immediately notify the Depositary of any change regarding such jurisdiction.

B. Declaration under paragraph (b) of Article XXII:

Upon ratifying, accepting, approving or acceding to the Protocol, a State Party may declare that it shall apply the provisions of subparagraph (d) of paragraph 3 of Article 1 of The Hague Convention as amended by the Beijing Protocol, 2010 in accordance with the principles of its criminal law concerning family exemptions from liability.

6) **Entry into force:**

In accordance with its Article XX, the Protocol shall be open to all States for signature at the headquarters of ICAO in Montréal until it enters into force. In accordance with its Article XXI, States which have signed the Protocol 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 XXIII, the Protocol 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

Attachments

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

**MODEL INSTRUMENT OF [RATIFICATION] [ACCEPTANCE] [APPROVAL]
OF THE BEIJING PROTOCOL**

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

WHEREAS the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* was adopted at Beijing on 10 September 2010;

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

AND WHEREAS Article XXI, paragraph 1, of the Protocol specifies that this Protocol 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 Protocol, *[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 PROTOCOL

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

WHEREAS the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* was adopted at Beijing on 10 September 2010;

AND WHEREAS Article XXI, paragraph 3, of the Convention specifies that any State which does not ratify, accept or approve this Protocol 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 Protocol, *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]