

CURRENT INFORMATION FOR STATES ON RATIFICATION MATTERS

(as of 4 October 2019)

The Assembly of the International Civil Aviation Organization (ICAO), at its 40th Session held in Montréal from 24 September to 4 October 2019, adopted Resolutions A40-9 (Appendix A), A40-11 (Appendix B) and A40-28 (Appendix C) promoting the ratification of international air law instruments. Summaries of the international air law instruments covered by these Resolutions, as well as by Resolutions adopted by the Assembly in previous Sessions and that are still in force, are provided below.

PROTOCOLS OF AMENDMENT TO ARTICLES 50(a) AND 56, 2016

Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 50 (a)] (Doc 10077) and *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 56]* (Doc 10076) (Both not in force)

The Protocol of Amendment to Article 50 (a) provides for an increase in the size of the Council from thirty-six members to forty, while the Protocol of Amendment to Article 56 provides for an increase in the membership of the Air Navigation Commission from nineteen to twenty-one.

By Resolutions A39-5 and A39-7, respectively, the Assembly recommends to all States to ratify most urgently these Protocols.

MONTRÉAL CONVENTION, 1999

Convention for the Unification of Certain Rules for International Carriage by Air (Doc 9740)

This Convention modernizes and consolidates the international legal regime which has been established pursuant to the Warsaw Convention of 1929 and its various amending instruments and provides, within a consolidated and uniform framework, the rules relating to the international carriage of passengers, baggage and cargo performed by aircraft for reward.

By Resolution A39-9, the Assembly urges all States that have not done so to become party to this Convention.

BEIJING CONVENTION AND PROTOCOL, 2010

Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Doc 9960) and *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Doc 9959)

These treaties are the result of collective efforts of the international community to modernize the legal framework for aviation security. By criminalizing a number of acts constituting new and emerging threats against civil aviation, including certain preparatory acts for the offences, they strengthen the capacity of States to prevent the commission of these offences, and to prosecute and punish those who commit such offences. The Convention and the Protocol also contribute to the implementation of the United Nations Global Counter Terrorism Strategy adopted on 8 September 2006 by enhancing the global treaty regime on counter-terrorism.

By Resolution A39-10, the Assembly urges all States to ratify these two instruments.

MONTREAL PROTOCOL, 2014

Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Doc 10034)

The Protocol addresses the issue of rising incidents of unruly and disruptive behaviour 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. The Protocol also serves to enhance global aviation security provisions by expressly extending legal recognition and protections to in-flight security officers.

By Resolution A40-28, Appendix C, and Resolution A40-11, Appendix B, the Assembly urges all States that have not done so to ratify this Protocol.

CAPE TOWN CONVENTION AND AIRCRAFT PROTOCOL, 2001

Convention on International Interests in Mobile Equipment (Doc 9793) and Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (Doc 9794)

These treaties set up a legal framework to facilitate cross-border and asset-based financing of aircraft by improving predictability as to the enforceability of security, title reservation and leasing rights in aircraft and, therefore, protecting lenders and lessors, and allowing borrowers better access to credit at lower costs.

By Resolution A40-28, Appendix C, the Assembly urges all States that have not done so to ratify these instruments.

TRANSIT AGREEMENT, 1944

International Air Services Transit Agreement (Doc 7500)

This Agreement strengthens and facilitates the operation of international scheduled air services by the multilateral exchange of privileges of overflight and technical stops.

By Resolution A40-9, Appendix A, the Assembly urges all States that have not done so to ratify this Agreement.

ARTICLE 83 BIS, LEASE, CHARTER OR INTERCHANGE, 1981

Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 83 bis] (Doc 9318, incorporated in Doc 7300)

This Protocol provides for the transfer of certain functions and duties from the State of registry to the State of the operator. It clarifies safety responsibilities, simplifies procedures and enhances aviation safety.

By Resolution A23-3 and Resolution A40-28, Appendix C, the Assembly urges all States which have not done so to ratify this Protocol.

ARTICLE 3 *BIS*, NON-USE OF WEAPONS AGAINST CIVIL AIRCRAFT IN FLIGHT, 1984

Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 3 bis] (Doc 9436, incorporated in Doc 7300)

This Protocol deals with the problems of interception of, and other enforcement measures with respect to, civil aircraft in flight.

By Resolution A27-1, Resolution A40-28, Appendix C, and the Council Resolution of 27 June 1996, States are urged to ratify this Protocol.

GENERAL RISKS CONVENTION AND UNLAWFUL INTERFERENCE CONVENTION, 2009

Convention on Compensation for Damage Caused by Aircraft to Third Parties (Doc 9919) and *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft* (Doc 9920) (Both not in force)

These treaties establish rules for compensation for damage caused by aircraft to third parties arising from general risks or from acts of unlawful interference.

By Resolution A40-28, Appendix C, the Assembly urges all States that have not done so to ratify these instruments.

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF SPECIALIZED AGENCIES, 1947

Annex III of the *Convention on the Privileges and Immunities of the Specialized Agencies*

This Convention, as applied to ICAO, would facilitate the administration of privileges and immunities essential for the efficient exercise of the Organization's functions in ICAO's Member States.

By Resolution A26-3, the Assembly urges all States which have not done so to take steps to become parties to this Convention.