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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 RATIFICATION OF INTERNATIONAL AIR LAW INSTRUMENTS

(Presented by China)

EXECUTIVE SUMMARY

This working paper presents a brief overview of the adoption and ratification of major international air law instruments developed or amended under the auspices of the International Civil Aviation Organization (ICAO) over the years, and highlights the positive practices of the Chinese government in promoting the ratification of such instruments. This paper particularly highlights the slow progress in the ratification of the protocols on the authentic Chinese and Arabic texts of the Chicago Convention. To further promote the extensive ratification and application of the aforementioned instruments, it is recommended that the Assembly call on Contracting States to complete relevant ratification procedures at the domestic level and request the Secretariat to provide the necessary support.

Action: The Assembly is invited to:

- Call upon States that have not yet ratified the relevant international air law instruments to expedite their ratification process, in particular the amendments to the Final Paragraph of the Chicago Convention, the Protocols on the Authentic Quinquelingual Text (1995) and the Authentic Six-Language Text (1998) of the Chicago Convention, as soon as possible; and
- Direct the Secretary General to collaborate with all States and take all possible measures to provide assistance to States encountering difficulties in the ratification process of international air law instruments, including the organization of workshops or seminars, to promote the ratification process of international air law instruments.

<i>Strategic Goals:</i>	This working paper relates to the Strategic Goal of the <i>International Civil Aviation Convention and other Treaties, Laws and Regulations Address All Challenges</i> .
<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.

¹ English and Chinese versions provided by China.

<i>References:</i>	<i>Doc 7300/9, Convention on International Civil Aviation</i> <i>Doc 9664, Protocol Relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Arabic Text]</i> <i>Doc 9663, Protocol on the Authentic Five-Language Text of the Convention on International Civil Aviation</i> <i>Doc 9722, Protocol Relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Chinese Text]</i> <i>Doc 9721, Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation</i> <i>Doc 9740, Convention for the Unification of Certain Rules for International Carriage by Air</i> <i>Doc 9793, Convention on International Interests in Mobile Equipment</i> <i>Doc 9794, Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment</i> <i>Doc 9959, Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft</i> <i>Doc 9960, Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation</i> <i>Doc 10034, Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft</i>
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1. INTRODUCTION

1.1 Since its establishment, the International Civil Aviation Organization (ICAO) has played a key role in the formulation and promotion of public and private international air law treaties. The Legal Committee and the Secretariat have collaborated over the long term to assist Contracting States in studying treaty drafts, organizing diplomatic conferences, and improving the global aviation legal system.

1.2 Since the 1990s, under the auspices of the ICAO, several landmark international air law instruments have been adopted, including: the *Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation* (1998), the *Convention for the Unification of Certain Rules for International Carriage by Air* (1999), the *Convention on International Interests in Mobile Equipment and its Protocol on Matters Specific to Aircraft Equipment* (2001), the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (2010), among others.

1.3 Resolution A41-4 adopted at the 41st Session of the Assembly (Montréal, 27 September – 7 October 2022) once again underscored the importance of the ratification of legal instruments for the unification of international aviation rules. The Legal Committee also held a special discussion on the relevant issues during its 39th session (Montréal, 25 – 28 June 2024) and urged for action in its report.

2. RATIFICATION PROGRESS OF INTERNATIONAL AIR LAW INSTRUMENTS AND ITS SIGNIFICANCE

2.1 The *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Arabic Text]* and the *Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation*, both adopted on 29 September 1995, together with the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Final Paragraph, Chinese Text]* and

the *Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation*, both adopted on 1 October 1998, confirm that the texts of the Convention on International Civil Aviation (Chicago, 1944 – the “Chicago Convention”) in English, Arabic, Chinese, French, Russian, and Spanish are of equal authenticity. Arabic and Chinese are among the six official languages of the United Nations and are also the working languages of the Assembly and Council of ICAO. The confirmation of their status as authentic texts of the Chicago Convention would enhance the treaty’s accessibility to a broader global population, aligning with the United Nations’ policy of language equality² and the Organization’s global governance needs, thereby enhancing aviation safety³. Currently, none of the aforementioned four protocols have entered into force.

2.2 The *Convention for the Unification of Certain Rules for International Carriage by Air*, done at Montreal on 28 May 1999 (Montreal Convention 1999), has become a foundational instrument in the global air transport sector, modernizing and consolidating the *Convention for the Unification of Certain Rules Relating to International Carriage by Air*, signed at Warsaw on 12 October 1929 (Warsaw Convention) and its various amendments. The Montreal Convention 1999 entered into force on 4 November 2003 and has 141 Parties as of June 2025.

2.3 The *Convention on International Interests in Mobile Equipment* and the *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment*, both signed in Cape Town on 16 November 2001 (Cape Town Convention and Aircraft Protocol), have promoted the development of global aircraft financing and leasing by establishing a unified security right mechanism and an international registration system. Both instruments entered into force on 1 March 2006, and have 86 Parties as of June 2025.

2.4 The *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*, both done at Beijing on 10 September 2010 (Beijing Convention and Beijing Protocol), are key components of the current international legal framework for aviation security. The two instruments entered into force on 1 July 2018, and 1 January 2018, respectively. As of June 2025, the Beijing Convention has been signed by 34 States, and has 56 Parties; and the Beijing Protocol has been signed by 35 States, and has 57 Parties.

2.5 The *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*, done at Montréal on 4 April 2014 (Montréal Protocol 2014) has strengthened the legal jurisdiction over crimes committed on board aircraft and enhanced penalties for disruptive behaviour, building on the *Convention on Offences and Certain Other Acts Committed on Board Aircraft*, done at Tokyo on 14 September 1963 (Tokyo Convention). This instrument entered into force on 1 January 2020. As of June 2025, it has been signed by 36 States, and has 53 Parties.

² UN, Implement Multilingualism with the UN System, Joint Inspection Unit, 2022-11, https://www.unjiu.org/sites/www.unjiu.org/files/jiu_document_files/products/zh-hans/reports-notes/JIU%20Products/JIU_REP_2002_11_Chinese.pdf, last accessed on July 14, 2025; see also UN Adopts Strategic Framework on Multilingualism, https://www.un.org/dgacm/sites/www.un.org.dgacm/files/chinese_un_strategic_framework_on_multilingualism_web.pdf, last accessed on July 14, 2025

³ ICAO, Core Office Document, https://www.icao.int/secretariat/legal/Administrative%20Packages/six_lang_en.pdf, last accessed on July 14, 2025.

3. CHINA'S RATIFICATION PROCEDURES AND ITS RATIFICATION OF INTERNATIONAL AIR LAW INSTRUMENTS

3.1 The *Procedural Law of the People's Republic of China on Conclusion of Treaties* contains detailed provisions on the domestic procedures that China shall follow when concluding international treaties. To date, China has acceded to or ratified 34 international air law instruments that have entered into force (five of which apply only to the Hong Kong Special Administrative Region and/or the Macao Special Administrative Region). China has consistently supported and implemented the ratification of international air law instruments advocated by ICAO.

3.2 China has been committed to promoting the ratification of important international air law instruments, and has successively ratified a series of important international civil aviation treaties, including the Warsaw Convention and the Tokyo Convention.

3.3 On 28 February 2005, the 14th Session of the Standing Committee of the 10th National People's Congress deliberated and ratified the Montreal Convention 1999. On 1 June 2005, the Representative of China on the Council of ICAO deposited the instrument of ratification with ICAO. On 31 July 2005, the Convention entered into force in China. In 2008, the 5th Session of the Standing Committee of the 11th National People's Congress ratified the Cape Town Convention and the Aircraft Protocol, which were adopted on 16 November 2001 at the diplomatic conference jointly convened by ICAO and the International Institute for the Unification of Private Law. Subsequently, China submitted its instruments of ratification to the International Institute for the Unification of Private Law. On 1 June 2009, the Convention and the Protocol entered into force in China.

3.4 During the 41st Session of ICAO Assembly, China presented working paper on *Facilitating the Ratification of Legal Instruments Regarding International Civil Aviation*, recommending ICAO to take effective actions to facilitate Contracting States in ratifying international legal instruments. The recommendation received support from States and was included in Appendix C of Assembly Resolution A41-4. Since the 41st Session of the Assembly, China has taken active measures to expedite the ratification of international air law instruments. On 30 October 2022, the 37th Session of the Standing Committee of the 13th National People's Congress deliberated and ratified the Beijing Convention. On 18 August 2023, a Chinese government representative deposited an instrument of ratification with ICAO. On 1 October 2023, the Beijing Convention entered into force for China. On 30 June 2023, the 3rd Session of the Standing Committee of the 14th National People's Congress deliberated and ratified the Beijing Protocol. On 27 October 2023, a Chinese government representative deposited an instrument of ratification for the Beijing Protocol with ICAO. On 1 December 2023, the Beijing Protocol entered into force for China.

3.5 China recognizes the risks and challenges posed to aviation safety by unruly passengers and notes the determination and efforts demonstrated by the Montréal Protocol 2014) in curbing such behaviour and ensuring aviation safety. China will actively consider ratifying the Montreal Protocol of 2014.

3.6 China recognizes the necessity of ratifying amendments to international air law instruments developed and adopted under the auspices of ICAO As stated in Appendix C of Assembly Resolution A41-4, only a universal participation in these Protocols of Amendment and other instruments would secure and enhance the benefits of unification of the international rules which they embody.

4. **CONCLUSION**

4.1 The extensive ratification of international air law instruments is a prerequisite for the unified application of the international air law system and serves as a critical foundation for global aviation cooperation, connectivity, and the rule of law. The 42nd Session of the Assembly should seize this opportunity to reaffirm the importance of ratifying relevant air law instruments and undertake supportive efforts across legal, technical, and promotional dimensions.

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