

**ADMINISTRATIVE PACKAGE FOR RATIFICATION
OF THE PROTOCOL ON ARTICLE 3 *BIS***

1. **Full Name of Instrument:**

Protocol relating to an amendment to the Convention on International Civil Aviation, Article 3 *bis*, signed at Montreal on 10 May 1984 (ICAO Doc 9436).

2. **History:**

Assembly - 25th Session (Extraordinary), Montreal, 24 April to 11 May 1984.

3. **Summary:**

This Protocol was adopted by consensus on 10 May 1984. It deals with the problems of interception of and other enforcement measures with respect to a civil aircraft in flight. The drafting history of this Article supports the conclusion that Article 3 *bis* is declaratory of the existing general international law with respect to the following elements:

- a) the obligation of States to refrain from resorting to the use of weapons against civil aircraft in flight;
- b) the obligation, in case of interception, not to endanger the lives of persons on board and the safety of aircraft;
- c) the right of States to require landing at a designated airport of a civil aircraft flying above its territory without authority or if there are reasonable grounds to conclude that it is being used for any purpose inconsistent with the aims of the Convention.

4. **Main reasons for ratification:**

The use of weapons against civil aircraft in flight is incompatible with elementary considerations of humanity and the norms governing international behaviour. Article 3 *bis* embodies fundamental principles essential for the safe development of international civil aviation.

5. **Entry into force:**

The Protocol entered into force on 1 October 1998.

6. **Depositary:**

The Secretary General
Attention: Legal Affairs and External Relations Bureau
International Civil Aviation Organization
999 Robert-Bourassa Boulevard
Montréal, Canada
H3C 5H7

Attachment: Model Instrument of Ratification

**MODEL
INSTRUMENT OF RATIFICATION
BY [NAME OF STATE]
[To be signed by the Head of State, Head of Government or the Minister of Foreign Affairs]**

WHEREAS the [name of State] is a party to the *Convention on International Civil Aviation*, signed at Chicago on 7 December 1944 (hereinafter “the Convention”), having adhered thereto on [date of adherence];

WHEREAS the aforesaid Convention has been amended by the Protocol hereinunder mentioned:

**Protocol relating to an amendment to the *Convention on International Civil Aviation*
[Article 3 bis], signed at Montreal on 10 May 1984;**

AND CONSIDERING it desirable that the [name of State] should become party to this Protocol of Amendment to the Convention on International Civil Aviation;

NOW THEREFORE I, [name and title of the Head of State, Head of Government or the Minister of Foreign Affairs], declare that the Government of [name of State], having examined the said Protocol of Amendment, hereby *RATIFIES* the same, and confirms that the [name of State] shall abide by all of the provisions therein contained.

IN WITNESS THEREOF, I have signed this Instrument of Ratification at (place) on (date).

[Original signature by Head of State,
Head of Government or
Minister for External Affairs]

[Original Seal]