

**CONVENTION ON COMPENSATION FOR DAMAGE TO THIRD PARTIES,
RESULTING FROM ACTS OF UNLAWFUL INTERFERENCE INVOLVING AIRCRAFT
DONE AT MONTREAL ON 2 MAY 2009**

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| Entry into force: | <p>Not yet in force.</p> <p>In accordance with Article 40 which reads as follows:</p> <p>“1. This Convention shall enter into force on the one hundred and eightieth day after the deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession on condition, however, that the total number of passengers departing in the previous year from airports in the States that have ratified, accepted, approved or acceded is at least 750 000 000 as appears from the declarations made by ratifying, accepting, approving or acceding States. If, at the time of deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession this condition has not been fulfilled, the Convention shall not come into force until the one hundred and eightieth day after this condition shall have been satisfied. An instrument deposited by a Regional Economic Integration Organization shall not be counted for the purpose of this paragraph.</p> <p>2. This Convention shall come into force for each State ratifying, accepting, approving or acceding after the deposit of the last instrument of ratification, acceptance, approval or accession necessary for entry into force of this Convention on the ninetieth day after the deposit of its instrument of ratification, acceptance, approval or accession.</p> <p>3. At the time of deposit of its instrument of ratification, acceptance, approval or accession a State shall declare the total number of passengers that departed on international commercial flights from airports in its territory in the previous year. The declaration at Article 2, paragraph 2, shall include the number of domestic passengers in the previous year and that number shall be counted for the purposes of determining the total number of passengers required under paragraph 1.</p> <p>4. In making such declarations a State shall endeavour not to count a passenger that has already departed from an airport in a State Party on a journey including one or more stops or transfers. Such declarations may be amended from time to time to reflect passenger numbers in subsequent years. If a declaration is not amended, the number of passengers shall be presumed to be constant.”</p> |
| Status: | 11 signatures; 3 ratifications; 7 accessions. |
| Note: | This Convention was adopted on 2 May 2009 at the International Conference on Air Law held under the auspices of ICAO at Montréal from 20 April to 2 May 2009. In accordance with its Articles 38 and 39, the Convention shall be open to all States and Regional Economic Integration Organizations for signature at the Headquarters of ICAO in Montréal until it enters into force. |

| State | Date of signature | Date of deposit of instrument of ratification, acceptance (A), approval (AA) or accession (a) | Date of entry into force |
|-------------------|--------------------------|--|---------------------------------|
| Benin | 21/1/2013 | - | - |
| Burkina Faso | 20/3/2013 | - | - |
| Cameroon | 25/10/2011 | - | - |
| Congo (4) | 2/5/2009 | 1/10/2014 | - |
| Côte d’Ivoire (6) | 2/5/2009 | 19/2/2016 | - |
| Ecuador (2) | | 19/8/2013 (a) | - |
| Eswatini (8) | | 27/3/2017 (a) | - |
| Gabon (9) | | 28/4/2017 (a) | - |
| Ghana (10) | 2/5/2009 | 4/6/2018 | - |
| Kuwait (3) | | 4/7/2014 (a) | - |
| Montenegro (1) | | 18/7/2012 (a) | - |
| Mozambique (7) | - | 17/8/2016 (a) | - |
| Panama | 15/6/2009 | - | - |
| Serbia | 2/5/2009 | - | - |
| Sierra Leone (5) | | 25/11/2015 (a) | - |
| South Africa | 30/9/2010 | - | - |
| Uganda | 2/5/2009 | - | - |
| Zambia | 2/5/2009 | - | - |

- (1) At the time of deposit of its instrument of accession, Montenegro made a declaration pursuant to Article 40, paragraph 3, of the Convention, that “the total number of passengers that departed on international commercial flights from airports in the territory of Montenegro in the previous year of 2011 was 631 195”.
- (2) At the time of deposit of its instrument of accession, Ecuador made the following declaration:
“In compliance with the provisions of Article 40(3) of said *Convention*, the Government of Ecuador hereby declares that ‘the total number of passengers departing on international commercial flights from Ecuador in the year 2012 was 1,523,277, according to the *2012 Air Traffic Statistical Journal*.’ ”
- (3) At the time of deposit of its instrument of accession, the State of Kuwait made the following declaration: “in accordance with Article 40, paragraph 3, a total number of 4,578 424 passengers departed on board international commercial flights from the territory of Kuwait in the year prior to 2014”.
- (4) At the time of deposit of its instruments of ratification, the Republic of the Congo made the following declarations: “in accordance with Article 40, paragraph 3, a total number of 292,842 passengers departed on international commercial flights from airports in the territory of the Republic of the Congo in 2013” and declared, in accordance with Article 2, paragraph 2 that “this Convention shall also apply where an aircraft in flight other than on an international flight causes damage in the territory of the Republic of the Congo, other than as a result of unlawful interference. A total number of 786,331 departed on board domestic commercial flights in the territory of the Republic of the Congo in the year 2013.”
- (5) At the time of deposit of its instrument of accession, the Republic of Sierra Leone declared that: “pursuant to Article 40, paragraph 3, of the Convention, that the total number of passengers that departed on international commercial flights from airports in the territory of the Republic of Sierra Leone in the previous year of 2014 was 177,470.”
- (6) Upon depositing its instrument of ratification, the Republic of Côte d’Ivoire issued the following declarations:

“In accordance with Article 40, paragraph 3 of the *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft*, adopted on 2 May 2009 in Montreal, Canada, the Government of the Republic of Côte d’Ivoire declares that the total number of passengers departing on international commercial flights from airports in the territory of the Republic of Côte d’Ivoire was 1,181,774 in 2014.”

“By virtue of Article 2, paragraph 2 of the *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft*, adopted on 2 May 2009 in Montreal, Canada, the Government of the Republic of Côte d’Ivoire declares that the Convention also applies to such damage to third parties that occurs in the territory of the Republic of Côte d’Ivoire which is caused by an aircraft in flight other than on an international flight, as a result of an act of unlawful interference.”

“In accordance with Article 2, paragraph 2 of the *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft*, signed in Montreal on 2 May 2009, the Government of the Republic of Côte d’Ivoire declares that no passengers departed on domestic commercial flights from airports in the territory of the Republic of Côte d’Ivoire in 2014.”
- (7) Upon depositing its instrument of accession, Mozambique made the following declarations:

“Pursuant to the article 40, paragraph 3, of the Convention, that the total number of passengers that departed on the international commercial flights from the airports in the territory of the Republic of Mozambique in the previous year of 2015 was 741,720.”

“In accordance with article 2, paragraph 2, that this Convention shall apply to damage to the third parties that occurs in the territory of the Republic of Mozambique which is caused by any aircraft in flight on other on an international flight, as the result of an act of unlawful interference and that the total number of domestic passengers in the Republic of Mozambique in the previous years of 2015 was 1,243,705.”

- (8) Upon depositing its instrument of accession, Swaziland made a declaration pursuant to Article 40, paragraph 3, of the Convention, that “the total number of passengers that departed on international commercial flights from the airports in the territory of the Kingdom of Swaziland in the previous year of 2015 was twenty-seven thousand three hundred and sixty-four (27 364)”.
- (9) FOR TRANSLATION.
- (10) Upon depositing its instrument of ratification, Ghana made a declaration pursuant to Article 40, paragraph 3, of the Convention, that “the total number of passengers that departed on international commercial flights from airports in the territory of the Republic of Ghana in the previous year of 2016 was two million, one hundred and seventy-nine thousand, nine hundred and twenty-seven (2,179,927).”