



LEGAL COMMITTEE – 36TH SESSION

(Montréal, 30 November to 3 December 2015)

Agenda Item 2: Consideration of the General Work Programme of the Legal Committee

CONSIDERATION OF OTHER ITEMS ON THE GENERAL WORK PROGRAMME OF THE LEGAL COMMITTEE

(Presented by the Secretariat)

1. INTRODUCTION

1.1 This working paper reports on the work relating to the items of the General Work Programme of the Legal Committee other than those respectively covered by Working Papers WP/2-1 to WP/2-4.

2. CONSIDERATION, WITH REGARD TO CNS/ATM SYSTEMS INCLUDING GLOBAL NAVIGATION SATELLITE SYSTEMS (GNSS), AND THE REGIONAL MULTINATIONAL ORGANISMS, OF THE ESTABLISHMENT OF A LEGAL FRAMEWORK

2.1 The Council, at the fifth meeting during its 203rd Session on 5 November 2014, assigned this item priority No. 5 in the General Work Programme of the Legal Committee. There has been no major activity within ICAO. The Secretariat continues to observe and to monitor, as necessary, the relevant activities.

3. PROMOTION OF THE RATIFICATION OF INTERNATIONAL AIR LAW INSTRUMENTS

3.1 At the fifth meeting of its 203rd Session, the Council assigned this item priority No. 6 in the General Work Programme of the Legal Committee.

3.2 The numbers of ratifications of the international air laws instruments adopted under the auspices of ICAO are reflected in the Appendix to this paper, including the numbers of the ratifications since the end of the 35th Session of the Legal Committee on 15 May 2013. The ICAO public website, under the heading of “Treaty Collection”, provides more information, such as current lists of parties to multilateral air law treaties; the status of individual States with regard to multilateral air law treaties; a

composite table illustrating the status of treaties and status of States vis-à-vis treaties; administrative packages to assist States in becoming parties to treaties; Assembly resolutions related to ratification matters; and current information and recommendations on ratification matters. All depositary actions are promptly reflected in a chronological record on the website.

3.3 The 38th Session of the Assembly (24 September - 4 October 2013) adopted Resolution A38-19: Promotion of the Beijing Convention and the Beijing Protocol of 2010, which urged all States to sign and ratify the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention of 2010) and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol of 2010). It further adopted Resolution A38-20: Promotion of the Montréal Convention of 1999, which urged all States that have not done so to become Parties to the *Convention for the Unification of Certain Rules for International Carriage by Air*, done at Montréal on 28 May 1999 (Montréal Convention of 1999).

3.4 The President of the Council and the Secretary General promote international air law instruments during their visits to Member States and meetings with high-level government officials. Poland, Singapore, Namibia and the Republic of Korea hosted legal seminars on 14 November 2013, 6 February 2014, 17 February 2014, and 26 May 2015 respectively to promote, *inter alia*, these instruments. The Legal Affairs and External Relations Bureau of ICAO (LEB) also promotes ratification at legal seminars, during personal deposits by State officials, Assembly sessions and other ICAO meetings. It also joined the United Nations Office of Drugs and Crime, in Nigeria and Bangladesh, to promote the Beijing instruments and the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (2014 Protocol).

4. DETERMINATION OF THE STATUS OF AN AIRCRAFT – CIVIL/STATE

4.1 This item was introduced to the Work Programme of the Legal Committee during the 203rd Session of the Council mentioned above and was assigned priority no. 7. The Council requested LEB to review the 1993 Secretariat Study on “Civil/State Aircraft” (C-WP/9835) to identify those areas where it would be possible to engage the Legal Committee, and to recommend that consideration be given to ways to address this item. This review will be carried out in due course.

5. ACTION BY THE COMMITTEE

5.1 The Legal Committee is invited to consider this working paper and take any action it deems necessary.

APPENDIX

STATUS OF INTERNATIONAL AIR LAW INSTRUMENTS (As at 20 October 2015)						
		Entry into force	Signatures	Ratifications or Accessions (and number required for entry into force where applicable)		Ratifications since 15 May 2013
1.	Convention on International Civil Aviation Chicago, 7 December 1944 (Doc 7300) Depositary: US	4/4/47	52	191		None
2.	International Air Services Transit Agreement Chicago, 7 December 1944 (Doc 7500) (part of Doc 9587) Depositary: US	30/1/45		130		1
3.	International Air Transport Agreement Chicago, 7 December 1944 (part of Doc 9587) Depositary: US	8/2/45		11		None
4.	Protocol on the Authentic Trilingual Text Buenos Aires, 24 September 1968 (incorp. in Doc 7300) Depositary: US	24/10/68	58	152		None
5.	Protocol on the Authentic Quadrilingual Text Montreal, 30 September 1977 (Doc 9217) (incorp. in Doc 7300) Depositary: US	16/9/99	39	88		1
*6.	Protocol on the Authentic Quinquelingual Text Montreal, 29 September 1995 (Doc 9663) Depositary: US	-	66	75	Final para ¹	1
*7.	Protocol on the Authentic Six-Language Text Montreal, 1 October 1998 (Doc 9721) Depositary: US	-	60	56	Final para ¹	1
8.	Article 93 <i>bis</i> , Chicago Convention Montreal, 27 May 1947 (incorp. in Doc 7300) Depositary: ICAO	20/3/61		116		1
9.	Article 45, Chicago Convention Montreal, 14 June 1954 (incorp. in Doc 7300) Depositary: ICAO	16/5/58		142		1
10.	Articles 48(a), 49(e) and 61, Chicago Convention Montreal, 14 June 1954 (incorp. in Doc 7300) Depositary: ICAO	12/12/56		145		1
11.	Article 50(a), Chicago Convention Montreal, 21 June 1961 (incorp. in Doc 7300) Depositary: ICAO	17/7/62		134		1
12.	Article 48(a), Chicago Convention Rome, 15 September 1962 (incorp. in Doc 7300) Depositary: ICAO	11/9/75		120		1
13.	Article 50(a), Chicago Convention New York, 12 March 1971 (Doc 8970) (incorp. in Doc 7300) Depositary: ICAO	16/1/73		130		None
14.	Article 56, Chicago Convention Vienna, 7 July 1971 (Doc 8971) (incorp. in Doc 7300) Depositary: ICAO	19/12/74		134		None

1. This Protocol will enter into force only when the corresponding amendment to the Final Paragraph of the Convention on International Civil Aviation enters into force.

* Not in force

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15.	Article 50(a), Chicago Convention Montreal, 16 October 1974 (Doc 9123) (incorp. in Doc 7300) Depositary: ICAO	15/2/80		129		1
16.	Final paragraph (Russian Text), Chicago Convention Montreal, 30 September 1977 (Doc 9208) (incorp. in Doc 7300) Depositary: ICAO	17/8/99		123		2
17.	Article 83 <i>bis</i> , Chicago Convention Montreal, 6 October 1980 (Doc 9318) (incorp. in Doc 7300) Depositary: ICAO	20/6/97		168		6
18.	Article 3 <i>bis</i> , Chicago Convention Montreal, 10 May 1984 (Doc 9436) (incorp. in Doc 7300) Depositary: ICAO	1/10/98		149		3
19.	Article 56, Chicago Convention Montreal, 6 October 1989 (Doc 9544) (incorp. in Doc 7300) Depositary: ICAO	18/4/05		126		1
20.	Article 50(a), Chicago Convention Montreal, 26 October 1990 (Doc 9561) (incorp. in Doc 7300) Depositary: ICAO	28/11/02		140		2
*21.	Final paragraph (Arabic Text), Chicago Convention Montreal, 29 September 1995 (Doc 9664) Depositary: ICAO	-		66	122 required	2
*22.	Final paragraph (Chinese Text), Chicago Convention Montreal, 1 October 1998 (Doc 9722) Depositary: ICAO	-		53	124 required	2
23.	Convention on the International Recognition of Rights in Aircraft Geneva, 19 June 1948 (Doc 7620) Depositary: ICAO	17/9/53	27	89		None
24.	Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface Rome, 7 October 1952 (Doc 7364) Depositary: ICAO	4/2/58	26	49		None
25.	Protocol of Amendment to the Rome Convention Montreal, 23 September 1978 (Doc 9257) Depositary: ICAO	25/7/02	14	12		None
26.	Convention for the Unification of Certain Rules relating to International Carriage by Air Warsaw, 12 October 1929 (ICAO-Net) Depositary: Poland	13/2/33	21	152		None
27.	The Hague Protocol amending the Warsaw Convention The Hague, 28 September 1955 (Doc 7632) Depositary: Poland	1/8/63	38	137		None

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		Entry into force	Signatures	Ratifications or Accessions (and number required for entry into force where applicable)		Ratifications since 15 May 2013
28.	Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules relating to International Carriage by Air Performed by a Person other than the Contracting Carrier Guadalajara, 18 September 1961 (Doc 8181) Depositary: Mexico	1/5/64	23	86		None
*29.	Guatemala City Protocol Guatemala City, 8 March 1971 (Doc 8932/2) Depositary: ICAO	-	33	7 ratifications 5 accession	30 ratifications required	None
30.	Additional Protocol No. 1 Montreal, 25 September 1975 (Doc 9145) Depositary: Poland	15/2/96	33	50		None
31.	Additional Protocol No. 2 Montreal, 25 September 1975 (Doc 9146) Depositary: Poland	15/2/96	34	51		None
*32.	Additional Protocol No. 3 Montreal, 25 September 1975 (Doc 9147) Depositary: Poland	-	32	21	30 required	None
33.	Montreal Protocol No. 4 Montreal, 25 September 1975 (Doc 9148) Depositary: Poland	14/6/98	38	59		None
34.	Convention for the Unification of Certain Rules for International Carriage by Air Montreal, 28 May 1999 (Doc 9740) Depositary: ICAO	4/11/03	72 States, 1 Regional Economic Integration Organisation	116		13
35.	Convention on Offences and Certain Other Acts Committed on Board Aircraft Tokyo, 14 September 1963 (Doc 8364) Depositary: ICAO	4/12/69	41	186		1
*36.	Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft Montréal, 4 April 2014 Depositary: ICAO	-	29	1	22 required	1
37.	Convention for the Suppression of Unlawful Seizure of Aircraft The Hague, 16 December 1970 (Doc 8920) Depositaries: RF, UK, US	14/10/71	77	185		None
38.	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation Montreal, 23 September 1971 (Doc 8966) Depositaries: RF, UK, US	26/1/73	60	188		None
39.	Montreal Supplementary Protocol Montreal, 24 February 1988 (Doc 9518) Depositaries: RF, UK, US, ICAO	6/8/89	69	173		1
40.	Convention on the Marking of Plastic Explosives for the Purpose of Detection Montreal, 1 March 1991 (Doc 9571) Depositary: ICAO	21/6/98	51	153 [25 producers]		4

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		Entry into force	Signatures	Ratifications or Accessions (and number required for entry into force where applicable)		Ratifications since 15 May 2013
*41.	Convention on the Suppression of Unlawful Acts relating to International Civil Aviation Beijing, 10/9/10 (Doc 9960) Depositary: ICAO		30	12	22 required	6
*42.	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft Beijing, 10/9/10 (Doc 9959) Depositary: ICAO		32	12	22 required	6
43.	Convention on International Interests in Mobile Equipment Cape Town, 16/11/01 (Doc 9793) Depositary: Unidroit	1/3/06	28	60		12
44.	Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment Cape Town, 16/11/01 (Doc 9794) Depositary: Unidroit	1/3/06	28	60		9
*45.	Convention on Compensation for Damage Caused by Aircraft to Third Parties (GRC) Montréal, 2/5/09 (Doc 9919) Depositary: ICAO		13	7	35 required	6
*46.	Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft (UICC) Montréal, 2/5/09 (Doc 9920) Depositary: ICAO		11	4	35 required	3
47.	Convention on the Privileges and Immunities of the Specialized Agencies United Nations, 21 November 1947 - application to ICAO Depositary: UN (and ICAO)	2/12/48		112		None
48.	Joint Financing Agreement - Greenland Geneva, 25 September 1956 (Doc 9585) Depositary: ICAO	6/6/58	13	19		None
49.	Protocol of Amendment to the Joint Financing Agreement - Greenland Montreal, 3 November 1982 Further amendments in 2008 (incorp. in Doc. 9585) Depositary: ICAO	1/1/83 provisional 17/11/89 definitive.	17	23		None
50.	Joint Financing Agreement - Iceland Geneva, 25 September 1956 (Doc 9586) Depositary: ICAO	6/6/58	13	19		None
51.	Protocol of Amendment to the Joint Financing Agreement - Iceland Montreal, 3 November 1982 Further amendments in 2008 (incorp. in Doc. 9586) Depositary: ICAO	1/1/83 provisional 17/11/89 definitive	17	24		None

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		Entry into force	Signatures	Ratifications or Accessions (and number required for entry into force where applicable)		Ratifications since 15 May 2013
52.	International Agreement on the Procedure for the Establishment of Tariffs for Intra-European Scheduled Air Services Paris, 16 June 1987 Depositary: ICAO	5/6/88	13	15		None
53.	International Agreement on the Sharing of Capacity on Intra-European Scheduled Air Services Paris, 16 June 1987 Depositary: ICAO	17/7/88	10	11		None
54.	Multilateral Agreement on Commercial Rights of Non-Scheduled Air Services in Europe Paris, 30 April 1956 Depositary: ICAO	21/8/57	17	21		None
55.	International COSPAS-SARSAT Programme Agreement Paris, 1 July 1988 Parties to the Agreement: States participating as: Ground Segment Providers User States Depositaries: ICAO and IMO	30/8/88	4		26 10	1 withdrawal

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