

INTERNATIONAL CIVIL AVIATION ORGANIZATION

A32-WP/20
LE /2
30/6/98
REVISED
8/9/98

ASSEMBLY - 32ND SESSION

LEGAL COMMISSION

Agenda Item 35: Ratification of Amendments to the Chicago Convention

RESPONSES OF STATES TO COUNCIL RESOLUTION OF 9 JUNE 1997 ON ARTICLE 3 *BIS*

SUMMARY

This paper informs the Assembly about a Council Resolution on Article 3 *bis* adopted on 9 June 1997 and about the responses of States to the Resolution.

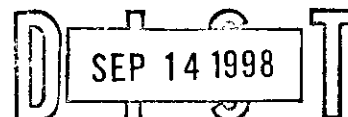
1. BACKGROUND

1.1 On 9 June 1997, during the 7th meeting of its 151st Session, the Council considered C-WP/10653 (*Draft Resolution for the entry into force of Article 3 bis*) presented by twelve Council members. As a result of its consideration of the matter, the Council adopted a resolution and invited the President of the Council to solemnly address the resolution to States which had not yet ratified Article 3 *bis*, "seeking from them an express response as to the follow-up action that they intended to give to this." The Council instructed the Secretary General to keep it informed of the follow-up action on this question during its 153rd Session.

1.2 In the Resolution, the Council recognized that Article 3 *bis* embodies fundamental principles essential for the safe development of international civil aviation. It expressed its great concern that since the adoption of the Protocol in 1984, there had been several instances of the use of weapons against civil aircraft in flight resulting in loss of life, damage to property and international tension. Finally, the Council considered that, in its Resolution 1067 of 26 July 1996, the Security Council of the United Nations had urged all States which have not yet done so to ratify as soon as possible the Protocol adding Article 3 *bis* to the Chicago Convention.

1.3 The Council thereupon strongly recommended that all Contracting States of ICAO which had not yet done so ratify as soon as possible the Protocol adding Article 3 *bis* to the Chicago Convention. It requested States which had not yet ratified the Protocol to inform it of the arrangements which they have made in this regard within one year of the adoption of the Resolution and requested the Secretary General to report

(6 pages)



to it, during its 153rd Session, on the status of ratifications and the intentions expressed by States. Finally, the Council urged all States to comply with all the provisions of Article 3 *bis* pending its entry into force.

2. DEVELOPMENTS SINCE THE ADOPTION OF THE RESOLUTION

2.1 In accordance with the Council decision, the President of the Council wrote on 17 October 1997 to the Ministers responsible for Transport with copy to the Directors General of Civil Aviation of all States which had not yet ratified the Protocol, forwarding a copy of the Resolution and an "Administrative Package" to facilitate the ratification of the Protocol, and urging these States to ratify the Protocol as soon as possible. The President also requested that the Secretary General be informed no later than 30 May 1998 of the steps taken or intended to be taken in this regard. Earlier, by State letter LE 3/1-97/74 dated 8 August 1997, the Secretary General had made a similar request.

3. RESPONSES FROM STATES

3.1 Since the adoption of the Resolution on 9 June 1997, 15 States have ratified the Protocol, bringing the total number of Contracting States to 100, two short of the 102 ratifications required for its entry into force. A list of States which have ratified the Protocol on Article 3 *bis* is reproduced in **Appendix A**; a list of those States which have not ratified is found in **Appendix B**.

3.2 Twelve States have communicated in written form to the Secretary General since the letters were sent. Three of these States informed that they were already party to Article 3 *bis*. Three other States advised that their legislature had approved the Protocol or that the Government had ratified it; instruments of ratification of these three States were subsequently deposited with ICAO and have been included in the total of 12 deposits mentioned above. One State advised that its Cabinet had approved ratification of the Protocol on Article 3 *bis* and that the instrument of ratification was under preparation. One State advised that a number of air law instruments, including Article 3 *bis*, had been submitted to its National Assembly, and that it would keep ICAO informed of events in this regard. Similarly, another State advised that the intergovernmental procedure of ratification by its Parliament of several instruments, including 3 *bis*, is being completed. One State informed that the Protocol was with its Foreign Ministry for review and approval before being submitted to Congress. Another State informed that its administration was actively considering the matter and that it was expected that the Protocol would thereafter be presented to its Supreme Council. Finally, one State strongly recommended the Protocol and stated that it would comply with the provisions of the Protocol pending its entry into force.

3.3 In addition to these communications, one additional State indicated, during a mission by the President of the Council, that the procedures for the ratification of the Protocol had been initiated.

3.4 In further efforts to speed up the ratification of the Protocol, the Organization has written to ECAC, requesting that the administrative package to facilitate ratification of Article 3 *bis* be transmitted to ECAC Member States which have not yet ratified the Protocol. Following the transmittal by ECAC, its Executive Secretary has informed ICAO that one State, not already included above, has advised that the procedure to ratify Article 3 *bis* has already been initiated; another State advised that the Protocol had been ratified by its National Assembly and that the instrument of ratification would be deposited with ICAO.

Administrative packages for a number of air law instruments, including Article 3 *bis*, have also been sent to AFCAC for onward transmission to AFCAC Member States.

4. ACTION BY THE ASSEMBLY

- 4.1 The Assembly is invited to note the information presented in this paper.

APPENDIX A

STATES WHICH HAVE RATIFIED THE PROTOCOL RELATING TO AN AMENDMENT TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

ARTICLE 3 *bis*, SIGNED AT MONTREAL ON 10 MAY 1984* (Status as of 8 September 1998)

Barbados	23 November 1984	United Arab Emirates	18 February 1987
Chile	26 November 1984	Mali	4 March 1987
Austria	11 January 1985	Panama	22 May 1987
Oman	21 February 1985	Côte d'Ivoire	5 June 1987
Republic of Korea	27 February 1985	United Kingdom	21 August 1987
Tunisia	29 April 1985	Uruguay	11 September 1987
Senegal	2 May 1985	Guatemala	18 September 1987
Luxembourg	10 May 1985	Greece	16 October 1987
Ethiopia	22 May 1985	Nepal	26 October 1987
Pakistan	10 June 1985	Cameroon	28 January 1988
South Africa	28 June 1985	Lesotho	17 March 1988
Togo	5 July 1985	Niger	8 April 1988
Nigeria	8 July 1985	Ecuador	22 April 1988
Thailand	12 July 1985	Guyana	2 May 1988
Egypt	1 August 1985	Antigua and Barbuda	17 October 1988
Seychelles	8 August 1985	Gabon	1 November 1988
France	19 August 1985	Colombia	10 March 1989
Belgium	20 September 1985	Cyprus	5 July 1989
Denmark	16 October 1985	Mauritius	7 November 1989
Norway	16 October 1985	Bahrain	7 February 1990
Sweden	16 October 1985	Hungary	24 May 1990
Spain	24 October 1985	Mexico	20 June 1990
Switzerland	24 February 1986	Morocco	19 July 1990
Bangladesh	3 June 1986	Russian Federation	24 August 1990
Italy	12 June 1986	Ireland	19 September 1990
Kuwait	18 July 1986	Qatar	23 October 1990
Saudi Arabia	21 July 1986	Malawi	13 December 1990
Australia	10 September 1986	Portugal	17 June 1991
Madagascar	10 September 1986	Burundi	10 October 1991
Canada	23 September 1986	Finland	18 December 1991
Jordan	8 October 1986	Estonia	21 August 1992
Argentina	1 December 1986	Fiji	21 September 1992
Netherlands,		Papua New Guinea	5 October 1992
Kingdom of the	18 December 1986	Monaco	27 January 1993
Brazil	21 January 1987	Turkmenistan	14 April 1993

* In accordance with paragraph 4 d), the Protocol shall come into force on the date of deposit of the one hundred and second instrument of ratification.

Czech Republic	15 April 1993
Uzbekistan	24 February 1994
Malta	25 March 1994
Croatia	6 May 1994
Eritrea	27 May 1994
Iran, Islamic Republic of	17 June 1994
Lebanon	14 December 1994
San Marino	3 February 1995
Slovakia	20 March 1995
Uganda	7 July 1995
Kenya	5 October 1995
Germany	2 July 1996
Belarus	24 July 1996
Libyan Arab Jamahiriya	28 October 1996
Maldives	8 April 1997
Bosnia and Herzegovina	9 May 1997
Republic of Moldova	20 June 1997
Ghana	15 July 1997
China	23 July 1997
Belize	24 September 1997
Israel	30 September 1997
Iraq	20 March 1998
The former Yugoslav Republic of Macedonia	23 March 1998
Bulgaria	6 April 1998
El Salvador	8 April 1998
Turkey	20 April 1998
Jamaica	25 May 1998
Japan	26 June 1998
Bolivia	9 July 1998
Samoa	9 July 1998
Romania	27 July 1998

APPENDIX B

**STATES NOT PARTIES TO THE PROTOCOL
RELATING TO AN AMENDMENT TO
THE CONVENTION ON INTERNATIONAL CIVIL AVIATION,
(ARTICLE 3 *BIS*), DONE AT MONTREAL ON 10 MAY 1984
(Status as of 8 September 1998)**

Afghanistan	Kazakhstan	Tajikistan
Albania	Kiribati	Tonga
Algeria	Kyrgyzstan	Trinidad and Tobago
Angola	Lao People's Democratic Republic	Ukraine
Armenia	Latvia	United Republic of Tanzania
Azerbaijan	Liberia	United States
Bahamas	Lithuania	Vanuatu
Benin	Malaysia	Venezuela
Bhutan	Marshall Islands	Viet Nam
Botswana	Mauritania	Yemen
Brunei Darussalam	Micronesia, Federated States of	Zambia
Burkina Faso	Mongolia	Zimbabwe
Cambodia	Mozambique	
Cape Verde	Myanmar	
Central African Republic	Namibia	
Chad	Nauru	
Comoros	New Zealand	
Congo	Nicaragua	
Congo, Democratic	Palau	
Republic of the	Paraguay	
Cook Islands	Peru	
Costa Rica	Philippines	
Cuba	Poland	
Democratic People's Republic	Rwanda	
of Korea	Saint Lucia	
Djibouti	Saint Vincent and	
Dominican Republic	the Grenadines	
Equatorial Guinea	Sao Tome and Principe	
Gambia	Sierra Leone	
Georgia	Singapore	
Grenada	Slovenia	
Guinea	Solomon Islands	
Guinea-Bissau	Somalia	
Haiti	Sri Lanka	
Honduras	Sudan	
Iceland	Suriname	
India	Swaziland	
Indonesia	Syrian Arab Republic	

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