



ASSEMBLY — 42ND SESSION

LEGAL COMMISSION

**Agenda Item 28: Work Programme of the Organization in the Legal Field and Consolidated Statement of Continuing ICAO Policies in the Legal Field**

**PROMOTING THE PROTOCOL ON THE AUTHENTIC QUINQUELINGUAL TEXT AND ON THE AUTHENTIC SIX-LANGUAGE TEXT OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION**

(Presented by China)

**EXECUTIVE SUMMARY**

This working paper presents a brief overview of the historical evolution and ratification progress of the protocols that added the authentic Arabic and Chinese texts of the Chicago Convention and highlights the significance of the Arabic and Chinese working languages of the United Nations and ICAO with equal authenticity, for the Chicago Convention. To further promote the effectiveness of the Arabic and Chinese texts of the Chicago Convention, we recommend the Assembly to urge the Contracting States that have not yet ratified the relevant protocols, to complete their ratification process as soon as possible, and request the Secretary General to increase support and outreach efforts.

**Action:** The Assembly is invited to:

- a) call upon all Member States to support and encourage the universal adoption of the *Protocol Relating to an Amendment to the Convention on International Civil Aviation (Final Paragraph, Arabic Text)* (Doc 9664) and the *Protocol Relating to an Amendment to the Convention on International Civil Aviation (Final Paragraph, Chinese Text)* (Doc 9722);
- b) call upon the States that have not yet ratified international civil aviation legal instruments to ratify the *Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation* (Doc 9663) and the *Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation* (Doc 9721) as soon as possible; and
- c) direct the Secretary General to provide assistance, as appropriate, in the ratification process if requested by Member States.

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| <i>Strategic Goals:</i>        | This working paper relates to Strategic Goal - The International Civil Aviation Convention and other Treaties, Laws and Regulations Address All Challenges                                                                   |
| <i>Financial implications:</i> | The activities referred to in this paper are expected to be undertaken with the resources available in the 2026-2028 Regular Budget and/or from extra-budgetary contributions as guided by the ICAO Business Plan 2026-2028. |

<sup>1</sup> English and Chinese versions provided by China.

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| <i>References:</i> | Doc 7300/9, <i>Convention on International Civil Aviation</i><br>Doc 9664, <i>Protocol Relating to an Amendment to the Convention on International Civil Aviation (Final Paragraph, Arabic Text)</i><br>Doc 9663, <i>Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation</i><br>Doc 9722, <i>Protocol Relating to an Amendment to the Convention on International Civil Aviation (Final Paragraph, Chinese Text)</i><br>Doc 9721, <i>Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation</i> |
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## 1. INTRODUCTION

1.1 The *Convention on International Civil Aviation* (Chicago, 1944 – the “Chicago Convention”) is an intergovernmental multilateral treaty signed in 1944 that laid the legal foundation for the modern international civil aviation system. The Convention originally adopted English as its sole authentic text, but through a series of amendments, French, Spanish, Russian, Arabic, and Chinese were subsequently added as languages of equal authenticity.

1.2 The final clause of the Convention initially stipulated that only the English, French, and Spanish languages were equally authentic. Subsequently, Russian, Arabic, and Chinese were added as authentic texts in 1977, 1995, and 1998, respectively. The protocol adding Russian entered into force in 1999. On 29 September 1995, the 31st Assembly adopted the protocol amending the Convention to include Arabic as an authentic text, and on 1 October 1998, the 32nd Assembly adopted the protocol amending the Convention to include Chinese as an authentic text, confirming that Arabic and Chinese have the same legal effect as the other four languages. It is recommended that ICAO take appropriate actions to promote the ratification of the relevant protocols.

## 2. PROTOCOLS ON THE ARABIC AND CHINESE TEXTS AND THEIR RATIFICATION PROGRESS

2.1 The 1944 Convention was initially concluded and opened for signature at the International Civil Aviation Conference held in Chicago, United States, in the English text only. However, the Final Paragraph of the Convention provided that the texts of the Convention in English, French, and Spanish should be open for signature, each text being equally authentic. Accordingly, in 1968, the *Protocol on the Authentic Trilingual Text of the Convention on International Civil Aviation* was adopted in Buenos Aires, in order to provide the authentic French and Spanish texts. Subsequently, in order to establish the authentic texts in Russian, Arabic, and Chinese, three Final Paragraph amendments were concluded, together with the *Protocol on the Authentic Quadrilingual Text of the Convention on International Civil Aviation* (Doc 9217), the *Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation* (Doc 9663), and the *Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation* (Doc 9721).

2.2 The aforementioned first two Protocols have entered into force. The last two Protocols shall enter into force on the thirtieth day following the fulfilment of two conditions, which will come into force on the 30th day (1) after 12 States have signed it without reservation as to acceptance or accepted it and (2) after entry into force of the Protocol on the Final Paragraph. The first condition has already been met for both Protocols. The second condition has not yet been fulfilled. Accordingly, the entry into force of the above two Authentic Text Protocols depends on the entry into force of the respective Final Paragraph Protocols.

2.3 However, the ratification of the Final Paragraph Protocols relating to the Arabic and Chinese texts has been significantly delayed. According to statistics from the ICAO Legal Affairs and External Relations Bureau, as of now, the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Arabic Text]* (Doc 9664) has been ratified by only 70 Member States, leaving a shortfall of 52 ratifications to reach the required 122. The *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Chinese Text]* (Doc 9722) has been ratified by only 56 Member States, leaving a shortfall of 68 ratifications to reach the required 124. Both Protocols thus face significant gaps in meeting the respective thresholds for entry into force.

2.4 The “Consolidated statement of continuing ICAO policies in the legal field” unequivocally states that “*Noting* with concern the continuing slow progress of ratification of the aforementioned Protocols of Amendment, including in particular those amending Articles 50 (a) and 56 adopted in 2016, and the final paragraphs (relating to the Arabic and Chinese texts, adopted, respectively, in 1995 and 1998)”. Over the years, the Assembly has prioritized the ratification process for the Convention, adopting a total of 11 resolutions related to ratification matters<sup>2</sup> and making editorial revisions to the aforementioned statement on multiple occasions. The latest revision was made through Resolution A41-4, which added the adoption date of the Protocol amending the Arabic and Chinese texts of the Chicago Convention to Appendix C, reflecting the Assembly’s high level of concern over this issue.

2.5 The Council, in its working paper A42-WP/8 submitted to the 42nd Session of the Assembly, once again expressed concern over the delay in the ratification of the Arabic and Chinese language protocols and reiterated that it urges Contracting States to expedite their ratification process. In addition, the Council also referred to the Arabic and Chinese texts of the Chicago Convention during its 235th Session.

### **3. THE SIGNIFICANCE OF PROMOTING THE RATIFICATION OF THE AUTHENTIC ARABIC AND CHINESE TEXTS**

3.1 ICAO is one of the specialized agencies of the United Nations. The United Nations General Assembly Resolution 73/270 of 22 December 2018, specifically stated the “paramount importance of the equality of the six official languages of the United Nations” and the “importance of multilingualism in the activities of the United Nations” and requested the Secretary General to “continue his efforts to ensure full parity among the six official languages in accordance with General Assembly Resolution 71/328” Likewise, ICAO has six working languages. As early as 1992 and 1995, the 29th Assembly and 31st Assembly of ICAO adopted Resolutions A29-21 and A31-16, which requested the Council and the Secretariat to take necessary measures to strengthen the gradual use of Arabic and Chinese within ICAO and to closely monitor the implementation of these measures, with a view to make the use of Arabic and Chinese reach the same level as that of other languages within the Organization. However, despite the extensive use of Arabic and Chinese in various occasions such as the Assembly, Council, technical assistance, and training, the Convention currently only has English, French, Spanish, and Russian as authentic texts.

3.2 The Arabic and Chinese texts as authentic texts would enhance the accessibility, accuracy, and applicability of the clauses in the treaty for relevant States and regions and provide consistent and standardized legal language references for aviation regulatory authorities, legal advisors, and judicial personnel of all States. Furthermore, this will further implement the United Nations’ multilingualism policy,

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<sup>2</sup> Assembly Resolutions related to ratification matters, [ICAO Treaty Collection](#).

improve the Organization's global governance language system, and promote equal understanding and implementation of treaty obligations among Member States.

3.3           Considering the difficulties in the ratification process, ICAO may further provide legal and technical assistance, such as providing explanatory notes, establishing a dedicated Q&A mechanism, and organizing regional workshops to help Contracting States fully understand the background, content, and significance of these Protocols. Furthermore, drawing on the ratification pathways and experience of other language amendment protocols can provide an effective example for the current work.

3.4           Contracting States should advance their domestic legal procedures from the perspective of the integrity of the treaty system and language equality, expedite the ratification of these amendment protocols, and further consolidate the uniformity and enforceability of international aviation rules.

#### 4.       **CONCLUSION**

4.1           The ratification of the protocols relating to the authentic Arabic and Chinese texts of the Chicago Convention will not only strengthen the multilingual system but also represent an important step toward enhancing the universal applicability of the treaty and the language equality rights of Member States. The Assembly may take this opportunity to reaffirm its support for these amending protocols and promote their universal ratification and entry into force as soon as possible from the legal, technical, and promotional perspectives.

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