



WORKING PAPER

LEGAL COMMITTEE – 33RD SESSION

(Montréal, 21 April – 2 May 2008)

Agenda Item 4: Consideration of other items on the General Work Programme of the Legal Committee

**REVIEW OF THE QUESTION OF THE RATIFICATION
OF INTERNATIONAL AIR LAW INSTRUMENTS**

(Presented by the Secretariat)

1. BACKGROUND

1.1 The 32nd Session of the Legal Committee (Montréal, 15 – 21 March 2004) assigned the subject “*Review of the question of the ratification of international air law instruments*” priority No. 5 on its General Work Programme. This subject currently retains the same priority.

2. ACTION TAKEN SINCE THE 32ND SESSION OF THE LEGAL COMMITTEE

2.1 Since the 32nd Session of the Legal Committee, eight State letters have been sent with up-to-date lists of the States which have signed, ratified, accepted, approved or acceded to the air law instruments for which ICAO is the depositary, including Protocols of amendment to the Chicago Convention. The letters draw particular attention to various Assembly Resolutions by which Contracting States have been urged to ratify as soon as possible these international air law instruments. Three other State letters informed of the entry into force of (1) the Protocol amending Article 56 of the Chicago Convention to increase the membership in the Air Navigation Commission from 15 to 19 members, (2) the Cape Town Convention and Protocol of 2001, and (3) an amendment to the Technical Annex to the Convention on the Marking of Plastic Explosives; these letters also urged ratification of the Protocols and Convention mentioned in (1) and (2) as well as of the Convention on the Marking of Plastic Explosives in (3), respectively.

2.2 Packages to facilitate ratification by States of most air law instruments developed by the Legal Bureau are available on the ICAO website for Contracting States (at www.icao.int/icaonet). They are provided upon request and periodically distributed at legal seminars.

2.3 Since the 32nd Session, the Treaty Collection on the Legal Bureau’s web page of the ICAO website has been expanded. Additional complete lists of parties to air law instruments, after verification with other depositaries, have been posted. This work is ongoing. A chronological record of all depositary activity with regard to international air law instruments has been continuously updated.

3. STATUS OF INTERNATIONAL AIR LAW INSTRUMENTS

3.1 A summary is given in the **Appendix** of the changes in status since the last Session of the Legal Committee of all major international air law instruments, including Protocols of amendment to the Chicago Convention.

3.2 It should be noted, in particular, that since the last Session of the Legal Committee, the following international air law instruments have entered into force:

- a) the Protocol of amendment to the Chicago Convention [Article 56]
(Montréal, 6 October 1989)
– entered into force on 18 April 2005;
- b) the Convention on International Interests in Mobile Equipment
(Cape Town, 16 November 2001)
– entered into force on 6 March 2006 as applied to aircraft equipment; and
- c) the Protocol to the Convention on International Interests in Mobile Equipment on
Matters specific to Aircraft Equipment
(Cape Town, 16 November 2001)
– entered into force on 6 March 2006.

3.3 With respect to the Chicago Convention, thirteen of its fifteen amendments are now in force. Of the fifteen, thirteen have over one hundred parties each. Since the 32nd Session of the Committee, the amendments listed in the **Appendix** as Nos. 17 to 22 obtained over ten ratifications each, with the amendment to Art. 56 (No. 19) which entered into force within the reported period receiving 22 ratifications.

3.4 With respect to instruments other than amendments to the Chicago Convention, certain instruments have been almost universally accepted. For example, the instruments listed as Nos. 26, 35, 36, 37 and 38 have over 150 parties each. There were notable increases in the number of parties to the instruments listed as Nos. 34, 38, 39, 40 and 41: the Montreal Convention of 1999 obtained 52 new parties, the Convention on the Marking of Plastic Explosives (No. 39) – 39, the Protocol for the Suppression of Violence at Airports (No. 38) – 24, and the Cape Town instruments (Nos. 40 and 41) – 17 new parties each.

3.5 The Secretariat will continue to take administrative actions necessary to further encourage ratification, such as the development and dissemination of ratification packages, promotion of ratification at various fora including seminars, and continued emphasis on ratification matters by the President of the Council and the Secretary General during their visits to States.

4. ACTION BY THE LEGAL COMMITTEE

4.1 The Legal Committee is invited to note this working paper.

— — — — —

APPENDIX

CHANGE IN STATUS OF INTERNATIONAL AIR LAW INSTRUMENTS SINCE THE 32ND SESSION OF THE LEGAL COMMITTEE (Montréal, 15 – 21 March 2004)

As at 5 March 2008

A. Convention on International Civil Aviation, its Amendments and related Agreements

1. Convention on International Civil Aviation, signed at Chicago on 7 December 1944
 - **2** new contracting States
(**190** total number of contracting States; entered into force on 4 April 1947)
2. International Air Services Transit Agreement, signed at Chicago on 7 December 1944
 - **8** new contracting States
(**128** total number of contracting States; entered into force on 30 January 1945)
3. International Air Transport Agreement, signed at Chicago on 7 December 1944
 - no change in status
(**11** total number of contracting States; entered into force on 8 February 1945)
4. Protocol on the Authentic Trilingual Text of the Convention on International Civil Aviation, signed at Buenos Aires on 24 September 1968
 - **4** new contracting States
(**150** total number of contracting States; entered into force on 24 October 1968)
5. Protocol on the Authentic Quadrilingual Text of the Convention on International Civil Aviation, signed at Montréal on 30 September 1977
 - **6** new contracting States
(**83** total number of contracting States; entered into force on 16 September 1999)
6. Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation, signed at Montréal on 29 September 1995
 - **6** new contracting States
(**71** total number of signatures effected without reservation as to acceptance, signatures effected with reservation as to acceptance followed by acceptance and acceptances; not yet in force, pending entry into force of the amendment to the final paragraph of the Convention on International Civil Aviation)
7. Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation, signed at Montréal on 1 October 1998
 - **8** new contracting States
(**51** total number of signatures effected without reservation as to acceptance, signatures effected with reservation as to acceptance followed by acceptance and acceptances; not yet in force, pending entry into force of the amendment to the final paragraph of the Convention on International Civil Aviation)

8. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 93 bis**], signed at Montréal on 27 May 1947
 - **6** new contracting States
(**111** total number of contracting States; entered into force on 20 March 1961)
9. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 45**], signed at Montréal on 14 June 1954
 - **4** new contracting States
(**138** total number of contracting States; entered into force on 16 May 1958)
10. Protocol relating to certain amendments to the Convention on International Civil Aviation [**Articles 48(a), 49(e) and 61**], signed at Montréal on 14 June 1954
 - **4** new contracting States
(**141** total number of contracting States; entered into force on 12 December 1956)
11. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 50(a)**], signed at Montréal on 21 June 1961
 - **3** new contracting States
(**132** total number of contracting States; entered into force on 17 July 1962)
12. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 48(a)**], signed at Rome on 15 September 1962
 - **3** new contracting States
(**114** total number of contracting States; entered into force on 11 September 1975)
13. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 50(a)**], signed at New York on 12 March 1971
 - **3** new contracting States
(**128** total number of contracting States; entered into force on 16 January 1973)
14. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 56**], signed at Vienna on 7 July 1971
 - **5** new contracting States
(**133** total number of contracting States; entered into force on 19 December 1974)
15. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 50(a)**], signed at Montréal on 16 October 1974
 - **4** new contracting States
(**126** total number of contracting States; entered into force on 15 February 1980)
16. Protocol relating to an amendment to the Convention on International Civil Aviation [**final paragraph** referring to the authentic Russian text], signed at Montréal on 30 September 1977
 - **8** new contracting States
(**117** total number of contracting States; entered into force on 17 August 1999)
17. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 83 bis**], signed at Montréal on 6 October 1980
 - **13** new contracting States
(**153** total number of contracting States; entered into force on 20 June 1997)

18. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 3 bis**], signed at Montréal on 10 May 1984
 - **12** new contracting States
(**137** total number of contracting States; entered into force on 1 October 1998)
19. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 56**], signed at Montréal on 6 October 1989
 - **22** new contracting States
(**121** total number of contracting States; entered into force on 18 April 2005)
20. Protocol relating to an amendment to the Convention on International Civil Aviation [**Article 50(a)**], signed at Montréal on 26 October 1990
 - **13** new contracting States
(**134** total number of contracting States; entered into force on 28 November 2002)
21. Protocol relating to an amendment to the Convention on International Civil Aviation [**final paragraph** referring to the authentic Arabic text], signed at Montréal on 29 September 1995
 - **13** new contracting States
(**59** total number of contracting States; not yet in force, 122 ratifications required)
22. Protocol relating to an amendment to the Convention on International Civil Aviation [**final paragraph** referring to the authentic Chinese text], signed at Montréal on 1 October 1998
 - **13** new contracting States
(**43** total number of contracting States; not yet in force, 124 ratifications required)

B. Other International Air Law Instruments

23. Convention on the International Recognition of Rights in Aircraft, signed at Geneva on 19 June 1948
 - **2** new contracting States
(**89** total number of ratifications and adherences; entered into force on 17 September 1953)
24. Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, signed at Rome on 7 October 1952
 - **3** new contracting States
(**49** total number of ratifications and adherences; entered into force on 4 February 1958)
25. Protocol to Amend the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface signed at Rome on 7 October 1952, signed at Montréal on 23 September 1978
 - **4** new contracting States
(**12** total number of ratifications and accessions; entered into force on 25 July 2002)
26. Convention for the Unification of Certain Rules relating to International Carriage by Air, signed at Warsaw on 12 October 1929
 - no change in status
(**151** total number of ratifications and adherences; entered into force on 13 February 1933)

27. Protocol to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929, signed at The Hague on 28 September 1955
 - **2** new contracting States
(**136** total number of ratifications and adherences; entered into force on 1 August 1963)
28. Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier, signed at Guadalajara on 18 September 1961
 - **3** new contracting States
(**85** total number of ratifications and adherences; entered into force on 1 May 1964)
29. Protocol 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, signed at Guatemala City on 8 March 1971
 - no change in status
(**7** ratifications and **5** accessions; not yet in force, 30 ratifications by signatory States required, subject to certain conditions)
30. 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, signed at Montréal on 25 September 1975
 - no change in status
(**48** total number of ratifications and accessions; entered into force on 15 February 1996)
31. 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, signed at Montréal on 25 September 1975
 - no change in status
(**49** total number of ratifications and accessions; entered into force on 15 February 1996)
32. 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 Montréal on 25 September 1975
 - **2** withdrawals
(**21** ratifications; not yet in force, 30 ratifications required)
33. Montréal 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, signed at Montréal on 25 September 1975
 - **2** new contracting States
(**54** total number of ratifications and accessions; entered into force on 14 June 1998)
34. Convention for the Unification of Certain Rules for International Carriage by Air, done at Montréal on 28 May 1999
 - **52** new contracting States
(**86** total number of ratifications; entered into force on 4 November 2003)

35. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963
 - **7** new contracting States
(**183** total number of ratifications and adherences; entered into force on 4 December 1969)
36. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970
 - **5** new contracting States
(**182** total number of ratifications and adherences; entered into force on 14 October 1971)
37. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montréal on 23 September 1971
 - **6** new contracting States
(**185** total number of ratifications and adherences; entered into force on 26 January 1973)
38. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montréal on 23 September 1971, signed at Montréal on 24 February 1988
 - **24** new contracting States
(**162** total number of ratifications and adherences; entered into force on 6 August 1989)
39. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montréal on 1 March 1991
 - **39** new contracting States
(**137** total number of ratifications, approvals and accessions; entered into force on 21 June 1998)
40. Convention on International Interests in Mobile Equipment, signed at Cape Town on 16 November 2001
 - **17** new contracting States
(**19** total number of ratifications; entered into force on 1 March 2006 as applied to aircraft equipment)
41. Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment, signed at Cape Town on 16 November 2001
 - **17** new contracting States
(**19** total number of ratifications; entered into force on 1 March 2006)

— END —