ICAO

INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY

AFI SECFAL PLAN – 12th STEERING COMMITTEE MEETING

Nairobi, Kenya: August 2023





Agenda Item: 6

Ratification of International Air Law Treaties

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Legal Affairs and External Relations Bureau

ICAO

Ratification of International Air Law Treaties



Outlines the benefits of certain international air law treaties adopted under the auspices of ICAO and African member States that have not done so are urged to ratify these treaties.



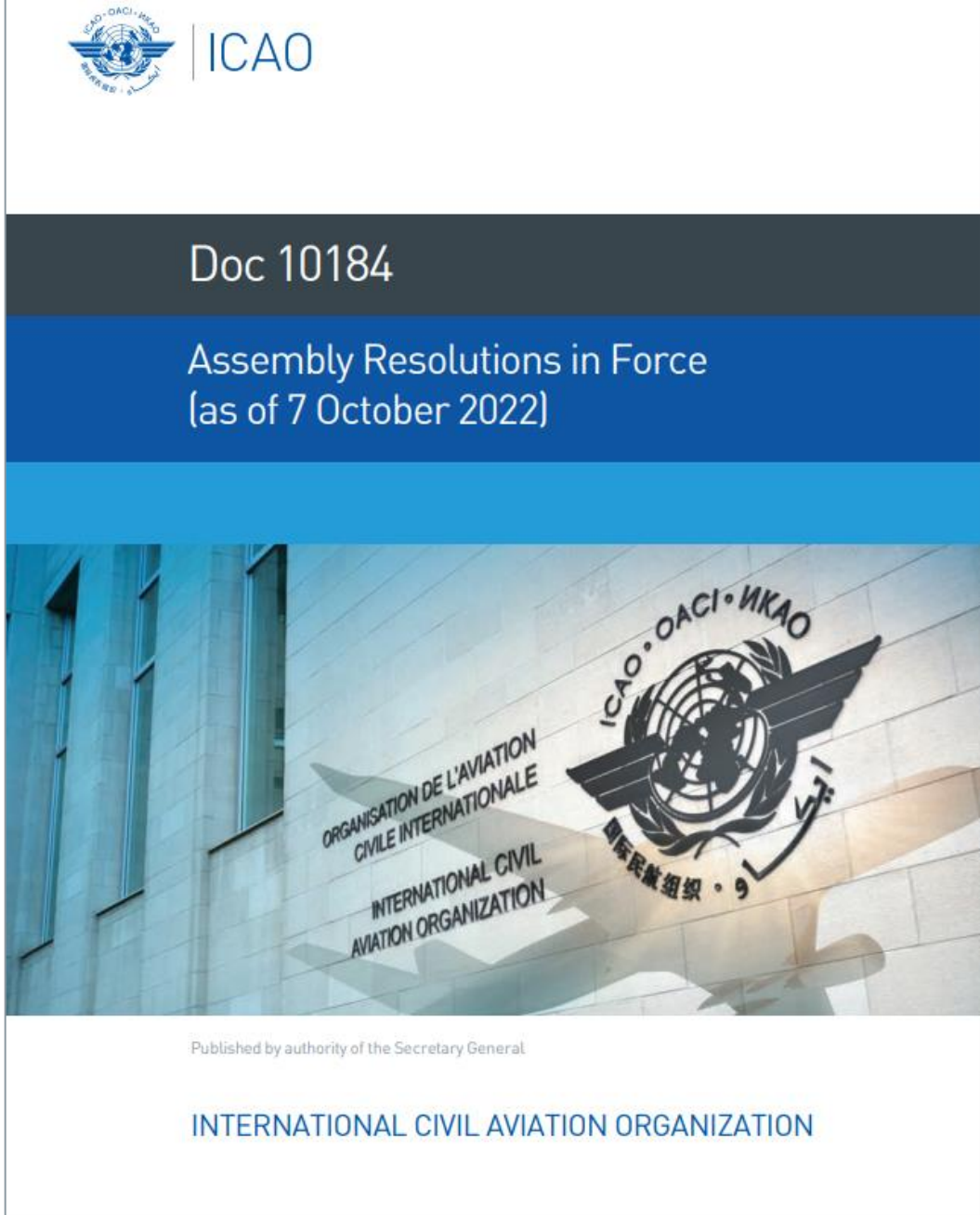
Provides summaries of the provisions and benefits of five key international air law instruments.



Contains information pertaining to the ratification process and an overview of the resources available for States to assist them with ratification matters.

Ratification of International Air Law Treaties

- The 41st Session of the ICAO Assembly recognized in several Resolutions that unification of international rules could only be achieved through universal participation by all ICAO Member States
- Called upon States that have not done so to consider becoming parties to international air law treaties



International Air Law Treaties

Air carrier liability (passengers and cargo)	Air carrier liability (damages on the ground)	Aviation safety and security	Aircraft financing
• Hague Protocol 1955 • Guadalajara Convention 1961 • Guatemala City Protocol 1971 • Additional Protocols Nos. 1, 2 and 3 1975 • Montreal Protocol No 4 1975 • Montreal Convention 1999	• Rome Convention 1952 • Montreal Protocol 1978 • General Risks Convention 2009 • Unlawful Interference Compensation Convention 2009	• Tokyo Convention 1963 • Hague Convention 1970 • Montreal Convention 1971 • Article 83 bis Protocol 1980 • VIA Protocol 1988 • MEX Convention 1991 • Beijing Convention and Protocol 2010 • Montreal Protocol 2014	• Geneva Convention 1948 • Cape Town Convention 2001 • Aircraft Protocol 2001

Provisions and Benefits of Five Key Treaties



2016 Protocol on Art. 50 (a) of the Chicago Convention (increase in the size of Council): 86 ratifications (11 African States), 128 needed, broader representation on the Council



2016 Protocol on Art. 56 of the Chicago Convention (increase in the size of the ANC): 86 ratifications (11 African States), 128 needed, broader representation on the ANC



Beijing Convention 2010 (security and safety): 46 Parties (17 African States), deals with new and emerging threats using aircraft, BCN weapons, cyber attacks



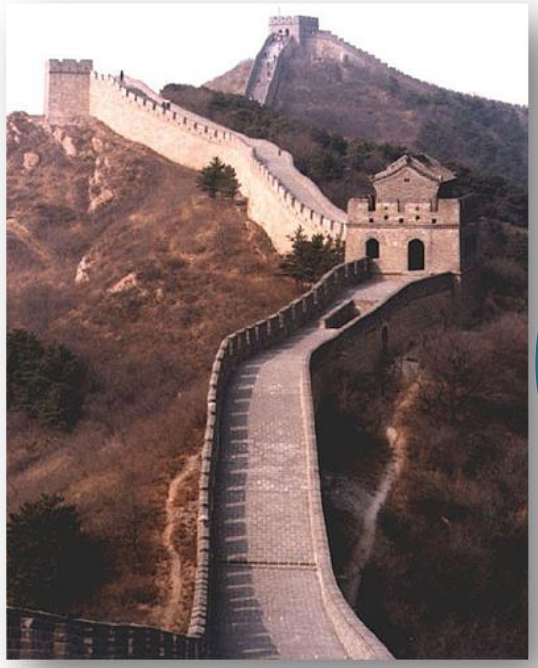
Beijing Protocol 2010 (security and safety): 45 Parties (16 African States), deals with new forms of unlawful seizure including by any technological means



Montréal Protocol 2014 (unruly and disruptive passengers): 45 Parties (16 African States), expands jurisdiction beyond State of registry, and promotes enforcement

as of 10 August 2023

THE NEW WALL - ENHANCEMENTS OF BEIJING INSTRUMENTS 2010



- Beijing Protocol
- Beijing Convention

Beijing Instruments 2010

- Defines **air navigation facilities** (including **signals, data, information** or **systems**).
- by any technological means
- Expanded jurisdictional grounds
- Aircraft in service instead of in flight
- No requirement for the perpetrator to be on-board the aircraft

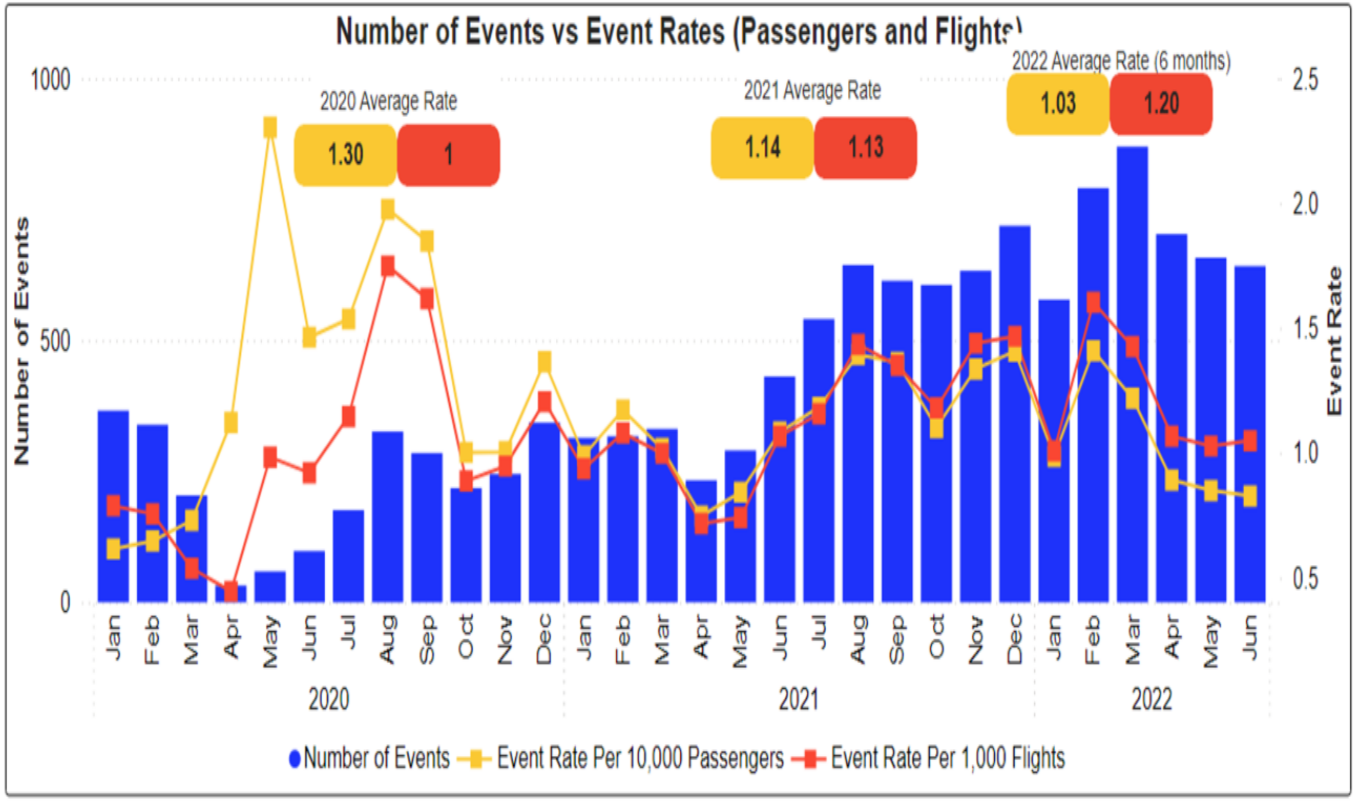


New and Emerging Threats



The Montréal Protocol 2014 and the State of the issue of Unruly Passengers 2020-2022





Source: IATA

Ratification process for international air law treaties

Two-phase process

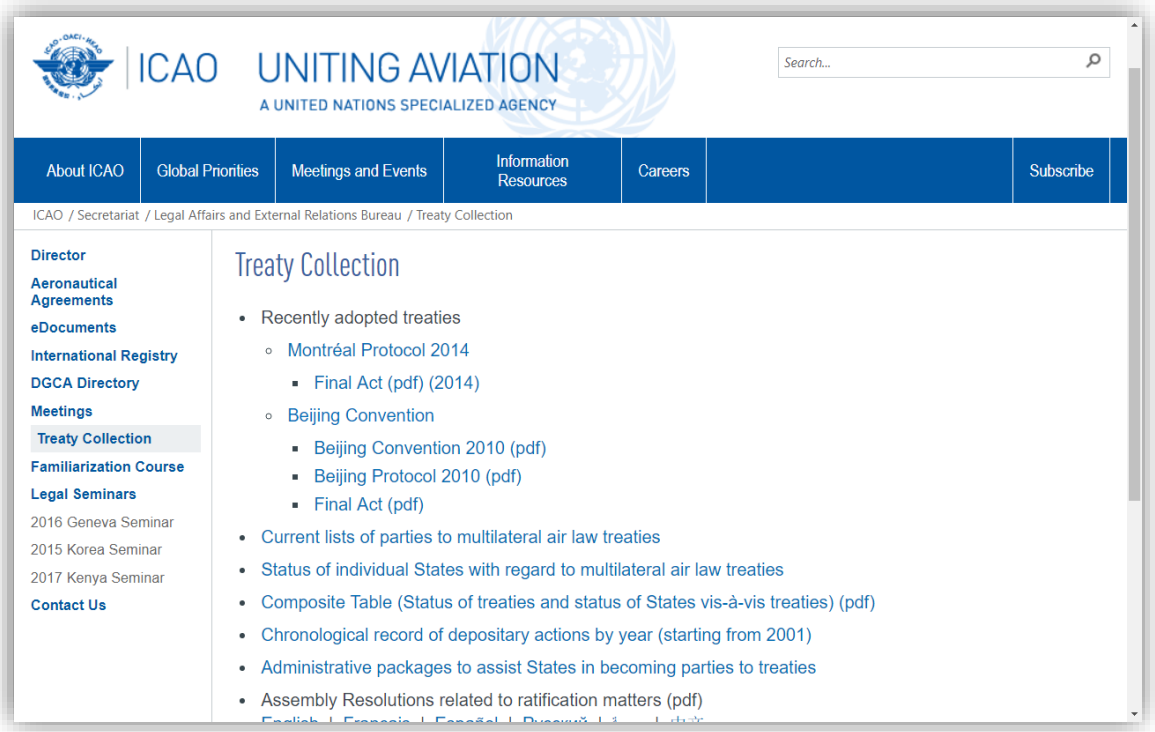
- First phase: treaty to be approved for ratification by the national legislature or other organ of a State responsible for approving ratification of treaties
    - DGCAs can assist to identify organs of State responsible for ratification process, propose ratification of treaties to them, follow up for further action and facilitate consultation processes with industry/key stakeholders
    - Industry and stakeholders can advocate for the ratification of treaties in view of the benefits
- Second phase: deposit of an instrument of ratification with ICAO





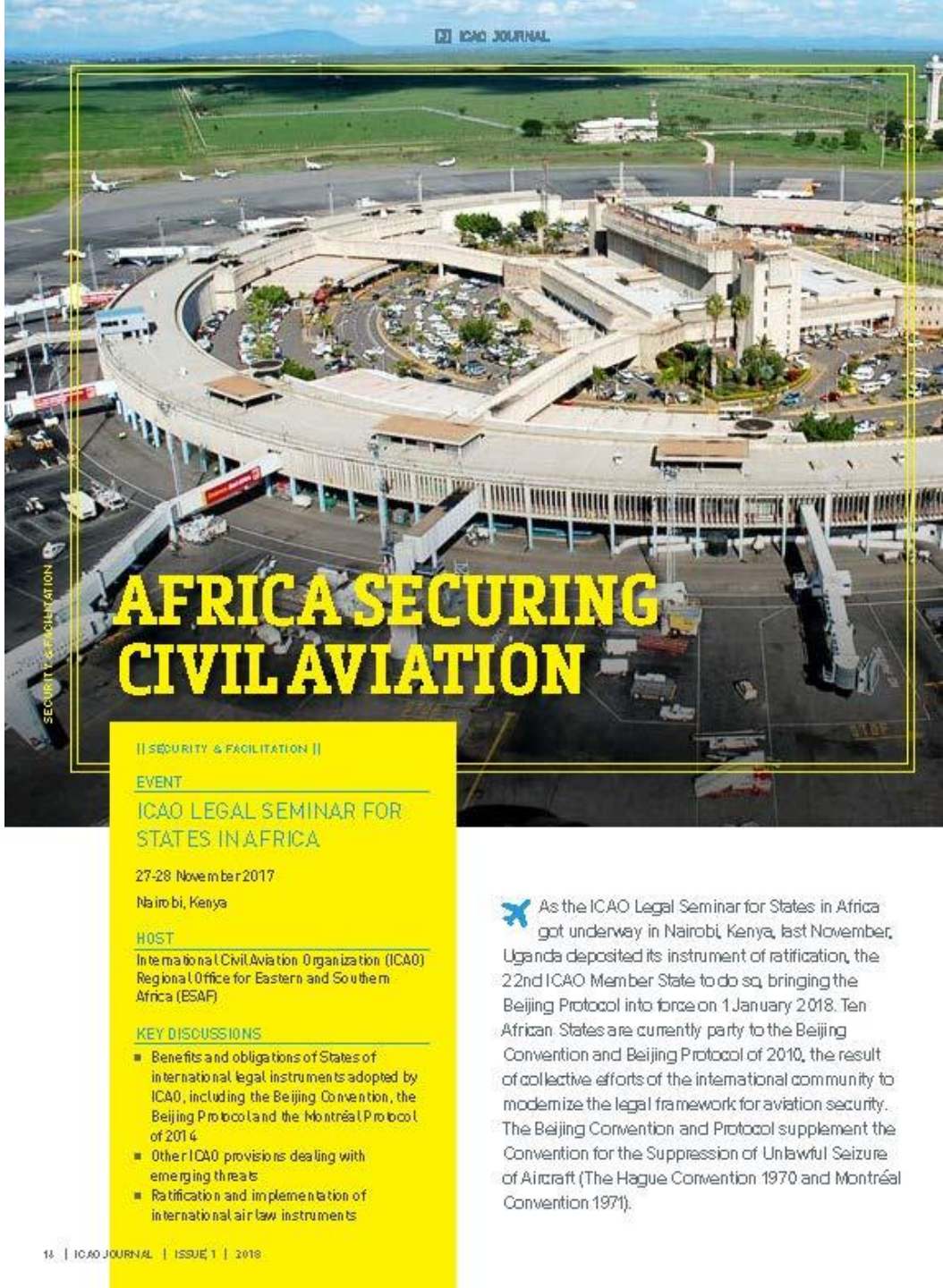
ICAO Treaty Collection

- Administrative packages providing guidelines for the ratification of, or accession to, international air law instruments in order to assist States in the ratification/accession process
- Lists of Parties to international air law instruments
- Forms indicating the current status of individual ICAO Member States with respect to international air law instruments



Other resources to assist States in the ratification of air law treaties

- ICAO legal seminars and workshops
- ICAO International Air Law Course
- Meetings of the Civil Aviation Legal Advisers Forum (CALAF)



Tracking Matrix for Treaty Ratification

[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]					
[…]					

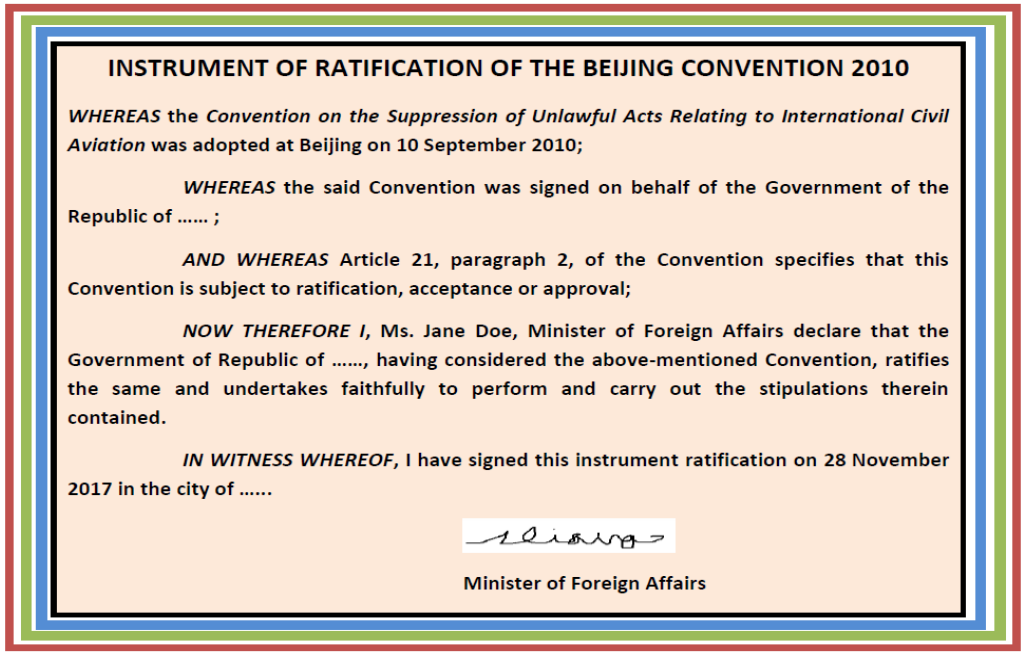
Actions by the Steering Committee

a) Encourage those African member States that have not already done so, to become parties to the international air law treaties highlighted in this working paper and to any other international air law treaties that they have not yet ratified;

b) Add the subject “Ratification of international air law treaties” in the 2023 AFI SECFAL Plan Work Programme;

c) Encourage African member States to make use of ICAO legal seminars and workshops, the Civil Aviation Legal Advisers Forum (CALAF), the ICAO International Air Law Course as well as other similar events for the continuous training and development of their legal advisers and to consider hosting from time to time such events in their States and regions; and

d) Request African member States to initially inform ICAO before 31 December 2023 of their progress towards the ratification of international air law treaties by using the tracking matrix set out in Attachment B to this working paper.



INSTRUMENT OF RATIFICATION OF THE BEIJING CONVENTION 2010

WHEREAS **the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* was adopted at Beijing on 10 September 2010;**

WHEREAS **the said Convention was signed on behalf of the Government of the Republic of ..... ;**

AND WHEREAS **Article 21, paragraph 2, of the Convention specifies that this Convention is subject to ratification, acceptance or approval;**

NOW THEREFORE I, **Ms. Jane Doe, Minister of Foreign Affairs declare that the Government of Republic of ....., having considered the above-mentioned Convention, ratifies the same and undertakes faithfully to perform and carry out the stipulations therein contained.**

IN WITNESS WHEREOF, **I have signed this instrument ratification on 28 November 2017 in the city of .....**

Minister of Foreign Affairs

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- For any questions with respect to the ratification process with ICAO please do not hesitate to contact LEB



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Thank You!

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