

ADDITIONAL PROTOCOL NO. 3
TO AMEND THE CONVENTION FOR THE UNIFICATION OF CERTAIN RULES
RELATING TO INTERNATIONAL CARRIAGE BY AIR
SIGNED AT WARSAW ON 12 OCTOBER 1929
AS AMENDED BY THE PROTOCOLS DONE AT THE HAGUE ON 28 SEPTEMBER 1955
AND AT GUATEMALA CITY ON 8 MARCH 1971
SIGNED AT MONTREAL ON 25 SEPTEMBER 1975

Entry into force:	Not in force. In accordance with Article VIII, the Protocol shall come into force on the ninetieth day after the deposit of the thirtieth instrument of ratification.
Status:	33 signatories; 22 ratifications
This list, including the footnotes and reservations, reproduces the information received from the depositary, the Government of the Republic of Poland.	

States	Date of signature	Date of deposit of instrument of ratification
Barbados	25 September 1975	
Belgium	25 September 1975	
Brazil	25 September 1975	27 July 1979 r
Ghana	25 September 1975	11 August 1997
Guatemala	25 September 1975	
Portugal	25 September 1975	7 April 1982
Switzerland	25 September 1975	9 December 1987 r
United Kingdom (1)(6)(7)	25 September 1975	5 July 1984
United States	25 September 1975	
Venezuela (Bolivarian Republic of)	25 September 1975	
France	30 December 1975	
Canada	31 December 1975	
Denmark	1 December 1976	4 May 1988
Norway	27 October 1977	4 May 1988
Sweden (4)	12 December 1977	
Finland (5)	2 May 1978	
Italy	15 May 1978	2 April 1985
Netherlands (2)	19 May 1982	7 January 1983
Colombia	20 May 1982	20 May 1982
Chile	23 November 1984	
Togo	21 August 1985	5 May 1987
Hungary	29 June 1987	30 June 1987
Ethiopia	14 July 1987	14 July 1987
Spain	19 November 1987	20 July 1989
Israel	27 November 1987	16 February 1988
Greece	10 November 1988	12 November 1988
Ireland	27 June 1989	27 June 1989
Argentina (3)	14 March 1990	14 March 1990
Australia	24 April 1991	
Cyprus	10 November 1992	10 November 1992
Kuwait	21 March 1995	8 November 1996
Estonia	25 November 1997	16 March 1998
Peru	14 April 2021	14 April 2021

r Reservation

RESERVATIONS

BRAZIL

The instrument of ratification contains a reservation in accordance with Article XI (1) b) thereof.

SWITZERLAND

The instrument of ratification contains a reservation in accordance with Article XI (1) c) thereof.

NOTES

- (1) Ratification by the United Kingdom was also done on behalf of: the Bailiwick of Jersey, the Bailiwick of Guernsey, the Isle of Man, Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Falkland Islands Dependencies, Gibraltar, Hong Kong, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena, Saint Helena Dependencies, Turks and Caicos Islands, United Kingdom Sovereigning Base and the areas of Akrotiri and Dhekelia in the Island of Cyprus.

Furthermore, the following declaration was subsequently made:

“In reference to the declaration made by the Argentine Republic when depositing the instruments of ratification of Protocols Nos. 1, 2 and 3 as well as Montreal Protocol No. 4, signed at Montreal on 25 September 1975, the position of the United Kingdom is well known and remains unchanged. The United Kingdom has no doubt of its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and its incontestable right to apply the treaties thereto. As for the part of the declaration concerning the British Antarctic Territory, the Embassy recalls the contents of the Antarctic Treaty and particularly the provisions of Article IV of the said Treaty . . .”.

- (2) The ratification concerns the Kingdom in Europe and the Netherlands Antilles.

- (3) The instrument of ratification by the Government of Argentina contains the following declaration:

“The United Kingdom of Great Britain and Northern Ireland having proceeded to ratification of the Additional Protocols to the Warsaw Convention of 1929, adopted in Montreal (Canada) in 1975, the Argentine Republic rejects the said ratification inasmuch as it is made in the name of the ‘Malvinas Islands and of their Dependencies’, and reaffirms its sovereign right over the Malvinas Islands, South Georgia and the South Sandwich Islands which are an integral part of its national territory.

The General Assembly of the United Nations has adopted Resolutions 2065/XX/, 3160/XXVIII/, 31/49, 38/12 and 39/6 in which it recognizes the existence of a dispute relating to the question of the sovereignty of the Malvinas Islands and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume as soon as possible their negotiations with a view to seeking by peaceful means a definitive solution to their dispute and to the other differences relating to the said question, through the good offices of the Secretary-General of the Organization who is to report on the progress achieved.

The Argentine Republic at the same time rejects the ratification referred to in the preceding paragraph inasmuch as it is made in the name of the ‘British Antarctic Territory’, and reaffirms that it does not accept any denomination which would attribute as belonging to another State, or which would admit thereof, the sector extending between longitude 25E West and longitude 74E West and between latitude 60E South and the South Pole over which the Argentine Republic exercises its sovereignty since this sector is an integral part of its territory”.

- (4) On 8 September 2003, the depositary registered withdrawal by Sweden of its instrument of ratification which had been deposited on 4 May 1988.

- (5) On 8 September 2003, the depositary registered withdrawal by Finland of its instrument of ratification which had been deposited on 4 May 1988.

- (6) On 24 January 2020, the Secretary General received a copy of Circular Note No 1/2020, dated 20 January 2020, from the Ministry of Foreign Affairs of Poland to which was appended Note Verbale No. 1197/28, dated 10 January 2020 from the Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius. The text of the said Note Verbale is reproduced below:

“The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius presents its compliments to the Ministry of Foreign Affairs of the Republic of Poland and has the honour to register its strong objection against the extension by the United Kingdom of Great Britain and Northern Ireland to the so-called “British Indian Ocean Territory”, of the Agreements listed at Annex and in respect of which the Government of the Republic of Poland is the depositary.

The Government of the Republic of Mauritius considers that by extending these Agreements to the so-called “British Indian Ocean Territory”, the United Kingdom purported to exercise sovereignty over the Chagos Archipelago – a claim which is untenable under international law.

The Government of the Republic of Mauritius wishes to reiterate in emphatic terms that it does not recognize the so-called “British Indian Ocean Territory”. The fact that the Chagos Archipelago is, and has always been, part of the territory of the Republic of Mauritius, and that the United Kingdom has never had sovereignty over the Chagos Archipelago, has been authoritatively established by the International Court of Justice in its Advisory Opinion of 25 February 2019, on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*.

In this authoritative legal determination, the Court declared that the decolonization of the Republic of Mauritius had not been lawfully completed in 1968, since the Chagos Archipelago had been unlawfully detached in 1965, in violation of the right of self-determination of peoples and the Charter of the United Nations, as applied and interpreted in accordance with UN General Assembly resolution 1514 (XV) of 14 December 1960, resolution 2066 (XX) of 16 December 1965, resolution 2232 (XXI) of 20 December 1966 and resolution 2357 (XXII) of 19 December 1967. Accordingly, it went on to hold that the United Kingdom’s ongoing administration of the Chagos Archipelago, as the so-called “British Indian Ocean Territory” was an internationally wrongful act, of a continuing nature, that engaged the State responsibility of the United Kingdom. It determined that the United Kingdom is under a legal obligation to terminate its unlawful colonial administration “as rapidly as possible”.

The Court further determined that all UN Member States have an obligation to cooperate with the United Nations in facilitating the completion of the decolonization of the Republic of Mauritius as rapidly as possible, including an obligation not to support the continuing wrongful conduct of the United Kingdom in maintaining its colonial administration in the Chagos Archipelago.

On 22 May 2019, the General Assembly, by an overwhelming majority of 116 votes to 6, adopted resolution 73/295. By this resolution, it endorsed the Court’s Advisory Opinion, affirmed that the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, and demanded that the United Kingdom terminate its unlawful colonial administration within a maximum of six months, that is, by no later than 22 November 2019. That deadline has now expired.

Moreover, the General Assembly in its resolution called upon Member States to “cooperate with the United Nations to ensure the completion of the decolonization of Mauritius as rapidly as possible” and to refrain from conduct that might impede or delay the completion of decolonization. It further called upon the United Nations and all its specialized agencies to recognize that the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, to support the decolonization of the Republic of Mauritius as rapidly as possible, and to refrain from impeding that process by recognizing the so-called “British Indian Ocean Territory”. Lastly, the resolution also called upon “all other international, regional and intergovernmental organizations, *including those established by treaty*” to recognize that the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, to support its speedy decolonization, and to “refrain from impeding that process” by recognizing the so-called “British Indian Ocean Territory”.

The Republic of Mauritius has, over the years, consistently asserted, and hereby reasserts, its full sovereignty over the Chagos Archipelago. The Government of the Republic of Mauritius therefore unequivocally protests against the extension by the United Kingdom of the Agreements listed at Annex to the so-called “British Indian Ocean Territory” and against the purported exercise by the United Kingdom of any sovereignty, rights or jurisdiction within the territory of the Republic of Mauritius.

For the above stated reasons, which arise from established principles of international law as authoritatively interpreted and applied by the International Court of Justice and endorsed by the UN General Assembly, the Government of the Republic of Mauritius does not recognize the extension by the United Kingdom of the Agreements listed at Annex to the so-called “British Indian Ocean Territory”, reserves all its rights in this regard, and calls upon all States Parties to the Agreements listed at Annex to reject the United Kingdom’s extension of these Agreements to the so-called “British Indian Ocean Territory”.

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius kindly requests that the present objection be duly recorded, circulated and registered with the Secretariat of the United Nations pursuant to Article 102 of the Charter of the United Nations.

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius avails itself of his opportunity to renew of the Republic of Poland the assurances of its highest consideration.

[SEAL] Port Louis, 10 January 2020

ANNEX
LIST OF AGREEMENTS DEPOSITED WITH THE GOVERNMENT OF THE REPUBLIC OF POLAND AND WHICH THE UNITED KINGDOM HAS EXTENDED TO THE SO-CALLED "BRITISH INDIAN OCEAN TERRITORY" ("BIOT")

Name of Agreement	Action Taken by the United Kingdom
Protocol to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929, The Hague, 28 September 1955	Extension of the Protocol to the so-called "BIOT" on 3 March 1967
Additional Protocol No. 1 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929, Montreal, 25 September 1975	Ratification of the Protocol extended to the so-called "BIOT" on 5 July 1984
Additional Protocol No. 2 to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929 as amended by the Protocol done at The Hague on 28 September 1955, Montreal, 25 September 1975	Ratification of the Protocol extended to the so-called "BIOT" on 5 July 1984
Additional Protocol No. 3 to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929 as amended by the Protocols done at The Hague on 28 September 1955 and at Guatemala City on 8 March 1971, Montreal, 25 September 1975	Ratification of the Protocol extended to the so-called "BIOT" on 5 July 1984
Montreal Protocol No. 4 to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929 as amended by the Protocol done at The Hague on 28 September 1955, Montreal, 25 September 1975	Ratification of the Protocol extended to the so-called "BIOT" on 5 July 1984"

- (7) On 24 February 2020, the Secretary General received Circular Note No 2/2020, dated 21 February 2020, from the Ministry of Foreign Affairs of Poland to which was appended Note Verbale number OTD/003/2020, dated 11 February 2020 from the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland. The text of the said Note Verbale is reproduced below:

"The Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Ministry of Foreign Affairs of the Republic of Poland and has the honour to refer to a Note Verbale from the Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius dated 10 January 2020 (1197/28). This concerns the United Kingdom of Great Britain and Northern Ireland's extension of Protocols under the Warsaw Convention to the British Indian Ocean Territory (BIOT).

The United Kingdom of Great Britain and Northern Ireland rejects the claims contained in the Note Verbale of the Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius. The United Kingdom has no doubt about its sovereignty over the territory of BIOT, which has been under continuous British sovereignty since 1814. Mauritius has never held sovereignty over the islands that now form BIOT and the United Kingdom does not recognise its claim.

The Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland avails itself of the opportunity to renew to the Ministry of Foreign Affairs of the Republic of Poland the assurances of its highest consideration.

FOREIGN AND COMMONWEALTH OFFICE LONDON
[11 FEBRUARY 2020] [SEAL]"