

INTERNATIONAL CIVIL AVIATION ORGANIZATION

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ASSEMBLY — 33RD SESSION

EXECUTIVE COMMITTEE

Agenda Item 13 : Aviation security

TERRORIST ACTS INVOLVING CIVIL AVIATION

SUMMARY

In light of recent terrorist acts involving civil aviation in the United States, this paper presents a draft Assembly Resolution which should set the stage for a global effort to enhance aviation security, developed in accordance with ideas and proposals put forward by the Representatives on the Council at an informal meeting convened for this purpose.

Action by the Assembly is in paragraph 3.1.

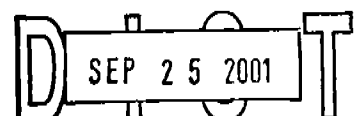
REFERENCES

A33-WP/153	Doc 9730, <i>Assembly Resolutions</i>
A33-WP/39 and Corrigendum	<i>in Force</i> (as of 2 October 1998)
A33-WP/3	

1. BACKGROUND

1.1 As has been widely reported in the media, on 11 September 2001, four domestic flights departing Boston, Washington, D.C. and Newark, New Jersey between 7:45 and 8:10 a.m., for Los Angeles and San Francisco were hijacked. During the flight the perpetrators took control of the aircraft. These aircraft were used in suicide attacks against the twin towers of the World Trade Center and the Pentagon between 8:45 and 10:10 a.m. One aircraft crashed near Pittsburgh. The flights involved are as follows:

- a) World Trade Center — American Airlines Flight 11 Boeing 767 — 81 Passengers/ 11 Crew (Boston — Los Angeles); United Airlines Flight 175 Boeing 767 — 56 Passengers/ 9 Crew (Boston — Los Angeles);
- b) Pentagon — American Airlines Flight 77 Boeing 757 — 58 Passengers/ 6 Crew (Washington — Los Angeles); and
- c) Pittsburgh — United Airlines Flight 93 Boeing 757 — 38 Passengers/ 7 Crew (Newark — San Francisco).



As a result of these acts 233 passengers (including nineteen perpetrators) and thirty-three crew members were killed, over 6 400 persons on the ground are dead or missing from a total of more than sixty different States. The four aircraft, the World Trade Center and part of the Pentagon were totally destroyed.

1.2 The last reported hijacking during which a perpetrator took control of a passenger jet occurred on 23 July 1999 with an All Nippon Airways, B747-400 on a domestic route from Tokyo to Hokkaido, Japan. Shortly after take-off, a 28-year-old Japanese man put an 8-inch knife to the back of a cabin crew member, entered the cockpit, forced the co-pilot to exit the cockpit and closed the door. He demanded to fly to Oshima Island and then to the U.S. air base at Yokota. While the aircraft was heading towards Yokota, the offender demanded the pilot-in-command to let him take control of the flight and after refusal by the pilot, the hijacker attacked and fatally injured him. Noticing the irregular flight pattern, the co-pilot and off-duty pilots travelling on board entered the cockpit and overpowered the perpetrator. No further information about the real motivation of the perpetrator was made available. The total number of passengers and crew members on board was 517.

1.3 The last reported well organized act of unlawful interference against civil aviation with the intention to commit a suicide attack against civilians occurred in December 1994 when an Air France A300 from Algiers, Algeria to Paris, France was hijacked by four perpetrators with 227 passengers and crew aboard. The offenders armed with automatic weapons, hand grenades and explosives controlled the aircraft during the boarding process at Algiers Airport. Three passengers were killed and fifty-eight released in exchange of a departure to Marseille where hijackers demanded fuel to fly to Paris. The aircraft was stormed and the four hijackers were killed. The Authorities had evidence that the hijackers had intended to explode the aircraft in the air over Paris. Thirteen passengers, three crew members and nine commandos were injured in the raid.

2. DISCUSSION

2.1 The terrorist acts which occurred on 11 September 2001 were the first time that civil aircraft were misused as a weapon of destruction, thus presenting a significant new threat to civil aviation. Furthermore, those acts were highly organized and coordinated using several teams of perpetrators.

2.2 These terrorist acts pose a new threat to civil aviation and demand an immediate and sustained international response. The need to ensure safety and security of civil aviation has become an increasingly important feature of the modern world. The problem is global and seriously affects the safety, efficiency and regularity of international civil aviation as well as domestic civil aviation. It should be stressed that all flights were code-shared with non-U.S. airlines. In this regard, it is deemed necessary to convene a global high-level conference of ICAO on aviation security. It will also be necessary to review and enhance existing aviation security provisions and to consider their updating to meet the new challenge. In this context, a draft Assembly Resolution has been developed which would set the stage for future work in this field.

3. ACTION BY THE ASSEMBLY

3.1 The Assembly is invited to examine and adopt the draft resolution presented in the Appendix to this working paper.

APPENDIX

DRAFT ASSEMBLY RESOLUTION

Resolution 13[.] Declaration on Misuse of Civil Aircraft as Weapons of Destruction and Other Terrorist Acts Involving Civil Aviation

Witnessing the abhorrent terrorist acts which occurred in the United States on 11 September 2001 resulting in the loss of numerous innocent lives, human suffering and great destruction;

Expressing its deepest sympathy to the United States, to the more than sixty other States worldwide which lost nationals and to the families of the victims of such unprecedented criminal acts;

Recognizing that such terrorist acts are not only contrary to elementary considerations of humanity but constitute also use of civil aircraft for an armed attack on civilized society and are incompatible with international law;

Recognizing that the new type of threat posed by terrorist organizations requires new concerted efforts and policies of cooperation on the part of States;

Recalling its Resolutions A27-9 and A32-22;

Recalling United Nations General Assembly Resolution 55/158 on measures to eliminate international terrorism;

The Assembly:

1. *Strongly condemns* these terrorist acts as contrary to elementary considerations of humanity, norms of conduct of civilized society and as incompatible with international law;
2. *Declares* that such acts of using civil aircraft as weapons of destruction are contrary to the letter and spirit of the *Convention on International Civil Aviation*, in particular its preamble and Articles 4 and 44;
3. *Declares* that civil aircraft in flight and other civil aviation facilities shall not be used as weapons of destruction;
4. *Urges* all Contracting States to ensure, in accordance with Article 4 of the Convention, that civil aviation is not used for any purpose inconsistent with the aims of the *Convention on International Civil Aviation*, and to hold accountable with severity those who misuse civil aircraft as weapons of destruction, including those responsible for organizing such acts or for aiding, supporting or harbouring the perpetrators;
5. *Urges* all Contracting States to strengthen cooperation in order to assist in the investigation of such acts and in the apprehension and prosecution of those responsible and to ensure that those who participated in these terrorist acts, whatever the nature of their participation, find no safe haven anywhere;

6. *Urges* all Contracting States to intensify their efforts in order to enhance implementation and enforcement of the multilateral conventions on aviation security and the full implementation of the ICAO Standards and Recommended Practices and Procedures relating to aviation security, to monitor such implementation, and to take within their territories appropriate additional security measures commensurate to the level of threat in order to prevent and eradicate terrorist acts against civil aviation;

7. *Directs* the Council to convene as soon as possible an international high-level conference on aviation security with the objective of preventing, combatting and eradicating acts of terrorism against civil aviation;

8. Meanwhile, *directs* the Council to urgently develop an action plan to address the new forms of threat to civil aviation, in particular a review of the adequacy of the existing aviation security conventions and of the ICAO aviation security programme, including a review of Annex 17 to the Convention, as well as any other action which it may consider necessary, including technical cooperation; and

9. *Urges* all Contracting States to make contributions to ICAO's AVSEC mechanism to support and strengthen the combat against terrorism and unlawful interference in civil aviation; *calls on* Contracting States to agree on special funding for urgent action by ICAO in the field of aviation security referred to in the preceding paragraph; and *directs* the Council to develop, as part of the above action plan, proposals for a more stable funding of ICAO action in the field of aviation security, including appropriate remedial action.

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