

**60TH CONFERENCE OF
DIRECTORS GENERAL OF CIVIL AVIATION
ASIA AND PACIFIC REGION**

*Sendai, Japan
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AGENDA ITEM 9: UPDATES

RATIFICATION OF INTERNATIONAL AIR LAW TREATIES

(Presented by the International Civil Aviation Organization)

SUMMARY

This discussion paper presents actions taken by ICAO with respect to the promotion of the ratification of international air law treaties since the 59th Conference of Directors General of Civil Aviation, ICAO Asia and Pacific Region (Cebu, Philippines, 14 to 18 October 2024). It also provides an overview of the APAC States' responses to actions taken by ICAO, including depositary actions, since the aforesaid Conference. The paper concludes with proposed future actions to accelerate ratification of international air law treaties.

RATIFICATION OF INTERNATIONAL AIR LAW TREATIES

1. INTRODUCTION

1.1 At the 59th Conference of Directors General of Civil Aviation, ICAO Asia and Pacific Region, held in Cebu, Philippines from 14 to 18 October 2024 (APAC-DGCA/59), the DGCA considered 59/DP/9/4, which reported on actions taken by ICAO with respect to the promotion of the ratification of international air law treaties since APAC-DGCA/58 (Dhaka, Bangladesh, 15 to 19 October 2023). It is recalled that 58/DP/9a/01 discussed the benefits of six international air law treaties¹ and invited States that had not yet ratified those treaties, to do so. Information pertaining to the ratification process and an overview of the resources available for States to assist them with ratification were also provided. 59/DP/9/4 further provided an overview of the APAC States' responses to actions taken by ICAO, including depositary actions, since APAC-DGCA/58, and concluded with proposed future actions to accelerate ratification of international air law treaties.

1.2 Following consideration of 59/DP/9/4, the meeting adopted Action Item 59/45, in which the Conference encouraged States/Administrations to: i) ratify the protocols amending Articles 50 and 56 of the Chicago Convention;² ii) nominate a Focal Point for the Ratification of International Air Law Treaties; iii) participate in the third edition of the Civil Aviation Legal Advisers Forum (CALAF) in London, UK from 26 to 28 November 2024, in the ICAO International Air Law Course as well as other similar events; iv) inform ICAO before 1 March 2025 of their further progress towards the ratification of international air law treaties by updating/using the DGCA tracking matrix; and v) contact the ICAO LEB Treaty Section (treaty@icao.int) for any information or assistance with regard to ratification matters.

1.3 This discussion paper presents the actions taken by ICAO and APAC Member States since APAC-DGCA/59 and concludes with proposed future actions with respect to States' ratification of international air law treaties.

2. DISCUSSION

Actions taken to promote the ratification of international air law treaties

2.1 Since APAC-DGCA/59, ICAO has taken the following actions with a view to promoting the ratification of international air law treaties:

- a) **Issuance of State letter:** On 3 March 2025, State letter Ref. SN 2 (2025): AP-036/25 (TC) was issued by which APAC Member States were reminded of the Second APAC Ministerial Declaration (New Delhi, India, 11 to 12 September 2024) and Action Item 59/45 of APAC-DGCA/59, whereby States were encouraged to: ratify the Protocols amending Articles 50 (a) and 56 of the Chicago Convention; consider becoming parties to the international air law treaties that they have not yet ratified; nominate a Focal Point for the ratification of international air law treaties; inform ICAO of their further progress towards the ratification of international air

¹ The six international air law treaties highlighted in APAC-DGCA – 58/DP/9a/01 were: the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 50 (a)]* (Doc 10077) and the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 56]* (Doc 10076) (Montréal, 2016) (2016 Protocols on Articles 50(a) and 56 of the Chicago Convention); the *Convention for the Unification of Certain Rules for International Carriage by Air* (Doc 9740) (Montreal, 1999) (Montreal Convention 1999); the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Doc 9960) and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Doc 9959) (Beijing, 2010) (Beijing Convention and Protocol 2010); and the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Doc 10034) (Montréal, 2014) (Montréal Protocol 2014).

² 2016 Protocols on Articles 50(a) and 56 of the Chicago Convention.

law treaties by updating/using the DGCA tracking matrix; and contact the ICAO LEB Treaty Section (treaty@icao.int) for any information or assistance with regard to ratification matters. The action required by the State letter was for States to nominate and/or update a focal point to coordinate ratification matters by 31 March 2025 (by completing the online nomination form at <https://forms.office.com/r/tn2x9S34PQ>). To date, 27 States out of 39 in the region have responded to this State letter and to State letter Ref. SN 2 (2023): AP TC152/23 issued on 2 November 2023 (69% of States in the region), primarily with nominations of Focal Points, and only four States indicating progress with respect to ratification of one or more of the treaties at footnote 1.

- b) **CALAF/3:** The Third Edition of the Civil Aviation Legal Advisers Forum (CALAF) was held in London, United Kingdom from 26 to 28 November 2024. 175 legal experts from 54 States and six international organizations participated in the event, including participants from APAC States. The Forum commemorated 80 years since the adoption of the Chicago Convention and featured discussions on the legal and regulatory best practices shaping the future of international aviation, with input from industry, academia and legal practitioners. The Forum also featured discussions on States' obligations under the Cape Town Convention and Aircraft Protocol of 2001, their relationship with national civil aviation law and practice, and on the roles of the Supervisory Authority and the Registrar of the International Registry.
- c) **IALC:** The APAC Regional Office hosted the delivery of an International Air Law Course in May 2025.

Depositary actions by APAC States

2.2 Two depositary actions by APAC States have been recorded by ICAO since APAC-DGCA/59, i.e., ratification of the Montreal Convention 1999 by Cambodia on 31 January 2025 and ratification of the 1984 Protocol Introducing Article 3 *bis* of the Chicago Convention by Sri Lanka on 30 May 2025.

Tracking progress by APAC States towards ratification

2.3 As stated at paragraph 2.1 (a) above, since APAC-DGCA/58, 27 States have provided the names and details of Focal Points within their administration to coordinate with ICAO on matters related to the ratification of international air law treaties. Four States have indicated progress with respect to the ratification of the Beijing Convention and Protocol 2010 and the Montréal Protocol 2014, with two States also indicating progress on the ratification of the 2016 Protocols on Articles 50(a) and 56 of the Chicago Convention and one State indicating progress on the ratification of the Montreal Convention 1999.

2.4 Thirteen States in the APAC region have ratified the 2016 Protocols on Articles 50(a) and 56 of the Chicago Convention. Furthermore, as there is limited progress on those treaties dealing with new and emerging threats against the safety and security of civil aviation, including cyber attacks (the Beijing Convention and Protocol 2010) and on the issue of unruly and disruptive passengers (Montréal Protocol 2014), this calls for expedited action by most APAC States. The Montreal Convention 1999 is widely ratified by a majority of States, however it is important that all States join the treaty as it will ensure universal application of the modernized compensation rules for air carrier liability for all travellers. Two States in the APAC region have ratified all the key treaties.³

³ Mongolia and Singapore.

Upcoming actions to promote the ratification of international air law treaties

2.5 In the interest of increasing momentum, States are encouraged to participate in the following upcoming events:

- a) **Third ICAO Treaty Event:** The Third ICAO Treaty Event will be held on 23 and 24 September 2025 at ICAO Headquarters in the margins of the 42nd Session of the ICAO Assembly, during which ICAO Member States will be afforded an opportunity to deposit instruments of ratification to the six key treaties highlighted at footnote 1 or to any other treaty for which ICAO acts as depositary, or to consult on treaty matters with the Legal Affairs and External Relations Bureau (LEB);
- b) **CALAF/4:** The Fourth Edition of CALAF will be held in The Bahamas in February 2026 featuring presentations and discussions by legal advisers of civil aviation regulatory bodies on topical legal subjects of interest to the international aviation community including air law treaties; and
- c) **IALC:** The APAC Regional Office will host the delivery of an International Air Law Course during 2026.

2.6 **Appendix A** to this discussion paper provides an updated form indicating the status of APAC States with respect to ratification of the six international air law treaties highlighted in DGCA/58 – DP/9a/01. **Appendix B** contains the tracking matrix which was appended to DGCA/59 – DP/9/4 and to the State letter of 3 March 2025, which DGCAs/Focal Points are again invited to submit to the Organization so as to inform of their State's further progress towards ratification of international air law treaties. DGCAs are reminded that the tracking matrix can be filled/updated by the Focal Points whenever a State reaches an important milestone in the ratification process, such as when the ratification proposal is presented to the competent authority or organ for approval, or receives executive and/or legislative approval, and when the ratifying legislation is published or gazetted, as applicable.

3. ACTION BY THE CONFERENCE

3.1 The Conference is invited to:

- a) Encourage APAC States to become parties to the six treaties highlighted at footnote 1 of this discussion paper, and to any other international air law treaty that they have not yet ratified;
- b) Encourage APAC States to nominate a Focal Point for the Ratification of International Air Law Treaties, if they have not already done so and to inform the ICAO APAC Regional Office accordingly by completing the online nomination form at <https://forms.office.com/r/tn2x9S34PQ>;
- c) Encourage APAC States to participate in the third ICAO Treaty Event in September 2025, in the fourth edition of the Civil Aviation Legal Advisers Forum (CALAF) in The Bahamas in February 2026, in the ICAO International Air Law Course as well as other similar events for the continuous training and development of their legal advisers with regard to ratification and implementation of international air law instruments and to consider hosting from time to time such events in their States;
- d) Encourage APAC States to inform ICAO before **1 September 2025** of their further progress towards the ratification of international air law treaties by updating/using the DGCA tracking matrix set out in **Appendix B** to this discussion paper; and
- e) Encourage APAC States to contact the ICAO LEB Treaty Section (treaty@icao.int) for any information or assistance with regard to ratification matters.

APPENDIX A

STATUS OF STATES IN THE APAC REGION WITH RESPECT TO SELECTED INTERNATIONAL AIR LAW TREATIES

(as of 15 June 2025)⁴

	Article 50 (a) (2016) ⁵ (114 Ratifications)	Article 56 (2016) ⁶ (114 Ratifications)	Mtl Convention (1999) (141 Parties)	Beijing Convention (2010) (56 Parties)	Beijing Prot (2010) (57 Parties)	Mtl Prot (2014) (53 Parties)
Afghanistan						
Australia			X			
Bangladesh	X	X	X			
Bhutan						
Brunei Darussalam			X			
Cambodia	X	X	X			
China			X	X	X	
Cook Islands			X			
Democratic People's Republic of Korea						
Fiji			X			
India	X	X	X		X	
Indonesia	X	X	X			
Japan			X			

⁴ Yellow highlight indicates new ratifications since APAC-DGCA/59.

⁵ Not in force.

⁶ Not in force.

	Article 50 (a) (2016) ⁵ (114 Ratifications)	Article 56 (2016) ⁶ (114 Ratifications)	Mtl Convention (1999) (141 Parties)	Beijing Convention (2010) (56 Parties)	Beijing Prot (2010) (57 Parties)	Mtl Prot (2014) (53 Parties)
Kiribati						
Lao People's Democratic Republic						
Malaysia	X	X	X			X
Maldives			X			
Marshall Islands						
Micronesia (Federated States of)						
Mongolia	X	X	X	X	X	X
Myanmar				X	X	
Nauru						
Nepal			X			
New Zealand	X	X	X			
Pakistan	X	X	X			
Palau						
Papua New Guinea						
Philippines			X			
Republic of Korea	X	X	X			
Samoa						

	Article 50 (a) (2016) ⁵ (114 Ratifications)	Article 56 (2016) ⁶ (114 Ratifications)	Mtl Convention (1999) (141 Parties)	Beijing Convention (2010) (56 Parties)	Beijing Prot (2010) (57 Parties)	Mtl Prot (2014) (53 Parties)
Singapore	X	X	X	X	X	X
Solomon Islands						
Sri Lanka	X	X	X			
Thailand	X	X	X			
Timor-Leste						
Tonga			X			
Tuvalu						
Vanuatu			X			
Viet Nam	X	X	X			

APPENDIX B

RATIFICATION TRACKING MATRIX

[NAME OF THE MEMBER STATE]					
	TREATY PROPOSED BY DGCA TO COMPETENT AUTHORITY FOR RATIFICATION	TREATY SUBMITTED FOR APPROVAL TO LEGISLATURE OR OTHER COMPETENT AUTHORITY	AWAITING SUBMISSION OF THE INSTRUMENT OF RATIFICATION TO THE DEPOSITARY (E.G., ICAO)	TREATY NOT CONSIDERED FOR RATIFICATION	COMMENTS
[NAME OF TREATY]					
[NAME OF TREATY]					
[NAME OF TREATY]					
[...]					

— END —