



# Committee on Aviation Security– Topic 2

**Director – Sylvain Lefoyer**

# INTRUSION OF ACTIVISTS INTO AIRPORT SECURITY RESTRICTED AREA, THREAT TO CIVIL AVIATION OR LEGITIMATE POLITICAL ACTION.

## 1. Foreword

Expressing concern that terrorist groups continue to view civil aviation as an attractive target, with the aim of causing substantial loss of life, economic damage and disruption to connectivity between States, and that the risk of terrorist attacks against civil aviation may affect all regions and Member States, the United Nations Security Council, on 22 September 2016, unanimously adopted [\*Resolution 2309\*](#) that, inter-alia, affirms that all States have the responsibility to protect the security of citizens and nationals of all nations against terrorist attacks on air services operating within their territory, in a manner consistent with existing obligations under international law.

Furthermore, the Resolution notes that Annex 17 — *Aviation Security* to the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (the “Chicago Convention”), provides that contracting States shall develop and implement regulations, practices, and procedures to safeguard civil aviation against acts of unlawful interference and to ensure that such measures are capable of responding rapidly to meet any increased security threat, and further notes that Annex 17 to the Chicago Convention establishes additional standards to safeguard international civil aviation against unlawful interference, to which contracting States shall conform in accordance with the Chicago Convention.

## 2. Definitions of terms.

As far as the intrusion of activist in the airport security-restricted area is concerned, it is important to define the concepts of “security restricted area” and of “acts of unlawful interference”. (the definitions can be found in Annex 17 and are reported below)

- **Act of Unlawful Interference** : These are act or attempted acts such as to jeopardize the safety of civil aviation, including but not limited to :

- Unlawful seizure of aircraft
  - Destruction of an aircraft in service
  - Hostage-taking on board aircraft or on aerodromes
  - Forcible instruction on board an aircraft, at an airport or on the premises of an aeronautical facility
  - Introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes
  - Use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment
  - Communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility.
- **Security restricted area:** Those areas of the airside of an airport which are identified as priority risk areas where in addition to access control, other security controls are applied.

### 3. Reference documentation.

- [United Nations Security Council Resolution 2309 \(2016\)](#)
- ACI advisory bulletin- Airports Disruptions caused by activism
- ACI's Policy Handbook (2020)
- Annex 17- Aviation security (Definitions and Article 5.3)

### 4. Context

Annex 17 is a set of preventive measures with the objective to deter, detect and mitigate attacks against civil aviation, otherwise defined as acts of unlawful interference, whatever the intent and the motive might be, even if the main threat is posed by terrorist groups.

Over the last couple of years, activists and protesters have repeatedly targeted airports for their actions, which, by disrupting operations, have disrupted connectivity between States and caused

economic damage, and sometimes compromised the safety and security of aircrafts and their passengers with the use of drones near aircrafts in short final.

With the global rise in social consciousness, and more especially regarding environment and climate change matters, activism has also become an increasingly salient emerging risk for air transport. Some environmental movements such as Extinction Rebellion or Flygskam even see civil aviation as their primary target to protest and generate substantial impacts in the media.

The ability of activist and protesters to enter a security-restricted area of an airport, has been witnessed many times and the more recent and notable events were:

- in February 2021 when Greenpeace activist managed to breach the security fences of Charles de Gaulle Airports (CDG) and vandalized a commercial aircraft (Boeing 777), causing tens of thousands of Euros in damage, before finally being stopped by airport police;
- in November 2022 in Berlin where climate activist managed to glue themselves to the tarmac at Berlin Brandenburg Airport (BER), blocking the runways.

Entering the security restricted area of an airport without an appropriate authorization (Aircraft ticket or airport access badge) and without the appropriate security control (screening through a security checkpoint) is, by definition in Annex 17, an act of unlawful interference.

Under article 5.3 of Annex 17, Exchange of information and reporting:

5.3.1 Each Contracting State concerned with an act of unlawful interference shall provide ICAO with all pertinent information concerning the security aspects of the act of unlawful interference as soon as practicable after the act is resolved.

5.3.2 Each Contracting State concerned with an act of unlawful interference shall require its appropriate authority to re-evaluate security controls and procedures, and in a timely fashion, take action necessary to remedy weaknesses so as to prevent recurrence.

It appears that, despite being mandatory, many States do not report to ICAO those intrusions of activists in security-restricted area, as they do not consider them as acts of unlawful interference, the rationale being that there would be no terrorist intent in the protest action. This rationale ignores the fact that Annex 17 do not address the intent, which is for the judge to take into account when prosecuting the offender under the relevant legal framework.

## 5. Analysis and proposal for improvement.

You are invited to assess to what extent the “right to protest” and the “non-terrorist intent of the protesters” would bring legitimacy to activists disrupting airport operations by forcible intrusion in the security-restricted area, and would discharge States from their obligation to report such acts of unlawful interference.

You will take into account the fact that activist group may become radicalised, be infiltrated by extremists and their modus operandi be copied with an objective to cause harm.

You will make recommendations to encourage States to address the matter, report effectively to ICAO and take relevant measures to prevent recurrence of such acts.