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Agenda Item 2 Promotion of the ratification of international air law instruments

PROMOTING RATIFICATION OF INTERNATIONAL AIR LAW INSTRUMENTS

(Presented by China)

1. INTRODUCTION

1.1 For a long time, the Legal Committee has closely followed emerging topics and practical challenges in aviation-related rule-of-law work. It undertakes the drafting of international air convention texts, conducts analyses related to air law issues and puts forward corresponding proposals. As a vital multilateral body for building the international civil aviation legal regime, the Legal Committee gives full play to its role as a platform, bringing together representatives from Member States and relevant international organizations for deliberations and consultations, and helping all parties expand space for practical cooperation.

1.2 Over the past 30 years, the Legal Committee has prepared multiple draft conventions and promoted the adoption of numerous international air law instruments. These include the Convention for the Unification of Certain Rules for International Carriage by Air (1999 Montreal Convention) concluded in Montreal on 28 May 1999; the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010 Beijing Convention) concluded in Beijing on 10 September 2010; the Supplementary Protocol to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010 Beijing Protocol) concluded in Beijing on 10 September 2010; and the Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (2014 Montreal Protocol) concluded in Montreal on 4 April 2014, among others. The above-mentioned international air law instruments represent important outcomes in international aviation law-making.

1.3 During its sessions, the Legal Committee has called on States to actively ratify and implement these treaties. International air treaties constitute an important legal basis governing international aviation activities. By unifying international aviation rules, they reduce cross-border legal conflicts, safeguard the safe and orderly operation of international air transport, advance global civil-aviation connectivity and equitable development, and provide an important reference for States' domestic civil-aviation legislation. The 39th Session of the Legal Committee identified the promotion of the ratification of international air law instruments as one of its core topics, urging States to accelerate ratification processes to achieve the universal application and unification of international aviation rules. The 42nd ICAO Assembly in 2025 further underscored the importance of ratifying these instruments as a key element in sustaining ICAO's policies in the legal field.

2. DISCUSSIONS

2.1 Significance and current status of selected international air law instruments

2.1.1 The 1999 Montreal Convention modernized the international legal regime established under the Convention for the Unification of Certain Rules for International Carriage by Air (1929 Warsaw Convention) concluded in Warsaw on 12 October 1929 and its amending instruments. Within an integrated framework, it sets forth rules governing international carriage of passengers, baggage or cargo by aircraft, as well as free of charge carriage performed by air transport enterprises by means of aircraft. As of August 2026, the Convention has 145 Contracting States.

2.1.2 The 2010 Beijing Convention and the 2010 Beijing Protocol form key components of international civil aviation security treaties and international counter-terrorism treaties. They furnish robust legal safeguards for effectively protecting the lives and property of passengers and combating unlawful interference with civil aviation. As of August 2026, Beijing Convention has been signed by 34 States, ratified by 26 States, acceded to by 32 States, approved by one State and accepted by one State; Beijing Protocol has been signed by 35 States, ratified by 25 States, acceded to by 33 States, approved by one State and accepted by one State.

2.1.3 The 2014 Montreal Protocol amends the Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963 Tokyo Convention) concluded in Tokyo on 14 September 1963. By strengthening States' capacity to extend criminal jurisdiction over relevant offences and acts to the State of landing and the State of the operator, the Protocol addresses problems stemming from growing events of unruly and disruptive behaviour on board aircraft. It also provides explicit legal recognition and protection for in-flight security officers. As of August 2026, the Protocol has been signed by 36 States, ratified by 18 States, acceded to by 42 States and accepted by three States.

2.2 China's ratification of international civil aviation legal instruments

2.2.1 China has long supported and advanced the ratification of international civil aviation legal instruments advocated by ICAO. In recent years, China has acceded to or ratified more than 30 international civil aviation legal instruments including the 1999 Montreal Convention, the 2010 Beijing Convention and the 2010 Beijing Protocol. At present, China is studying the ratification of the 2014 Montreal Protocol.

2.2.2 On 28 February 2005, the 14th Meeting of the Standing Committee of the Tenth National People's Congress reviewed and approved the 1999 Montreal Convention. On 1 June, China's Permanent Representative on the ICAO Council deposited the instrument of ratification with ICAO. The Convention entered into force for China on 31 July of the same year.

2.2.3 On 30 October 2022, the 37th Meeting of the Standing Committee of the Thirteenth National People's Congress reviewed and approved the 2010 Beijing Convention. On 18 August 2023, a representative of the Chinese Government deposited the instrument of ratification with ICAO. The Convention entered into force for China on 1 October 2023. On 30 June 2023, the 3rd Meeting of the Standing Committee of the Fourteenth National People's Congress reviewed and approved the 2010 Beijing Protocol. On 27 October 2023, a representative of the Chinese Government deposited the instrument of ratification with ICAO. The Protocol entered into force for China on 1 December 2023.

2.3 China's active efforts to transpose international air law instruments into domestic law

2.3.1 China pursues coordinated development of domestic and foreign related rule of law initiatives. It actively promotes alignment between domestic laws and international air law instruments. China firmly upholds the UN-centred international system and the international order based on international law. It faithfully fulfils its obligations under the conventions, and strengthens alignment between domestic civil aviation legal rules and international conventions through legislation and law revision. By aligning with international aviation rules while taking China's realities into account, China puts in place sound institutional safeguards for deeper participation in global civil aviation governance and the orderly conduct of cross-border aviation activities.

2.3.2 On 27 December 2025, the 19th Meeting of the Standing Committee of the Fourteenth National People's Congress reviewed and adopted the newly-revised Civil Aviation Law of the People's Republic of China. The revised Civil Aviation Law actively aligns with relevant international air law treaties and achieves effective reconciliation between domestic law and international treaties.

2.3.3 The revised Civil Aviation Law aligns its liability compensation regime with the 1999 Montreal Convention, giving effect to the two-tier liability system stipulated therein. Although China has not yet ratified the 2014 Montreal Protocol, the newly revised Civil Aviation Law has incorporated the provisions concerning in-flight security officer and offences and unlawful acts on board aircraft. For the first time, it provides for in-flight security officers under the Civil Aviation Law. It also enumerates twelve acts that jeopardize the security and order of air transport, including physical assaults against crew members, and prescribes corresponding legal liabilities. These provisions are consistent with the objective of the 2014 Montreal Protocol.

2.3.4 The 2010 Beijing Convention expands the scope of criminal sanctions against acts endangering international civil aviation safety. Since the Convention's adoption, China has adopted Amendments (VIII) through (XII) to the Criminal Law of the People's Republic of China to achieve effective alignment with the Convention. This strengthens crackdowns on aviation related crimes and preserves aviation security order. For instance, Amendment (IX) to the Criminal Law of the People's Republic of China creates offences of preparing to commit terrorist acts and propagating terrorism, criminalizing preparatory and auxiliary terrorist conduct. This corresponds to provisions in the Beijing Convention on punishing conspiracy, organization and threats to commit aviation related crimes.

3. CONCLUSIONS

3.1 Faced with the new international landscape, China stands ready to work with all Member States to abide by the purposes and principles of the Chicago Convention and other international air law treaties, jointly uphold the modern international aviation order, and support the Legal Committee in its continued work to promote ratification of international air law instruments so as to improve global aviation governance. Sustained and steady progress in international aviation law cooperation hinges on continuously broadening State participation coverage.

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