

**59TH CONFERENCE OF
DIRECTORS GENERAL OF CIVIL AVIATION
ASIA AND PACIFIC REGIONS**

*Cebu, Philippines
14 – 18 October 2024*

AGENDA ITEM 9A: 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 58th Conference of Directors General of Civil Aviation, ICAO Asia and Pacific Regions (Dhaka, Bangladesh, 15 to 19 October 2023). 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 58th Conference of Directors General of Civil Aviation, ICAO Asia and Pacific Regions, held in Dhaka, Bangladesh from 15 to 19 October 2023 (APAC-DGCA/58), the DGCA considered 58/DP/9a/01, which presented the benefits of six international air law treaties¹ and invited States that have not yet ratified those treaties, to do so. Information pertaining to the ratification process² and an overview of the resources available for States to assist them with ratification were also provided.

1.2 Following consideration of the discussion paper, the meeting adopted Action Item 58/42, in which the Conference encouraged States to consider: i) becoming parties to the international air law treaties that they have not yet ratified; ii) making use of ICAO legal seminars and workshops, the Civil Aviation Legal Advisers Forum (CALAF), the ICAO International Air Law Course (IALC) as well as other similar events for the continuous training and development of their legal advisers, as well as hosting such events; and iii) informing ICAO before 1 March 2024 of their progress towards the ratification of international air law treaties and providing focal points to coordinate ratification matters.

1.3 This discussion paper presents the actions taken by ICAO and APAC Member States since APAC-DGCA/58 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/58, ICAO has taken the following actions with a view to promoting the ratification of international air law treaties:

- a) **Issuance of State letters:** On 2 November 2023, State letter Ref. SN 2 (2023): AP-TC152/23 (TC) was issued by which APAC Member States were invited to nominate Focal Points to coordinate with ICAO on matters related to the ratification of international air law treaties by 31 January 2024, and to submit a tracking matrix indicating their progress towards ratification of air law treaties before 1 March 2024. To date, 25 States out of 39 in the region have responded to the State letter (64% of States in the region). On 6 May 2024, State letter Ref. LE 3/12.1-24/61 was issued to mark the tenth anniversary of the adoption of the Montréal Protocol 2014, encouraging States that have not yet done so to urgently ratify the treaty.
- b) **Air Law Treaty Workshop:** An Air Law Treaty Workshop organized by ICAO with the support of the Civil Aviation Authority of Singapore (CAAS) was held at the Singapore Aviation Academy (SAA) from 12 to 14 December 2023. The Workshop was attended by a total of 40 participants from 6 APAC States, alongside participants from States in other regions.
- c) **ICAO Legal Seminar:** ICAO held a Legal Seminar hosted by the Government of the Republic of Korea in Seoul from 16 to 18 April 2024. The Seminar was attended by a

¹ The six international air law treaties highlighted in 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 A State's expression of consent to be bound by a treaty at international law can be in the form of ratification, accession, acceptance or approval.

total of 31 international participants from 10 APAC States, alongside participants from the Host State and States in other regions.

- d) **Regional Workshop on Cross-Border Transferability (XBT) of Aircraft and the Cape Town Instruments**³: ICAO, in collaboration with the Aviation Working Group (AWG), hosted a Regional Workshop in Bangkok from 24 to 26 June 2024. The Workshop was attended by a total of 37 participants from 11 APAC States.

Depositary actions by APAC States

2.2 Eight depositary actions by four APAC States have been recorded by ICAO since APAC-DGCA/58 as follows:

- a) 2016 Protocols on Articles 50(a) and 56 of the Chicago Convention: ratification by India on 30 November 2023 and by Sri Lanka on 28 February 2024;
- b) Montréal Protocol 2014: accession by Mongolia on 3 July 2024; and
- c) Beijing Convention and Protocol 2010: ratification by Mongolia of the Convention and Protocol on 3 July 2024 and accession by China to the Protocol on 27 October 2023.

Tracking progress by APAC States towards ratification

2.3 Twelve 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, and it is desirable for the remaining States to complete the process so as to enable timely action to be taken ahead of the 42nd Session of the ICAO Assembly in 2025. 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.⁴

Upcoming actions to promote the ratification of international air law treaties

2.5 While there has been some progress by the APAC States with respect to ratification of international air law treaties, in the interest of increasing momentum States are encouraged to participate in the upcoming events:

- a) **CALAF**: The Third Edition of CALAF will be held in London, United Kingdom from 26 to 28 November 2024 featuring presentations and discussions by legal

³ *Convention on International Interests in Mobile Equipment* and the *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment*, both Signed at Cape Town on 16 November 2001.

⁴ Mongolia and Singapore.

advisers of civil aviation regulatory bodies on topical legal subjects of interest or concern regarding sustainability and innovation, aviation safety, air transport facilitation and aircraft financing and will include the ratification of international air law treaties.

- b) **IALC**: The APAC Regional Office will host the delivery of an International Air Law Course during 2025.

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/58 – DP/9a/01 and to the State letter of 2 November 2023, 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 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;
- b) Encourage APAC States to 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 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;
- c) Encourage APAC States to 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 set out in **Appendix B** to this discussion paper; and
- d) Encourage APAC States to contact the ICAO LEB Treaty Section (treaty@icao.int) for any information or assistance with regard to ratification matters.

— END —

APPENDIX A

STATUS OF STATES IN THE APAC REGIONS WITH RESPECT
TO SELECTED INTERNATIONAL AIR LAW TREATIES*(as of 23 September 2024)¹*

	Article 50 (a) (2016) ² (103 Parties)	Article 56 (2016) ³ (103 Parties)	Mtl Convention (1999) (140 Parties)	Beijing Convention (2010) (52 Parties)	Beijing Prot (2010) (53 Parties)	Mtl Prot (2014) (51 Parties)
Afghanistan						
Australia			X			
Bangladesh	X	X	X			
Bhutan						
Brunei Darussalam			X			
Cambodia	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			

¹ Yellow highlight indicates new ratifications since APAC-DGCA/58.² Not in force.³ Not in force.

Appendix A to 59/DP/9/4

	Article 50 (a) (2016) ² (103 Parties)	Article 56 (2016) ³ (103 Parties)	Mtl Convention (1999) (140 Parties)	Beijing Convention (2010) (52 Parties)	Beijing Prot (2010) (53 Parties)	Mtl Prot (2014) (51 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			

Appendix A to 59/DP/9/4

	Article 50 (a) (2016)² (103 Parties)	Article 56 (2016)³ (103 Parties)	Mtl Convention (1999) (140 Parties)	Beijing Convention (2010) (52 Parties)	Beijing Prot (2010) (53 Parties)	Mtl Prot (2014) (51 Parties)
Samoa						
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 —