

I. Introductory Provisions

Article 1 – Relation to Other International Law

1. This Protocol supplements the UN Convention for the Suppression of the Unlawful Seizure of Aircraft (“the Convention”). It shall be interpreted together with the Convention.
2. This Protocol serves to address the concerns and additions provided in the Beijing Protocol of 2010, as well as additional concerns updated to reflect the fifteen-year gap between the Beijing Protocol’s creation and present-day aircraft.
3. This Protocol should be read in conjunction with human rights obligations in other international instruments and their protocols, including but not limited to: The United Nations Convention Against Transnational Crime; the 1951 Refugee Convention; the International Convention on Civil and Political Rights; and the International Convention on Economic, Social, and Cultural Rights.
4. This Protocol should also be read in conjunction with international soft law instruments, including the United Nations Guiding Principles on Business and Human Rights, the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises on Responsible Business Conduct, and the International Labor Organization’s Declaration on Fundamental Principles and Rights at Work.
5. Nothing in this convention shall be construed to counteract or contradict any other instrument of international law.

Article 2 – Purpose

1. The purposes of this Protocol are to:
 - a. Modernize and synthesize provisions relating to the unlawful seizure of aircraft to include new aircraft technology, including but not limited to AAM aircraft. Aircraft and their systems and technology have advanced rapidly since the Convention’s entry into force, and in some cases beyond the provisions of the Convention. Accordingly, this addition to the Convention will help cover gaps for offenses and other misuse of aircraft left by the Convention’s current language.
 - b. Encourage States Parties to undertake measures to prevent other human rights abuses that might arise from private use of AAM technology.
 - c. Ensure State use of AAM technology complies with other standards for aircraft security and human rights law.

Article 3 – Definitions

1. Advanced Air Mobility (AAM) shall reference a broad collection of aircraft transportation technology for both humans and cargo, with a particular emphasis on autonomous, semi-autonomous, or remote-piloted aircraft, including Urban Air Mobility aircraft, eVTOLs, air taxis, electronic airplanes (“e-planes”), and autonomous drones.
2. “eVTOL” stands for an electric vertical take-off and landing aircraft.
3. “Air taxi” shall mean an aircraft used for on-demand transportation services.
4. “Human trafficking” in this Protocol shall refer to trafficking of persons as defined in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.
5. “Refoulement” in this Protocol shall have the same meaning as refoulement in the UN Convention Relating to the Status of Refugees.

II. State Commitment to Prevent and Punish Unlawful Seizure of Aircraft

Article 4 – Preventing and Punishing the Unlawful Seizure of Aircraft

1. Any person commits an offense when that person unlawfully seizes, redirects, hijacks, or otherwise exerts control over any aircraft, by use of force, threat, coercion, hacking of an aircraft or its systems, or by any other means.
2. Any attempt to commit the offenses in paragraphs 1, 3, or 4 of this Article shall also be an offense.
3. Organizing or directing the conduct in paragraphs 1, 2, or 4 of this Article shall also be an offense.
4. Knowingly assisting a person, including financially assisting, in the conduct in paragraphs 1, 2, or 3 of this Article shall also be an offense.
5. Knowingly assisting a person who has committed an offense or is suspected of having committed an offense in paragraphs 1, 2, 3, or 4 of this Article evade capture or detection shall itself be an offense.

Article 5 – Punishment

1. States Parties shall undertake the appropriate measures to make the offenses in Article 4 punishable by severe penalties.
2. States Parties shall undertake the appropriate precautions to ensure due process of law to persons accused of the offenses.

Article 6 – Jurisdiction

1. States Parties shall take appropriate measures to establish jurisdiction over the offender when:
 - a. The offender is a national of that state;
 - b. The offender is residing in that state;
 - c. The offense occurred in that state;
 - d. The offender committed the offense in that state; or
 - e. The offense is committed against an aircraft registered in that state.
2. If a state does not have jurisdiction over the offender, that state will take all reasonable steps to deliver the offender to a state of competent jurisdiction, so long as such delivery does not infringe upon such person's internationally recognized human rights.

Article 7 – Liability of Legal Persons

1. States Parties shall take reasonable steps to ensure that victims of the offenses described in Article 4 shall be entitled to a legal remedy against legal persons, whether civil, criminal, or administrative.

III. AAM Application to Existing State Commitments

The following articles outline States Parties' commitment to prevent and punish other abuses of AAM aircraft in furtherance of human rights violations or other criminal activity.

Article 8 – General Pledge to Prevent and Punish the Unlawful Use of AAM Aircraft

1. States Parties shall undertake all reasonable measures to prevent the misuse, whether criminal misuse or misuse in furtherance of the violation of human rights, of AAM aircraft.
2. Even when the use of AAM aircraft is not itself an offense, States Parties shall, at a minimum, ensure their laws do not preclude the prosecution of other offenses when offenders use AAM aircraft in furtherance of said offenses.
3. States Parties will undertake measures to evaluate how circumstances surrounding the use of AAM aircraft might serve as an aggravating factor for existing crimes.

Article 9 – Preventing Human Trafficking

1. States Parties shall undertake measures to ensure that human trafficking laws include, or at least do not bar, punishment for use of AAM technology in furtherance of human trafficking.

Article 10 – Cyber Security and Privacy

1. States Parties, mindful of the unique dangers of transportation data including routes and timing, shall undertake measures to ensure comprehensive data privacy and cyber security laws in effort to prevent vulnerabilities and misuse of user data.
2. States Parties shall undertake measures to ensure victims of data breaches have adequate remedies at law.

IV. State Commitments for the Ethical Use of AAM

The following articles outline States Parties' commitments to refrain from misusing AAM aircraft in furtherance of human rights violations.

Article 11 – General Prohibition

1. States Parties shall not use AAM technology in the furtherance of other human rights abuses, as provided for by international law.

Article 12 – Prohibition on AAM Use in Refoulement

1. In accordance with customary international law and the Convention Relating to the Status of Refugees, state commitments to not engage in refoulement should include by any means, including through use of AAM aircraft.
2. This Article shall apply to all States Parties, but particularly the state of origin, host state, and transit state for the individuals at issue.

Article 13 – Prohibition on State Seizure of Aircraft

1. States Parties themselves shall not unlawfully commit the offenses in Article 4, whether within their own territory or within the territory of another State.

Article 14 – Prohibition on the Arbitrary Investigation, Seizure, and Use of User Data

1. States Parties shall not violate an individual's right to privacy, through arbitrary requests or hacking to obtain user information, including but not limited to travel patterns including routes and times.