



WORKING PAPER

LEGAL COMMITTEE – 39TH SESSION

(Montréal, 25 – 28 June 2024)

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

FACILITATING THE RATIFICATION OF LEGAL INSTRUMENTS REGARDING INTERNATIONAL CIVIL AVIATION

(Presented by China)

1. INTRODUCTION

1.1 Over the years, the Legal Committee has proactively fulfilled its responsibilities and functions by conducting research into new and emerging issues affecting air law, preparing draft conventions on international civil aviation and submitting reports and recommendations. As a global legal platform for civil aviation, the Legal Committee has given full play to its role in bringing together representatives from States and international organizations to consider legal instruments on international civil aviation, effectively promoting in-depth cooperation among all parties. It has played an indispensable role in the development of international aviation law.

1.2 For almost 30 years, the draft conventions prepared by the Legal Committee have led to the adoption of numerous legal instruments on international civil aviation, including the *Convention for the Unification of Certain Rules for International Carriage by Air*, done at Montreal on 28 May 1999, the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation*, done at Beijing on 10 September 2010, the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*, done at Beijing on 10 September 2010 and others. The above-mentioned legal instruments on international civil aviation reflect important advances in international aviation legislation.

1.3 At the same time, the Legal Committee has proactively called for efforts to facilitate the ratification and implementation at its sessions. The 41st Session of the International Civil Aviation Organization (ICAO) Assembly in 2022 adopted Resolution A41-4 on the “Consolidated statement of continuing ICAO policies in the legal field”, once again urging all States that have not yet done so to ratify the relevant legal instruments on international civil aviation.

2. CHINA'S TREATY RATIFICATION PROCEDURES AND RATIFICATION OF INTERNATIONAL CIVIL AVIATION LEGAL INSTRUMENTS

2.1 The Law of the People's Republic of China on the Procedure of the Conclusion of Treaties stipulates in detail the domestic procedures that China needs to go through to conclude international treaties. Article 184, paragraph 1, of the Civil Aviation Law of the People's Republic of China clearly stipulates that, “Where the provisions of an international treaty concluded or acceded to by the People's Republic of China are different from those of this

¹ English and Chinese versions were provided by China.

Law, the provisions of that international treaty shall apply, except the provisions for which reservations have been declared by the People's Republic of China". As of now, China has acceded to or ratified over 30 treaties on international civil aviation and is accelerating the ratification of treaties that have not yet been ratified.

2.2 The Civil Aviation Administration of China has been committed to facilitating the ratification of important legal documents. On February 28, 2005, the 14th session of the Standing Committee of the 10th National People's Congress reviewed and ratified the *Convention for the Unification of Certain Rules for International Carriage by Air* (Montreal Convention 1999). On June 1st, the representative of China submitted the instrument of ratification to ICAO. Starting from July 31st, the Convention entered into force for China.

2.3 On October 30, 2022, the 37th session of the Standing Committee of the 13th National People's Congress reviewed and ratified the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention 2010). On August 18, 2023, the representative of China on the ICAO Council submitted the instrument of ratification to ICAO. Starting from October 1st, the Convention entered into force for China. Similarly, on June 30, 2023, the 3rd Session of the Standing Committee of the 14th National People's Congress reviewed and ratified the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol 2010). On October 27, the representative of China submitted the instrument of ratification to ICAO. Starting from December 1st, the Protocol entered into force for China.

2.4 China recognizes the risks and challenges to aviation security posed by disruptive passenger behavior and notes the determination and efforts demonstrated by the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Montreal Protocol 2014) in curbing such behavior and safeguarding aviation security. Based on this understanding, China is proactively considering ratifying the Protocol while continuously improving relevant domestic laws and regulations.

2.5 China recognizes the necessity of ratifying and amending legal instruments on international civil aviation developed and adopted under the auspices of the Organization. Only a universal participation in these instruments would secure and enhance the benefits of unification of the international rules which they embody, as stated in Appendix C of Resolution A41-4.

3. **SIGNIFICANCE AND EFFECTIVENESS OF SELECTED INTERNATIONAL LEGAL INSTRUMENTS**

3.1 The Montreal Convention 1999 modernizes and integrates the international legal system established under the *Convention for the Unification of Certain Rules Relating to International Carriage by Air*, signed at Warsaw on 12 October 1929 (Warsaw Convention 1929) and its amending instruments and sets out the rules for the international transport of passengers, baggage and cargo performed by aircraft for remuneration within an integrated and unified framework. By the end of May 2024, there were 139 States Parties to the Convention, covering more than 98 per cent of air traffic among countries.

3.2 The Beijing Convention 2010 and the Beijing Protocol 2010 are important components of the international civil aviation security and counter-terrorism treaties, which provide a strong legal basis for effectively protecting the safety of passengers' lives and property, and combating unlawful acts of interference against civil aviation. By the end of May 2024, the Beijing Convention has been signed by 34 States, ratified by 24 States, acceded to by 23 States, approved by 1 State and accepted by 1 State, and the Beijing Protocol has been signed by 35 States, ratified by 23 States, acceded to by 26 States, approved by 1 State and accepted by 1 State.

3.3 The Montreal Protocol 2014 amends the *Convention on Offences and Certain Other Acts Committed on Board Aircraft*, signed at Tokyo on 14 September 1963. The Protocol addresses the issue of rising incidents of unruly and disruptive behavior on board aircraft by significantly improving the ability of States to expand jurisdiction over relevant offences and acts to the State of landing and the State of the operator, and by also expressly extending

legal recognition and protections to in-flight security officers. By the end of May 2024, the Protocol has been signed by 36 States, ratified by 18 States, acceded to by 28, and accepted by 2 States.

4. CONCLUSION

4.1 The progress made in the ratification of the international civil aviation legal instruments described above reflects the broad recognition and support of the international community for the legal framework for civil aviation. The Legal Committee has played its due role in providing important support and impetus to the ratification process of international air law instruments. The legal instruments on international civil aviation, which contribute to the harmonization of international aviation rules, are not only a booster for the prosperity and development of the global aviation industry, but also a cornerstone for ensuring order and efficiency in international civil aviation. Only with the ratification of these legal instruments by a wider range of States can we continue to promote the in-depth cooperation in the field of international air law. The Legal Committee is therefore invited:

- a) Call on Member States that have not ratified the legal instruments on international civil aviation to do so; and
- b) Request the Secretariat to raise awareness about such legal instruments in an effort to achieve progress in ratification by Member States.

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