



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON TRANSPORT, WORKS AND SUPPLY

ON THE

**RATIFICATION OF THE PROTOCOL SUPPLEMENTARY TO THE 1970
CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF
AIRCRAFT (BEIJING PROTOCOL, 2010). CAB. (26) 65**

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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FOREWORD

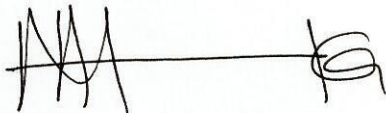
Honourable Madam Speaker, the Committee on Transport, Works and Supply has the honour to present its Report on the consideration of the Ratification of the Protocol Supplementary to the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol, 2010). Cab. (26) 65, for the Fifth Session of the Thirteenth National Assembly.

The functions of the Committee are set out under Standing Orders 206 (n) and 207 of the National Assembly of Zambia Standing Orders, 2024. Specifically, Standing Order 207(f) provides that a portfolio Committee shall consider international agreements, conventions and treaties in accordance with Article 63(2)(e) of the Constitution.

The Committee held four meetings to consider the Protocol. In order to acquaint itself with the ramifications of the Protocol, the Committee sought both written and oral submissions from various stakeholders. The list of stakeholders is at Appendix II of the Report.

The Report is organised in three parts. Part I provides the background and summary of the provisions of the Protocol. Part II presents the summary of submissions from stakeholders, while Part III constitutes the Committee's observations and recommendations.

The Committee is grateful to the stakeholders who tendered both written and oral submissions. It further wishes to thank you, Madam Speaker, for affording it the opportunity to scrutinise the Protocol. The Committee's appreciation is further extended to the Office of the Clerk of the National Assembly for the support and guidance rendered throughout its deliberations.



Mr Mubika Mubika, MP
CHAIRPERSON

May, 2026
LUSAKA

ACRONYM

ICAO - International Civil Aviation Organisation

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1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Mr Mubika Mubika, MP (Chairperson); Mr Joel Chibuye, MP, (Vice Chairperson); Mr Bright Nundwe, MP; Mr Lloyd Lubozha, MP; Mr Emmanuel M Musonda, MP; Mr Mutotwe Kafwaya, MP; Mr Sunday Chanda, MP; Mr Francis Kapyanga, MP; Mr Bernard Kanengo, MP; and Mr Charles Mulenga, MP.

PART I

2.0 BACKGROUND AND RELEVANCE OF THE CONVENTION

The Convention on the Suppression of Unlawful Seizure of Aircraft, also known as the “Beijing Protocol” was adopted at the International Civil Aviation Organisation Diplomatic Session (ICAO) on 10th September, 2010. It was established to expand the scope of the Hague Convention of 1970, by providing for measures to address emerging security threats to civil aviation on the ground, including airports, as well as evolving risks such as organised hijacking networks, technology facilitation and other acts associated with unlawful interference.

The Protocol expands the scope of the criminalised attempts, threats and assistance in hijacking, and introduces liability for perpetrators of such offences. It also expands the grounds of jurisdiction by requiring each State Party to establish jurisdiction when offences are committed by its national and when the victim of the offence is its national.

The Protocol affirms the principle of fair treatment and non-discrimination. Further, the Protocol strengthens the jurisdictional provisions by requiring State Parties to prosecute or extradite offenders.

3.0 OBJECTIVE OF THE CONVENTION

The general objective of the Protocol is to strengthen and modernise the international legal framework for the suppression of unlawful seizure of aircraft by expanding the scope of offences, enhancing State cooperation, and ensuring that new and emerging threats to civil aviation, including technological means of hijacking, are effectively criminalised, prosecuted and punished.

In particular, the Protocol seeks to supplement the Hague Convention, 1970, by updating the law on aircraft hijacking to respond to contemporary aviation security threats, improve international cooperation, expand jurisdictional bases, and ensure that offenders do not evade investigation, prosecution, extradition or punishment.

4.0 SALIENT PROVISIONS OF THE CONVENTION

The salient provisions of the Convention are set out hereunder.

i) Article II: Expanded Offence of Unlawful Seizure of Aircraft

Article II replaces Article 1 of the Hague Convention and expands the offence of unlawful seizure of an aircraft to include control exercised through force, threats, coercion, intimidation, or technological means. It also criminalises related acts such as threats, attempts, organising or directing others, accomplice liability, facilitation, and group-based participation.

The Protocol broadens the scope of the original Convention by recognising modern threats, particularly technological interference such as cyber or electronic attacks. It further extends liability beyond the principal offender to include all participants involved in the offence.

ii) Article III: Severe Penalties

Article III requires offences relating to unlawful seizure of aircraft to be punishable by severe penalties. This reflects the seriousness of aviation security threats and aims at ensuring deterrence.

iii) Article IV: Liability of Legal Entities

Article IV introduces liability for legal entities where offences are committed by persons in positions of control. It also allows for criminal, civil, or administrative sanctions against such entities. This provision recognises that aviation offences may involve organisations such as companies or service providers.

iv) Article VII: Expanded Jurisdiction

Article VII requires Member States to establish jurisdiction over offences based on factors such as territory, aircraft registration, nationality of the offender, landing location, and leasing arrangements. This is necessary due to the transnational nature of aviation offences.

v) Articles XI-XIII: Extradition and Safeguards

These Articles strengthen international cooperation by making unlawful seizure offences extraditable, removing the political offence exception, and introducing safeguards against discriminatory or abusive requests. They ensure that offenders cannot evade justice while also protecting individuals from unfair treatment.

PART II

5.0 SUMMARY OF STAKEHOLDERS' SUBMISSIONS

Stakeholders submitted that the ratification of the Protocol Supplementary to the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft was necessary in order to combat modern aviation threats. However, in supporting the Protocol, they raised concerns outlined below.

i) Expanded Offence of Unlawful Seizure of Aircraft

Stakeholders informed the Committee that in Zambia, section 80 of the *Civil Aviation Act, No. 5 of 2016*, criminalised unlawful seizure by force, threat, or intimidation, while section 136 addressed interference with aircraft operations. However, the Act did not expressly cover seizure through technological means, creating a gap in addressing modern aviation threats.

ii) Severe Penalties

The Committee was informed that although Zambia criminalised such offences under section 80 of the Civil Aviation Act, the penalties limited to a fine or imprisonment of up to two years appeared inadequate given the gravity of the offence. It was thus the view of the stakeholders that Zambia should review and strengthen penalties to ensure they were proportionate, deterrent, and aligned with the Protocol.

iii) Liability of Legal Entities

Stakeholders intimated that although Zambia's Civil Aviation Act broadly defined a "person" to include legal entities, it lacked specific provisions imposing liability on such

entities for unlawful seizure offences. Ratification therefore required Zambia to introduce explicit provisions addressing corporate liability and appropriate sanctions.

iv) Expanded Jurisdiction

The Committee was informed that Zambia's Civil Aviation Act provided for extraterritorial application and coverage of foreign and domestic aircraft. However, it did not explicitly address all jurisdictional bases outlined in the Protocol. It was, therefore, recommended that Zambia review and clarify its jurisdictional framework to ensure full compliance.

v) Extradition and Safeguards

Stakeholders informed the Committee that Zambia's Civil Aviation Act did not comprehensively address extradition, which made implementation dependent on broader legal frameworks. In this regard, it was recommended that Zambia review its extradition and mutual legal assistance laws to ensure consistency with these provisions.

PART III

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

The Committee supports the proposal to ratify the Convention. In doing so, it makes the observations and recommendations set out below.

i) Inadequate Legal Framework to Address Modern Aviation Security Threats

The Committee observes that the current Civil Aviation Act does not fully address emerging aviation security risks, as it omits key provisions relating to technological hijacking and specific liability of legal entities. While existing laws cover traditional forms of unlawful seizure and broadly define "person," they fail to explicitly recognise modern methods of interference and corporate involvement in such offences.

In this regard, the Committee recommends that the Executive should amend the Civil Aviation Act to expressly criminalise unlawful seizure of aircraft through technological means and introduce clear provisions on liability of legal entities. This will ensure that the legal framework adequately responds to evolving aviation security threats and aligns with international standards.

ii) Inadequate Penalties and Jurisdictional Gaps

The Committee observes that penalties for unlawful seizure of aircraft are not sufficiently severe to reflect the gravity of the offence, and the jurisdictional framework does not comprehensively cover all scenarios provided for under the Protocol. Additionally, gaps in extradition provisions limit effective international cooperation in prosecuting offenders.

In view of the foregoing, the Committee recommends that the Executive should review and strengthen penalties under the Civil Aviation Act to ensure they are proportionate and deterrent. It should also clarify jurisdictional provisions and harmonise extradition and mutual legal assistance laws to support effective enforcement and international cooperation.

7.0 CONCLUSION

The Committee is in support of the ratification of the Convention as it will promote economic and aviation sector stability by fostering investor confidence and compliance with international safety standards, while aligning Zambia with the UN Global Counter-Terrorism Strategy and ICAO's comprehensive aviation security framework.

We have the honour, Madam Speaker, to be the Committee on Transport, Works and Supply mandated to consider the Ratification of the Protocol Supplementary to the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol, 2010). Cab. (26) 65.

A handwritten signature in black ink, consisting of a series of vertical strokes followed by a horizontal line and a stylized flourish.

Mr Mubika Mubika, MP
CHAIRPERSON

May, 2026
LUSAKA

APPENDIX I - List of National Assembly Officials

Mr Stephen Chiwota, Director (FC)
Mr Geoffrey Zulu, Deputy Director (FC)
Ms Chitalu R Mulenga, Senior Committee Clerk (FC2)
Mrs Rachel Mumba-Mhongo, Committee Clerk
Mrs Vivian M Banda, Administrative Assistant
Mr Daniel Lupiya, Senior Committee Assistant;
Mr Muyembi Kantumoya, Committee Assistant
Ms Taona Chabinga, Committee Assistant
Ms Dorothy Kapanji Daka, Intern

APPENDIX II - List of Witnesses

Ministry of Justice
Ministry of Transport and Logistics
Civil Aviation Authority
Zambia Law Development Commission