

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 II

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Faculty of Law

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Montreal Convention of 1971

(in force since 26/01/73, 188 States Parties)

- Historical background: Hague Convention did not cover nor stop other acts of violence on board, e.g. hostage taking, or sabotage of aircraft or installations, or communication of false information. Palestinian violence.
- Abu Nidal terrorist acts



Montreal Convention of 1971

(in force since 26/01/73, 188 States Parties)

- Arts.1 (1), 3: Acts of violence on board, destruction/damage to aircraft, acts of sabotage regarding aircraft or ANS installations, communication of false information, are made an international crime
- Art.5: Establishment of international jurisdiction (in connection with Art. 4 (2) and (3), quasi-universal)

Montreal Convention of 1971

(in force since 26/01/73, 188 States Parties)

- Art.6: Obligation to keep him in custody, and make inquiry into facts (i.e. duty to accept delivery)
- Art. 7: Prosecute or Extradite; Art. 8: Extradition
- Art. 10 – 13: international cooperation and notification
- (new: Arts.10 and 12 – measures of prevention)

Case (3): O phones Airline A and says that its flight A123 has a bomb on board, set to explode in 15 minutes. It is merely a hoax, motivated by O's hatred of A-land, A's State of registration.

- (1) Can O be prosecuted and punished if he phoned from State B, both A and B being party to the Convention?
- (2) Under which provisions?
- (3) What if O phoned from A-airport in A-land and the flight was domestic?

Protocol on Violence at Airports (VIA Protocol) of 1988 **(in force since 6 August 1989, 174 States Parties)**

- Art. I: Protocol amending Montreal Convention 1971
- Art. II: Acts of violence against a person at an international airport, or destroying or damaging airport installations or aircraft thereon, or disrupting airport services, are made an international crime
- Art. III: international jurisdiction to be extended over these acts

Air India (1985)



Lockerbie (1988)



Convention on the Marking of Explosives (MEX) of 1991 **(in force since 21 June 1998, 153 States Parties)**

- Historical background: Air India (1985) and Lockerbie (1988) bomb cases, involving bombs exploding on board while aircraft in flight.
- MEX Convention, Art. II – IV: establish a strict regime of control over unmarked explosives, including the manufacture, movement, control of possession and transfer, and destruction.
- Explosives marked with a chemical marker in line with the Technical Annex are not affected. Marked explosives are detectable by appropriate equipment at airports.



Beijing Convention of 2010

(done on 10 September 2010, not yet in force)

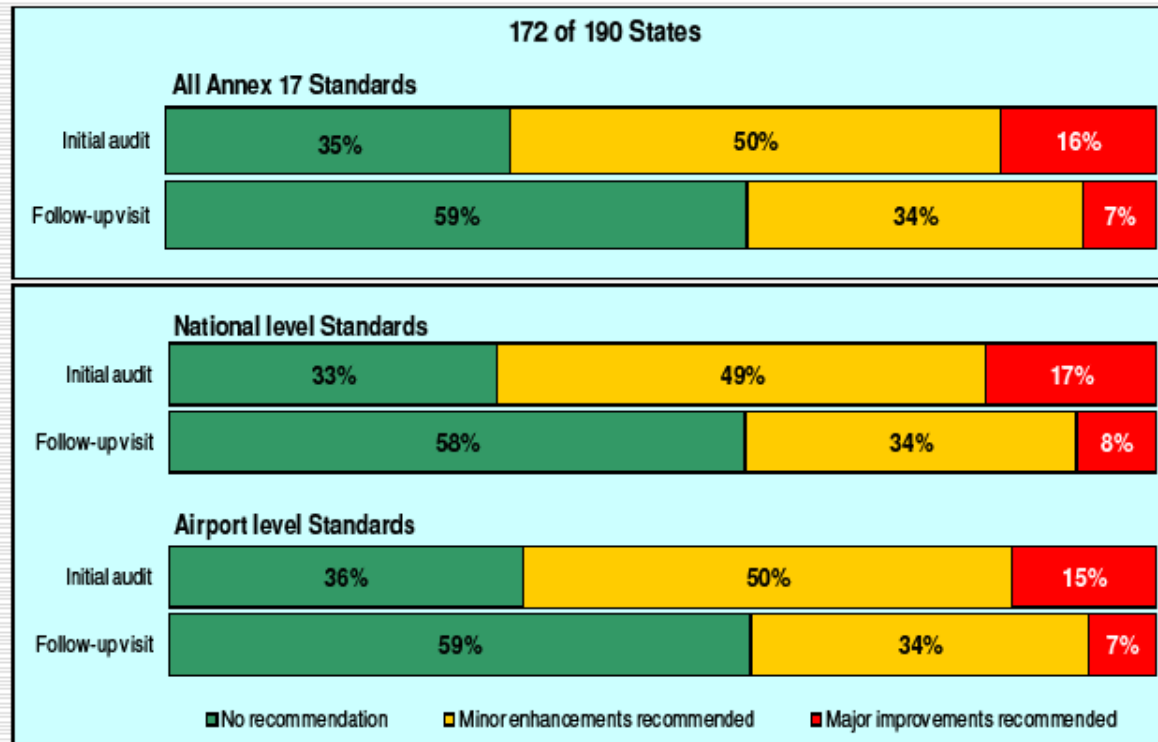
- Historical background: Following September 11, 2001, need to deal with new and emerging threats.
- Convention: based on M71
- Art. 1 (1) : Use of aircraft as weapon, release of BCN weapon from an aircraft, use of BCN weapon on board or against an aircraft, transport of explosives, radioactive, or BCN or related material on board, are made an international crime.

Beijing Convention of 2010

(done on 10 September 2010, not yet in force)

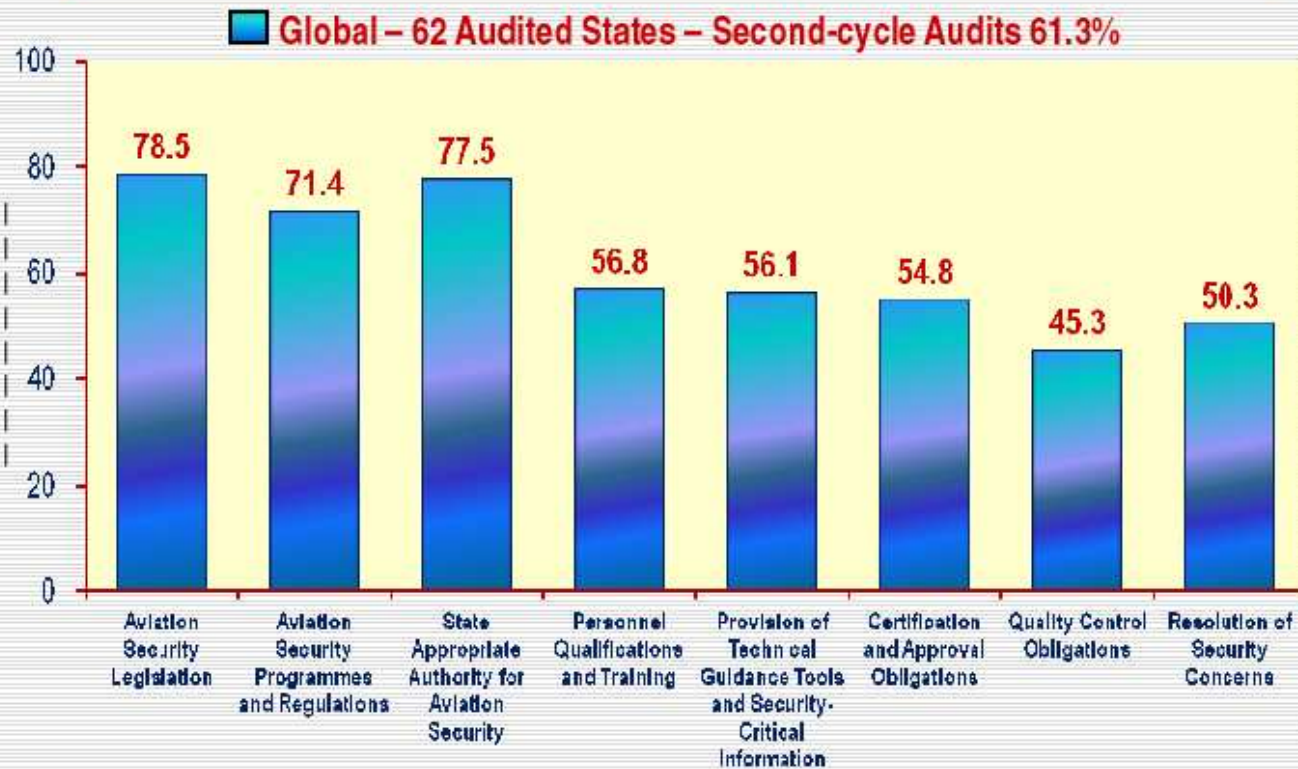
- Art.4 (3): threat of committing any of the offences
- Art.4 (4): attempting, organizing or directing, participating, abetting an offence is also an international crime.
- Art.4 (5): participating in a criminal association aimed at committing any of the offences.
- Art.3: Obligation to make offences part of national criminal code.
- Art.8: quasi-universal jurisdiction

USAP First-Cycle Audits - Progress Made by States (%) Compliance with Annex 17 Standards (172 States)



A37-WP/xx
Appendix A

Degree of Effective Implementation of the Critical Elements of a Security Oversight System (%)



A37-WPxx
Appendix B

LEARNING REFLECTION

What are your key takeaways?

What questions do you have?

Thank you!

