



INTERNATIONAL CONFERENCE ON AIR LAW

(Montréal, 20 April to 2 May 2009)

DRAFT CONVENTION ON COMPENSATION FOR DAMAGE TO THIRD PARTIES, RESULTING FROM ACTS OF UNLAWFUL INTERFERENCE INVOLVING AIRCRAFT

(Presented by the Chairman of the Commission of the Whole)

Article 40 – Entry into force

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 the 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. For the purposes of calculating the number of passengers, a passenger shall not be counted more than once in respect of one journey, whether or not that journey includes one or more stops or transfers. 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.

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.

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 ~~on~~ in its territory in the previous year. The declaration at Article 2, paragraph 2, shall include the number of domestic passengers and that number shall be counted for the purposes of determining the total number of passengers required under paragraph 1. [In making such declarations a State shall not 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.