



**WORKING PAPER**

**LEGAL COMMITTEE – 39TH SESSION**

(Montréal, 25 to 28 June 2024)

**Agenda Item 2 : Consideration of the General Work Programme of the Legal Committee**

**PROMOTION OF THE RATIFICATION OF INTERNATIONAL AIR LAW INSTRUMENTS**

(Presented by the Secretariat)

**1. BACKGROUND**

1.1 At its 38th Session (Virtual, 22 to 25 March 2022), the Legal Committee expressed its support for the ratification of international air law instruments and their contribution to the harmonization of international aviation rules and moved the item “Promotion of the Ratification of International Air Law Instruments” from item 6 to item 5 of its General Work Programme. This was confirmed by the Council at its 226th Session in May 2022. During its 41st Session (27 September to 7 October 2022), the ICAO Assembly adopted Resolutions A41-4, Appendix C, A41-18, Appendix B and A41-19, urging States to ratify international air law treaties to which they are not party. Moreover, the Assembly recognizes that only the universal participation by ICAO Member States in international air law instruments would secure and enhance the benefits of unification of the international rules which they embody.

1.2 During 2023 and 2024, the Secretariat has prioritized six key treaties for promotion.<sup>1</sup> A total of 42 depositary actions were recorded for these treaties in the period 1 January 2023 to 1 May 2024. These treaties are beneficial to States for a number of reasons but, in brief, by respectively: increasing participation and expertise in the Council and Air Navigation Commission; enabling a fair and uniform compensation regime for liability from carriage by air; providing a global framework to deal with new and emerging threats against civil aviation; and curbing the escalation in the frequency and severity of unruly and disruptive passenger acts.

1.3 The number of ratifications of international air law and related instruments, including those adopted under the auspices of ICAO, is reflected in the Appendix to this paper. The Appendix also specifically includes the number of ratifications since the end of the 38th Session of the Legal Committee. The ICAO public website, under the heading of “Treaty Collection”, provides more information, including: a) current lists of parties to multilateral air law treaties; b) the status of individual States with regard to multilateral air law treaties; c) a composite table illustrating the status of treaties and status of States

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<sup>1</sup> The six international air law treaties are the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 50 (a)]* (Doc 10077) and the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 56]* (Doc 10076) (Montréal, 2016) (2016 Protocols on Articles 50 (a) and 56 of the Chicago Convention); the *Convention for the Unification of Certain Rules for International Carriage by Air* (Doc 9740) (Montreal, 1999) (Montreal Convention 1999); the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Doc 9960) and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Doc 9959) (Beijing, 2010) (Beijing Convention and Protocol 2010); and the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Doc 10034) (Montréal, 2014) (Montréal Protocol 2014).

vis-à-vis treaties; d) administrative packages to assist States in becoming parties to treaties; e) Assembly resolutions related to ratification matters; and f) current information and recommendations on ratification matters.

1.4 All depositary actions are reflected as soon as possible in a chronological record on the ICAO public website.

## **2. LEB ACTIVITIES AND PROGRESS ON RATIFICATION SINCE LC/38**

2.1 The Legal Affairs and External Relations Bureau (LEB) has continued to discharge the depositary functions incumbent to the Organization. It has also continued to provide support to Member States and international organizations with respect to ratification matters and to promote ratification of international air law instruments through administrative actions and at various international meetings and events. The President of the Council and the Secretary General have promoted ratification of international air law instruments during meetings with high-level government officials of Member States.

2.2 The Secretariat convened the second ICAO Treaty Event during the 41st Session of the Assembly. This Event was launched at the 40th Session of the Assembly in 2019 with a view to promoting the ratification of multilateral air law treaties by providing special facilities for representatives of Member States, in the margins of the Assembly Session, to deposit instruments of ratification. Seven States took the opportunity to deposit instruments of ratification to international air law treaties for which ICAO acts as depositary, with a total of 11 depositary actions being recorded. In addition to the second Treaty Event, D/LEB conducted a SkyTalks presentation on the topic of ratification of international air law instruments at the Assembly.

2.3 LEB, with the support of Regional Offices, presented working papers at the DGCA meetings for the Asia and Pacific (APAC), European and North Atlantic (EUR/NAT), North American, Central American and Caribbean (NACC) and South American (SAM) regions in 2023 highlighting the benefits of the six key treaties mentioned at footnote 1 as well as information pertaining to the ratification process. A similar working paper was presented during the 8th Africa-Indian Ocean (AFI) Week at the meeting of the 12th AFI SECFAL Plan Steering Committee. States were invited to report to ICAO on their progress towards the ratification of international air law treaties utilizing a tracking matrix developed for that purpose. Following these meetings, State letters were sent by the Regional Directors whereby States were invited to nominate Focal Points to coordinate with LEB on matters related to the ratification and implementation of international air law treaties and to submit the tracking matrix indicating their progress towards ratification. LEB also presented a working paper on the ratification of international air law treaties at the EUR/NAT and Middle East (MID) DGCA meetings held in Toulouse (April 2024) and Riyadh (May 2024), respectively.

2.4 In February 2023, LEB facilitated the Second Edition of the Civil Aviation Legal Advisers' Forum (CALAF) which was hosted by the Sultanate of Oman. More than 150 legal experts from over 60 States, and International Organizations participated in the Forum featuring presentations and discussions by legal advisers of civil aviation regulatory bodies on topical legal subjects of interest, including the ratification of international air law treaties.

2.5 Moreover, LEB was involved in several other events aimed at, inter alia, promoting the ratification of international air law treaties. The need for ratification of various aviation security treaties was highlighted during ICAO Security Week in October 2023. Two ICAO Legal Seminars organized by LEB and the Ministry of Land, Infrastructure and Transport of the Republic of Korea were successfully held in Seoul, Republic of Korea, the first from 12 to 14 April 2022, the second from 16 to 18 April 2024. The seminars enabled more than 1650 participants from 114 States to exchange knowledge and experiences

on new and emerging issues affecting civil aviation and encouraged momentum towards the ratification and implementation of related international air law instruments by States.

2.6 In addition to the above, over 150 participants from member States and international organizations benefitted from seminars and workshops arranged by LEB in the APAC, EUR/NAT and Western and Central African (WACAF) regions during that past year with the goal to provide aviation professionals with competencies to support their organization in implementing air law and to highlight the benefits, processes, and requirements for ratification of international air law treaties. The events were supported by the ICAO Regional Offices, States (Senegal, Singapore) and international organizations including the International Air Transport Association (IATA), the West African Economic and Monetary Union (WAEMU) and the United Nations Office on Drugs and Crime (UNODC).

2.7 LEB also assisted the Global Aviation Training Office (GAT) with the development and delivery of the ICAO International Air Law Course (IALC), which promotes, inter alia, the ratification of international air law instruments. The Course, which has benefited almost 600 participants since 2022, has been delivered in-person at ICAO Headquarters and in the Regions and at TRAINAIR PLUS institutions around the world, as well as through virtual means. A second course on international air law topics, the Aviation Liability and Insurance Course (ALIC), has been developed and will be launched following its validation at the beginning of June 2024.

2.8 Furthermore, a State letter commemorating the tenth anniversary of the adoption of 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) was issued in May 2024 urging those State who have not yet done so, to ratify this important treaty.

### 3. FUTURE LEB ACTIVITIES ON RATIFICATION

3.1 In the area of the promotion of ratification and implementation of international air law instruments, LEB intends to undertake, among others, the following activities:

- Presentations at appropriate DGCA and high-level meetings in the regions;
- CALAF/3 to be held in London, United Kingdom from 26 to 28 November 2024;
- Issuance before the end of 2024 of a State letter urging ratification of the *Protocol Relating to An Amendment to the Convention on International Civil Aviation [Article 50 (a)]* and the *Protocol Relating to An Amendment to the Convention on International Civil Aviation [Article 56]*, both Signed at Montréal on 6 October 2016, in view of the 42nd Session of the Assembly (September/October 2025);
- Third Edition of the ICAO Treaty Event to be held in the margins of the 42nd Session of the Assembly (September/October 2025);
- Support for deliveries of the ICAO International Air Law Course and development of new air law courses as needed; and
- Delivery of legal seminars and workshops upon invitation by Member States.

### 4. ACTION BY THE COMMITTEE

4.1 The Legal Committee is invited to consider the information provided in this working paper and offer any comments it considers appropriate.

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## APPENDIX

STATUS OF INTERNATIONAL AIR LAW INSTRUMENTS (As at 1 May 2024)						
		Entry into force	Signatures	Ratifications or Accessions (and number required for entry into force where applicable)		Ratifications since 25 March 2022
1.	Convention on International Civil Aviation Chicago, 7 December 1944 (Doc 7300) Depositary: US	4/4/47	52	193		None
2.	International Air Services Transit Agreement Chicago, 7 December 1944 (Doc 7500) (part of Doc 9587) Depositary: US	30/1/45		135		1
3.	International Air Transport Agreement Chicago, 7 December 1944 (part of Doc 9587) Depositary: US	8/2/45		11		None
4.	Protocol on the Authentic Trilingual Text Buenos Aires, 24 September 1968 (incorp. in Doc 7300) Depositary: US	24/10/68	58	154		None
5.	Protocol on the Authentic Quadrilingual Text Montreal, 30 September 1977 (Doc 9217) (incorp. in Doc 7300) Depositary: US	16/9/99	39	91		None
*6.	Protocol on the Authentic Quinquelingual Text Montreal, 29 September 1995 (Doc 9663) Depositary: US	-	66	77	Final para <sup>1</sup>	None
*7.	Protocol on the Authentic Six-Language Text Montreal, 1 October 1998 (Doc 9721) Depositary: US	-	60	58	Final para <sup>1</sup>	None
8.	Article 93 <i>bis</i> , Chicago Convention Montreal, 27 May 1947 (incorp. in Doc 7300) Depositary: ICAO	20/3/61		119		None
9.	Article 45, Chicago Convention Montreal, 14 June 1954 (incorp. in Doc 7300) Depositary: ICAO	16/5/58		145		None
10.	Articles 48(a), 49(e) and 61, Chicago Convention Montreal, 14 June 1954 (incorp. in Doc 7300) Depositary: ICAO	12/12/56		148		None
11.	Article 50(a), Chicago Convention Montreal, 21 June 1961 (incorp. in Doc 7300) Depositary: ICAO	17/7/62		136		None
12.	Article 48(a), Chicago Convention Rome, 15 September 1962 (incorp. in Doc 7300) Depositary: ICAO	11/9/75		124		None
13.	Article 50(a), Chicago Convention New York, 12 March 1971 (Doc 8970) (incorp. in Doc 7300) Depositary: ICAO	16/1/73		134		None

1. This Protocol will enter into force only when the corresponding amendment to the Final Paragraph of the Convention on International Civil Aviation enters into force.

\* Not in force

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		Entry into force	Signatures	Ratifications or Accessions (and number required for entry into force where applicable)		Ratifications since 25 March 2022
14.	Article 56, Chicago Convention Vienna, 7 July 1971 (Doc 8971) (incorp. in Doc 7300) Depositary: ICAO	19/12/74		136		None
15.	Article 50(a), Chicago Convention Montreal, 16 October 1974 (Doc 9123) (incorp. in Doc 7300) Depositary: ICAO	15/2/80		131		None
16.	Final paragraph (Russian Text), Chicago Convention Montreal, 30 September 1977 (Doc 9208) (incorp. in Doc 7300) Depositary: ICAO	17/8/99		125		None
17.	Article 83 <i>bis</i> , Chicago Convention Montreal, 6 October 1980 (Doc 9318) (incorp. in Doc 7300) Depositary: ICAO	20/6/97		182		5
18.	Article 3 <i>bis</i> , Chicago Convention Montreal, 10 May 1984 (Doc 9436) (incorp. in Doc 7300) Depositary: ICAO	1/10/98		161		4
19.	Article 56, Chicago Convention Montreal, 6 October 1989 (Doc 9544) (incorp. in Doc 7300) Depositary: ICAO	18/4/05		129		None
20.	Article 50(a), Chicago Convention Montreal, 26 October 1990 (Doc 9561) (incorp. in Doc 7300) Depositary: ICAO	28/11/02		144		None
*21.	Final paragraph (Arabic Text), Chicago Convention Montreal, 29 September 1995 (Doc 9664) Depositary: ICAO	-		69	122 required	1
*22.	Final paragraph (Chinese Text), Chicago Convention Montreal, 1 October 1998 (Doc 9722) Depositary: ICAO	-		55	124 required	None
*23.	Article 50(a) Montréal, 6 October 2016 (Doc 10077) Depositary: ICAO			94	128 required	25
*24.	Article 56 Montréal, 6 October 2016 (Doc 10076) Depositary: ICAO			94	128 required	25
25.	Convention on the International Recognition of Rights in Aircraft Geneva, 19 June 1948 (Doc 7620) Depositary: ICAO	17/9/53	27	91		None
26.	Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface Rome, 7 October 1952 (Doc 7364) Depositary: ICAO	4/2/58	26	51		None

\* Not in force

STATUS OF INTERNATIONAL AIR LAW INSTRUMENTS (As at 1 May 2024)						
		Entry into force	Signatures	Ratifications or Accessions (and number required for entry into force where applicable)		Ratifications since 25 March 2022
27.	Protocol of Amendment to the Rome Convention Montreal, 23 September 1978 (Doc 9257) Depositary: ICAO	25/7/02	14	12		None
28.	Convention for the Unification of Certain Rules relating to International Carriage by Air Warsaw, 12 October 1929 (ICAO-Net) Depositary: Poland	13/2/33	21	152		None
29.	The Hague Protocol amending the Warsaw Convention The Hague, 28 September 1955 (Doc 7632) Depositary: Poland	1/8/63	38	137		None
30.	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 Guadalajara, 18 September 1961 (Doc 8181) Depositary: Mexico	1/5/64	23	86		None
*31.	Guatemala City Protocol Guatemala City, 8 March 1971 (Doc 8932/2) Depositary: ICAO	-	33	7 rat. 5 acc.	30 required	None
32.	Additional Protocol No. 1 Montreal, 25 September 1975 (Doc 9145) Depositary: Poland	15/2/96	33	51		None
33.	Additional Protocol No. 2 Montreal, 25 September 1975 (Doc 9146) Depositary: Poland	15/2/96	34	52		None
*34.	Additional Protocol No. 3 Montreal, 25 September 1975 (Doc 9147) Depositary: Poland	-	33	22	30 required	None
35.	Montreal Protocol No. 4 Montreal, 25 September 1975 (Doc 9148) Depositary: Poland	14/6/98	38	61		None
36.	Convention for the Unification of Certain Rules for International Carriage by Air Montreal, 28 May 1999 (Doc 9740) Depositary: ICAO	4/11/03	72 States, 1 Regional Economic Integration Organisation	139		2
37.	Convention on Offences and Certain Other Acts Committed on Board Aircraft Tokyo, 14 September 1963 (Doc 8364) Depositary: ICAO	4/12/69	41	187		None
38.	Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft Montréal, 4 April 2014 Depositary: ICAO	1/1/20	36	48		13
39.	Convention for the Suppression of Unlawful Seizure of Aircraft The Hague, 16 December 1970 (Doc 8920) Depositaries: RF, UK, US	14/10/71	77	186		None

\* Not in force

STATUS OF INTERNATIONAL AIR LAW INSTRUMENTS (As at 1 May 2024)						
		Entry into force	Signatures	Ratifications or Accessions (and number required for entry into force where applicable)		Ratifications since 25 March 2022
40.	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation Montreal, 23 September 1971 (Doc 8966) Depositaries: RF, UK, US	26/1/73	60	189		None
41.	Montreal Supplementary Protocol Montreal, 24 February 1988 (Doc 9518) Depositaries: RF, UK, US, ICAO	6/8/89	69	177		None
42.	Convention on the Marking of Plastic Explosives for the Purpose of Detection Montreal, 1 March 1991 (Doc 9571) Depositary: ICAO	21/6/98	51	156 [25 producers]		None
43.	Convention on the Suppression of Unlawful Acts relating to International Civil Aviation Beijing, 10/9/10 (Doc 9960) Depositary: ICAO	1/7/18	34	49		8
44.	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft Beijing, 10/9/10 (Doc 9959) Depositary: ICAO	1/1/18	35	51		10
45.	Convention on International Interests in Mobile Equipment Cape Town, 16/11/01 (Doc 9793) Depositary: Unidroit	1/3/06	28	84		3
46.	Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment Cape Town, 16/11/01 (Doc 9794) Depositary: Unidroit	1/3/06	28	84		3
*47.	Convention on Compensation for Damage Caused by Aircraft to Third Parties (GRC) Montréal, 2/5/09 (Doc 9919) Depositary: ICAO		13	12	35 required	None
*48.	Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft (UICC) Montréal, 2/5/09 (Doc 9920) Depositary: ICAO		11	10	35 required	None
49.	Convention on the Privileges and Immunities of the Specialized Agencies United Nations, 21 November 1947 - application to ICAO Depositary: UN (and ICAO)	2/12/48		117		2
50.	Joint Financing Agreement - Greenland Geneva, 25 September 1956 (Doc 9585) Depositary: ICAO	6/6/58	13	19		None
51.	Protocol of Amendment to the Joint Financing Agreement - Greenland Montreal, 3 November 1982 Further amendments in 2008 (incorp. in Doc. 9585) Depositary: ICAO	1/1/83 provisional. 17/11/89 definitive.	17	24		None

\* Not in force

STATUS OF INTERNATIONAL AIR LAW INSTRUMENTS (As at 1 May 2024)						
		Entry into force	Signatures	Ratifications or Accessions (and number required for entry into force where applicable)		Ratifications since 25 March 2022
52.	Joint Financing Agreement - Iceland Geneva, 25 September 1956 (Doc 9586) Depositary: ICAO	6/6/58	13	19		None
53.	Protocol of Amendment to the Joint Financing Agreement - Iceland Montreal, 3 November 1982 Further amendments in 2008 (incorp. in Doc. 9586) Depositary: ICAO	1/1/83 provisional 17/11/89 definitive	17	25		None
54.	International Agreement on the Procedure for the Establishment of Tariffs for Intra-European Scheduled Air Services Paris, 16 June 1987 Depositary: ICAO	5/6/88	13	15		None
55.	International Agreement on the Sharing of Capacity on Intra-European Scheduled Air Services Paris, 16 June 1987 Depositary: ICAO	17/7/88	10	11		None
56.	Multilateral Agreement on Commercial Rights of Non-Scheduled Air Services in Europe Paris, 30 April 1956 Depositary: ICAO	21/8/57	17	24		None
57.	International COSPAS-SARSAT Programme Agreement Paris, 1 July 1988 Parties to the Agreement: States participating as: Ground Segment Providers (GSP)  User States (US)  Depositaries: ICAO and IMO	30/8/88	4		30  9	None

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