

AIR LAW, REGULATION AND COMPLIANCE MANAGEMENT



COURSE DESIGNED FOR
ISTANBUL TECHNICAL UNIVERSITY AND TURKISH AVIATION ACADEMY
BY MCGILL UNIVERSITY INSTITUTE OF AIR AND SPACE LAW

AVIATION SECURITY I

Prof. Ludwig Weber, McGill University
Artur Eberg, IAL&G, LL.M., McGill University

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Institute of Air & Space Law

Faculty of Law

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ELEMENTS OF LEGAL FRAMEWORK FOR AVIATION SECURITY

- International AVSEC Instruments
- ANNEX 17
- National Legislation for Implementation of the International AVSEC Instruments
- National AVSEC Legislation
- National AVSEC Regulations
- National AVSEC Decrees, Ordinances and Decisions

8 CRITICAL ELEMENTS OF AVSEC

- Aviation Security Legislation
- AVSEC Programmes and Regulations
- Authority with Sufficient Powers
- Qualification and Training of Personnel
- Technical Guidance Tools and Information
- Certification and Approval Obligations
- Quality Control Requirements
- Resolution of AVSEC Concerns

International AVSEC Conventions: Tokyo, Hague, Montreal, VIA, MEX, BEJ

Suppression of Unlawful Acts:

- Notion and Objectives of Suppression: prevention and determent - appropriate measures for punishment of offenders
- Means: international conventions
- International crimes, universal jurisdiction, prosecute or extradite

International Standards
and Recommended Practices



Annex 17
to the Convention on
International Civil Aviation

Security

**Safeguarding International Civil Aviation
Against Acts of Unlawful Interference**

ANNEX 17 – TABLE OF CONTENTS

CHAPTER 1. Definitions

CHAPTER 2. General principles

CHAPTER 3. Organization

CHAPTER 4. Preventive security measures

CHAPTER 5. Management of response to acts of unlawful interference

*Annex 17 to the Convention on
International Civil Aviation*

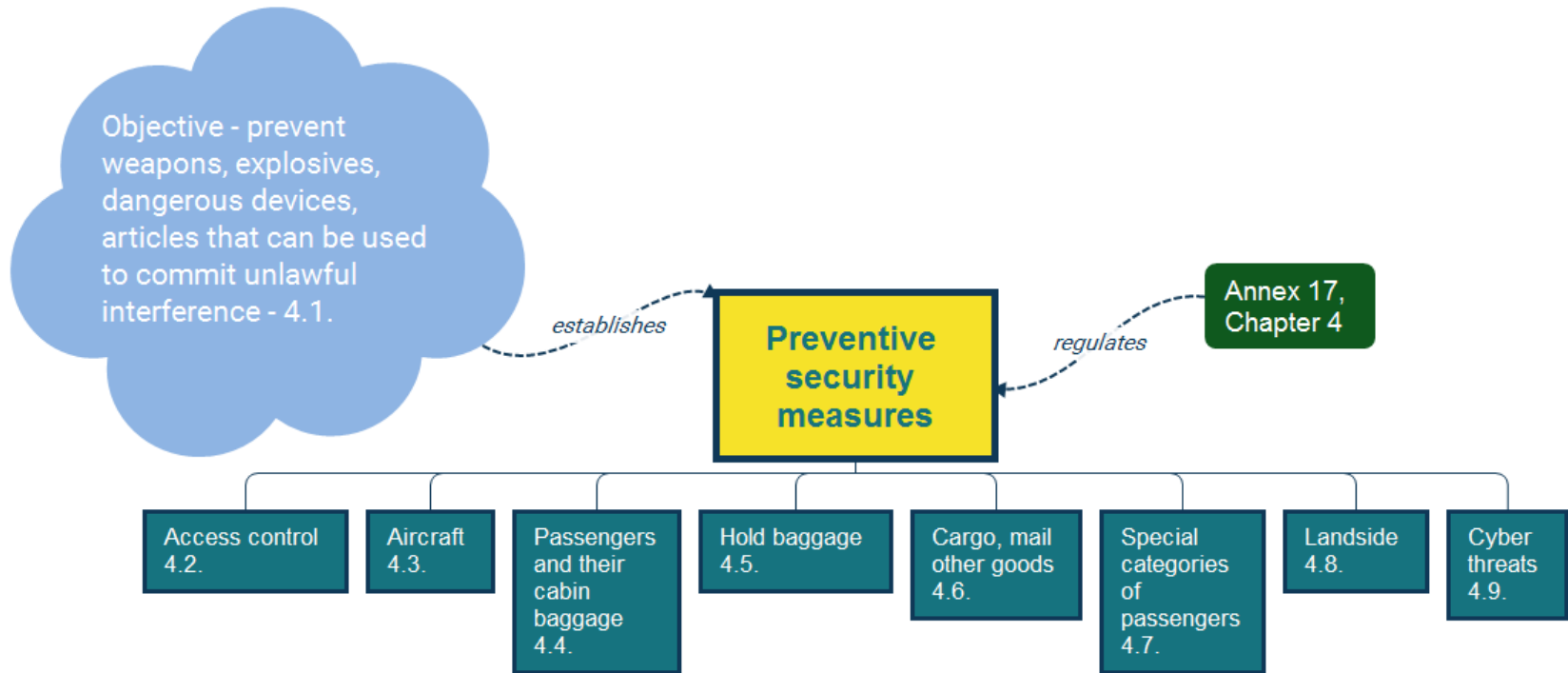
regulates

Security: safeguarding civil aviation
against acts of unlawful interference

▶ Measures 1

👤 Human resources 2

▶ Material resources 3



Tokyo Convention of 1963

(in force since 4 December 1969, 186 States Parties)

- Historical background: increase in number of hijackings from 1 per year (until 1958) to 5 per year (1959 onwards), incl. Cuban hijackings from 1960 onwards
- Art.1 (1) (a): based on national penal law, no creation of international crimes – no universal jurisdiction
- Focused on crimes committed on board (hijacking, attempts to hijack) - powers of aircraft commander – delivery of offender to authorities – disembarkation

Tokyo Convention of 1963

(in force since 4 December 1969, 186 States Parties)

- No specific provision for prosecution – investigation – no duty to either extradite or prosecute.
- Powers of aircraft commander: Arts. 5 – 10: charter of powers
- Art.6 (1): Imposition of reasonable measures on offenders
- Art.6 (2): Require crew members to assist; authorise passengers to assist in restraining offenders

Tokyo Convention of 1963

(in force since 4 December 1969, 186 States Parties)

- Art.7 (2), Art.9 (2): Notification of authorities
- Art.8 (1) and (2), Art.9: Disembarkation and delivery, information and evidence, Art.9 (3)
- Art.11: Response to unlawful seizure: all appropriate measures to restore control
- Arts. 12 – 15: Duty of accepting disembarkation and delivery, but no duty to prosecute

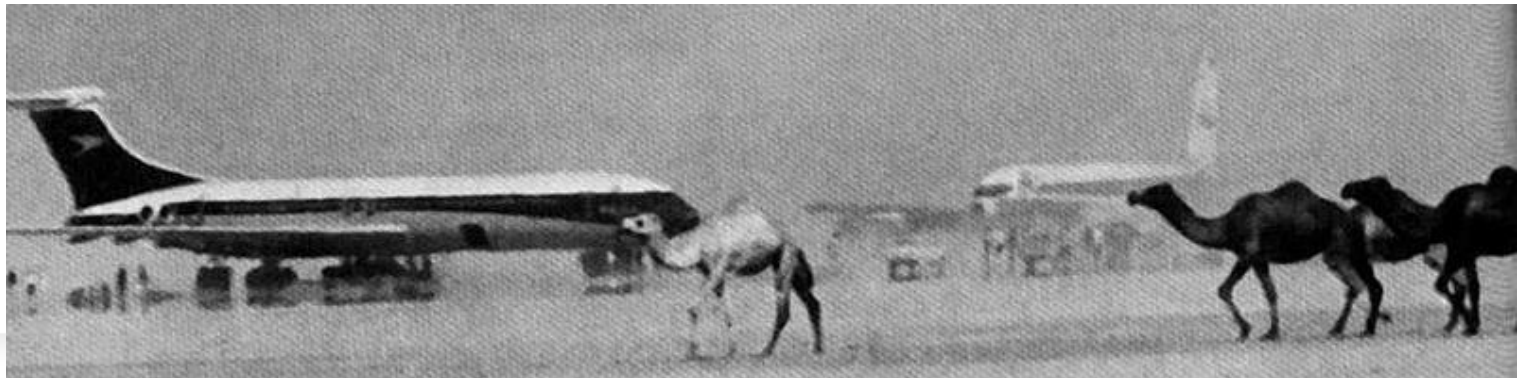
Case (1): O has physically assaulted crewmember C, following a disputed exchange regarding alcohol consumption, and threatens to hijack the aircraft. The Aircraft Commander requests the First Officer to ask two passengers to help him restrain C and handcuff him.

- (1) Is he entitled to do so?
- (2) Can he disembark/deliver C at first landing?
- (3) What are the obligations of the State of landing? What if an extradition request is made by the State of registration?
- (4) Overall result?

Hague Convention of 1970

(in force since 14 October 1971, 185 States Parties)

- Historical background: In 1969, number of hijackings had climbed to 82 in one year, highest number ever. Dawson's Field in September 1970 – 4 hijackings. Tokyo Convention did not stop hijackings, with political asylum granted subsequently to hijackers.



Hague Convention of 1970

(in force since 14 October 1971, 185 States Parties)

- Art.1 (a), 2: Hijacking is made an international crime
- Art.4: Establishment of international jurisdiction (but not universal)
- Art.6: Obligation to keep him in custody, make enquiry into facts (i.e. duty to accept delivery)
- Art.7: Prosecute or Extradite; Art. 8: Extradition
- Arts. 10 – 11: international cooperation and notification

Case (2):

- (1) Hague Convention applicable to facts of case 1?
- (2) What if O rushes to the cockpit after assaulting C?
- (3) What if he then threatens the Commander with a plastic toy gun and is then overpowered and restrained?
- (4) Obligations of the State of landing?



<https://www.youtube.com/watch?v=ibnPOrQTmGE>

<https://www.youtube.com/watch?v=Ld-dmYRR88o>

Montreal Protocol of 2014 to Tokyo Convention (done on 4 April 2014, not yet in force)

- Historical background: Tokyo Convention does not provide an adequate deterrent to unruly and disruptive behaviour on board aircraft
- Modernization of Tokyo Convention
- Focused on:
 - i- extension of jurisdiction
 - ii- definition of offences
 - iii- immunity of In-Flight Security Officers (IFSOs)
 - iv- right of recourse



LEARNING REFLECTION

What are your key takeaways?

What questions do you have?

**End of Part I
Thank you!**

