

INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY

Facilitating the ratification of key air law treaties – Objectives, benefits and obligations of States

Andrew P. Opolot Legal Officer, Legal Affairs and External Relations Bureau



Presentation Overview

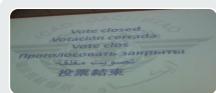
01 Treaty Making Process

- 02 Background and benefits of six key international air law treaties
- 03 Resources and actions to promote ratification



Amendments to the Chicago Convention

 Amendment proposal to be approved by a two-thirds vote of the Assembly and ratified by minimum two-thirds of the Contracting States – Art. 94 (a) Chicago Convention



Institutional and procedural changes

• Membership, Assembly sessions, permanent seat, budget and languages



Article 3 bis

• Prohibition of use of weapons against civil aircraft



Article 83 bis

• Transfer of state of registry responsibility on leased, chartered aircraft

Other International Air Law Instruments

- Procedure for approval of draft Conventions (A41-4, Appendix B)
- Legal Committee may establish sub-Committees, working groups, task forces
- Council considers draft text of a new treaty
- Council convenes Diplomatic
 Conference to adopt the text

ICAO

 Last instrument adopted is the Montréal Protocol 2014



Air Carrier Liability (passengers and cargo)

- Hague Protocol 1955
- Guadalajara Convention 1961
- Guatemala City Protocol
 1971
- Additional Protocol Nos. 1, 2 and 3 1975
- Montreal Protocol No 4 1975
- Montreal Convention
 1999

Liability to Third Parties (damages on the ground)

- Rome Convention 1952
- Montreal Protocol 1978
- General Risks Convention
 2009
- Unlawful Interference Compensation Convention 2009

Aviation Safety and Security

- Tokyo Convention 1963
- Hague Convention 1970
- Montreal Convention
 1971
- VIA Protocol 1988
- MEX Convention 1991
- Beijing Convention and Protocol 2010
- Montréal Protocol 2014

Aircraft Financing

- Geneva Convention 1948
- Cape Town Convention 2001
- Aircraft Protocol 2001

Depositary Functions

- ICAO is the Depositary of almost 40 international air law treaties
- Ceremony of deposits

ICAO

 Information for States available on the ICAO Treaty Collection Website (icao.int/treaty)



NOW THEREFORE I, Ms. Jane Doe, Minister of Foreign Affairs declare that the Government of Republic of, having considered the above-mentioned Convention, ratifies the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument ratification on 28 November 2017 in the city of

-leianos

Minister of Foreign Affairs

2. Background and Benefits of Six Key Treaties

Ratification of International Air Law Treaties:

- The 41st Session of the ICAO Assembly recognized in several Resolutions that unification of international rules could only be achieved through universal participation by all ICAO Member States.
- Called upon States that have not done so to consider becoming parties to international air law treaties.



Doc 10184

Assembly Resolutions in Force (as of 7 October 2022)



Published by authority of the Secretary General

INTERNATIONAL CIVIL AVIATION ORGANIZATION



2. Background and Benefits of Six Key Treaties



Montreal Convention 1999 (air carrier liability): Universal application for uniform regime (139 Parties)

	000000000	
	and beginning a figure of the second se	
	and a state of the	
	CONTRACTOR	
	or in Approximation and the Control of States and the States of the Stat	
	0257,2330	
	per in quark & ere direction de carde en la reache of personnel	
	NRBCK23	
	right manager state model an angular paramol and frequencing a firmed of the	
	新正人国新教内総定有关の中市行うの立内	
	BRANT BOOMST	
	1442	
	Ad and a second se	
	مردام بعوام المتوافق الأ	
L	Es De De Desarration de la constantination de la constantination de la constantination de la constantination de la constantination de la constantination de la constantination de la constantination de la constantination d	

Beijing Convention 2010 (security and safety): deals with new and emerging threats using aircraft, BCN weapons, cyber attacks (49 Parties)

		h-10	
	PRODUCTIE National view of the Argument of the		
	201 201 Millionaria (17) Anna (17) Millionaria (17) Anna (17) Millionaria (17) Anna (17) Millionaria (17) Mi		
1			

Beijing Protocol 2010 (security and safety): deals with new forms of unlawful seizure including by any technological means (51 Parties)

International Action of the second se	Hardware and the second		54.90
Eveneration of the second seco	Eveneration of the second seco	MUTOCOL.	
Harris and the second s	Harris and the second s	n insulte Compton as Officers of Comp. One interfacement is from Neuroficements of per 2011	-tend
Harris and the second s	Harris and the second s		
Exercise Constraints of the second s	Exercise Constraints of the second s		
HUNCE HIN CONTRACTORY HIN CONTRACTORY	HUNCE HIN CONTRACTORY HIN CONTRACTORY		
Hanni a honor a norma de la comparación de la co	Hanni a honor a norma de la companya		
Hanni a honor a norma de la companya	Hanni a honor a norma de la companya		
Hammanne Harris	Hammanne Harris		
E34 Line (Line (L	E34 Line (Line (L		
The second secon	The second secon	ares (arrangement that an arrangement of	
Jaco Jaco (Jaco)	Jaco Jaco (Jaco)	824	
3000 (1)(0)(2)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)	3000 (1)(0)(2)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)	Multilactives)	
v (Marka and Anna a	v (Marka and Anna a		
V Lauter Advance A	V Lauter Advance A		
Er Transitioner of a strategic and a strategic	Er Transitioner of a strategic and a strategic	ول 1966 میں اور اور سرمی المحل الموں الی آرادی الی من الحاق ان	
9750-2014 COLV2/20140-06-45-2014 Biochadrenis under CALVERINGER Biochadrenis under CALVERINGER BIOCHARD MILLION COLVERNMENT BIOCHARD MILLION COLVERNMENT BIOCHARD MILLION	9750-2014 COLV2/20140-06-45-2014 Biochadrenis under CALVERINGER Biochadrenis under CALVERINGER BIOCHARD MILLION COLVERNMENT BIOCHARD MILLION COLVERNMENT BIOCHARD MILLION	الأرفي تواويل في المولاتين (11	
THE PAPER OF STREET AND ADDRESS OF STREET	THE PAPER OF STREET AND ADDRESS OF STREET	9/38/0.0014 (10. 6/3.001/064/2.001 #64/04/01/811 (10.001/2.6.101/064/2.001	
		HERE RANGING WITH BUILDING AND ADDRESS OF ADDRESS ADDR	88
			-

Montréal Protocol 2014 (unruly and disruptive passengers): expands jurisdiction beyond State of registry, and promotes enforcement (47 Parties)



ICAO

2016 Protocol on Art. 50 (a) of the Chicago Convention (increase in the size of Council): broader representation in the Council (93 ratifications, 128 needed)



2016 Protocol on Art. 56 of the Chicago Convention (increase in the size of the ANC): broader representation on the ANC (93 ratifications, 128 needed)

Beijing Instruments 2010: The New Wall Safeguarding Aviation

Beijing Convention:

- aircraft as weapon
- spread of BCN and transportation of WMDs
- organisers, directors, financiers, accomplices
- credible threat
- air navigation facilities (signal, data, information systems); cyber attacks

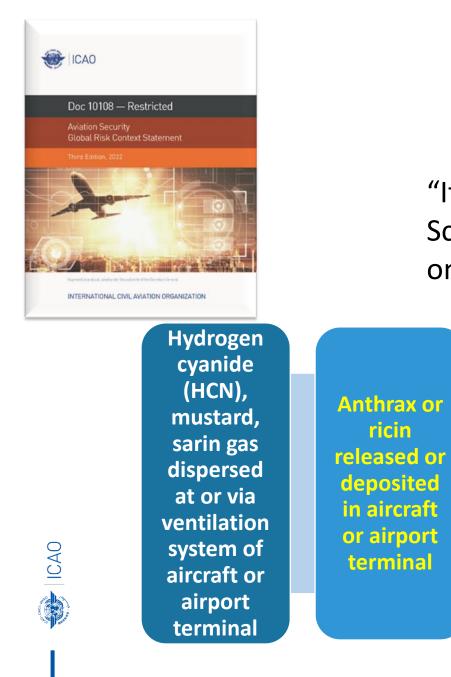
Beijing Protocol:

• coercion

ICAO

- aircraft seizure by technological means
- organisers, directors, financiers, accomplices





Radiological dispersal device placed in public area of airport terminal

ricin

terminal

Chloroform used to incapacitate air crew

Drone laden with chemical weapons crashed into sports stadium

Foodborne bioagents introduced through Inflight catering

"If it can happen ... it will": **Scenarios for BCN attacks** on civil aviation



States Parties to 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, Beijing 2010

Beijing Convention 2010 49 Parties

Angola, Bahrain, Benin, Botswana, Burkina Faso, Cabo Verde, China, Congo, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Dominican Republic, Eswatini, Finland, France, Gabon, Gambia, Germany, Ghana, Guyana, Honduras, Kazakhstan, Kuwait, Luxembourg, Mali, Malta, Mozambique, Myanmar, Netherlands, Oman, Panama, Paraguay, Portugal, Romania, Russian Federation, Rwanda, Saint Lucia, Seychelles, Sierra Leone, Slovakia, Singapore, Sweden, Switzerland, Tunisia, Turkey, Turkmenistan, Uganda, Uruguay.

51 Parties

Beijing Protocol 2010

Angola, Bahrain, Benin, Botswana, Burkina Faso, Cabo Verde, China, Congo, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Dominican Republic, Eswatini, Finland, France, Gabon, Gambia, Germany, Ghana, Guyana, Honduras, India, Kazakhstan, Kuwait, Luxembourg, Mali, Malta, Mozambique, Myanmar, Netherlands, Oman, Panama, Paraguay, Portugal, Romania, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Seychelles, Sierra Leone, Singapore, Slovakia, Sweden, Switzerland, Tunisia, Turkey, Turkmenistan, Uganda, Uruguay.

As on 10 April 2024

States Parties to Montréal Protocol 2014

Angola Russian Hungary Armenia **Federation** Jordan **Parties** Bahrain Kazakhstan Rwanda Botswana Kenya Saint Kitts Kuwait and Nevis Congo **Cote d'Ivoire Luxembourg Senegal** Cuba Malaysia Sierra Leone Cyprus Malta Singapore Dominican MozambiqueSwitzerland **Netherlands Tunisia** Republic Türkiye Egypt Niger Finland Nigeria Uganda **United Arab** France Oman Gabon **Emirates** Paraguay Gambia Peru Uruguay Ghana Portugal Guyana Qatar Honduras Romania

47

ICAO

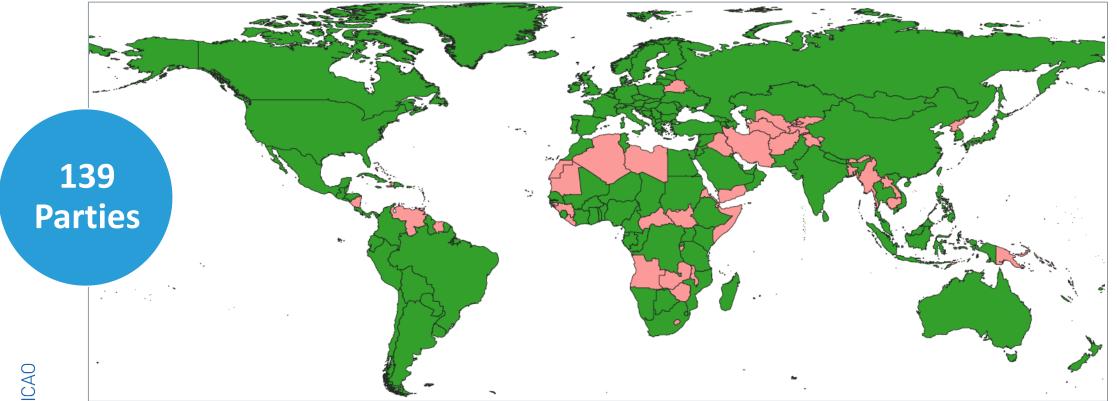
ICAO urges States to accelerate ratification of international unruly air passenger treaty.



Montréal, 4 April 2024 – In response to the increase in incidents of unruly passenger behavior on international flights being reported by regulators and airlines, the International Civil Aviation Organization (ICAO) issued an urgent call to its Member States to fast-track the ratification of the 2014 Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montréal Protocol 2014 or MP14).

Since its adoption on 4 April 2014, MP14 has sought to remedy jurisdictional gaps that hinder the effective prosecution of offences occurring on international flights. "On the tenth anniversary of MP14, it is crucial that Member States reinforce their commitment to safe air travel by ratifying this essential treaty," urged Salvatore Sciacchitano, President of the ICAO Council.

Convention for the Unification of Certain Rules for International 14 Carriage by Air, done at Montreal on 28 May 1999



Disclaimer: The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Montreal Convention 1999

Example: a flight from Luanda, Angola (LAD) to Dubai, UAE (DXB)



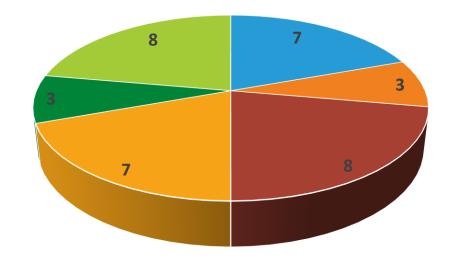
Source: IATA

2016 Protocols on Articles 50(a) and 56 of the Chicago Convention

- A39 approved amendments to Articles 50 (a) and 56 of the Chicago Convention
- Amendment to Article 50 (a) increases the membership of the Council from 36 to 40
- Amendment to Article 56 increases the membership of the ANC from 19 to 21

ICAO

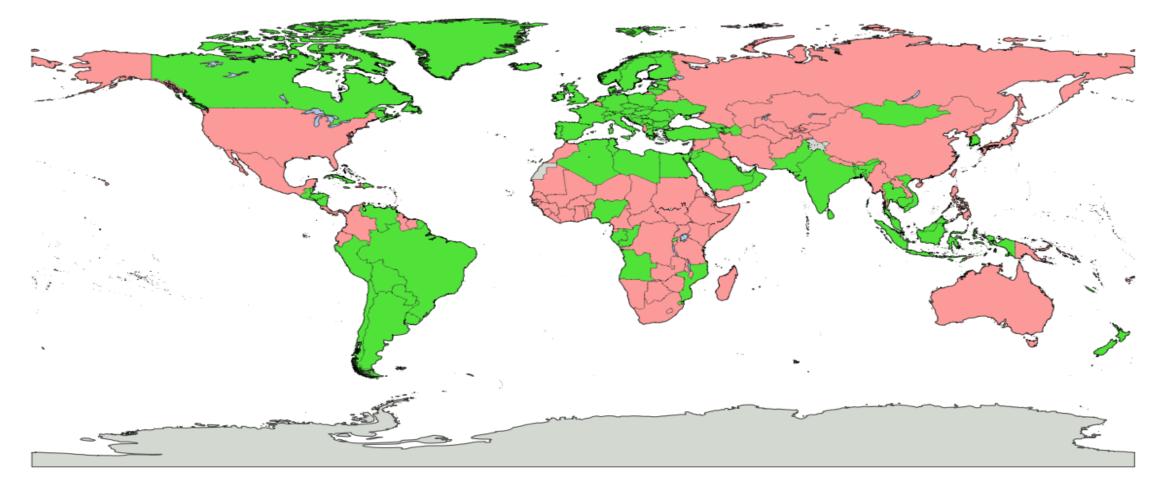
Membership of the ICAO Council per Regions



Asia-Pacific
Middle East
Europe
Latin America
North America
Africa



Contracting States to the 2016 Protocols amending Articles 50(a) and 56 of the Chicago Convention



Disclaimer: The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

3. Resources to promote ratification

ICAO Treaty Collection Website

- Administrative packages providing guidelines for the ratification of, or accession to, international air law instruments in order to assist States in the ratification/accession process.
- Lists of Parties to international air law instruments.
- Forms indicating the current status of individual ICAO Member States with respect to international air law instruments.

• LEB can be contacted for any queries on ratification matters (leb@icao.int)

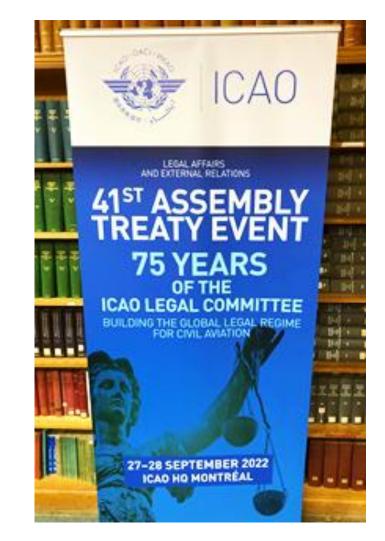
Search P								
About ICAO	Global Priorities	Meetings and Events	Information Resources	Careers		Subscribe		
ICAO / Secretariat	/ Legal Affairs and Ext	ternal Relations Bureau / Treat	y Collection					
Director Aeronautical Agreements	Trea	aty Collection						
eDocuments International Re		Recently adopted treation Montréal Protocol 20						
DGCA Directory		 Final Act (pdf) (2) 	014)					
Meetings	c	Beijing Convention						
Treaty Collection	n	 Beijing Convention 	on 2010 (pdf)					
Familiarization (Course	 Beijing Protocol 2 	2010 (pdf)					
Legal Seminars		 Final Act (pdf) 						
2016 Geneva Ser	• (Current lists of parties to multilateral air law treaties						
2015 Korea Semi 2017 Kenya Sem		Status of individual States with regard to multilateral air law treaties						
Contact Us		Composite Table (Statu	s of treaties and stat	us of States vis-	à-vis treaties) (pdf)			
	Chronological record of depositary actions by year (starting from 2001)							
	 Administrative packages to assist States in becoming parties to treaties 							
Administrative packages to assist orace in potential particle to includes Assembly Resolutions related to ratification matters (pdf) English Liferensis Liferensis Liferensis Liferensis Liferensis Liferensis								



3. Actions to promote ratification

Key activities

- ICAO Treaty Event
- Consultations with States
- Supports the Civil Aviation Legal Adviser Forum (CALAF)
- Promotion of ratification in regional events (e.g. DGCA meetings)
- Hosts and facilitates legal seminars in ICAO regions
- Supports delivery of the GAT International Air Law Course



3. Actions to promote ratification

ROLE OF CAAs



ICA0

Stakeholder advocacy and consultations Advise to Government on air transport matters Champion in liaison with other government bodies

3. Resources and actions to promote ratification

EUR/NAT DGCA, Paris, 20-21 June 2023 APAC DGCA, Dhaka, 15-19 Oct. 2023 NACC DGCA, Varadero, 28-30 June 2023 AFI SECFAL, Nairobi, 23 August 2023 SAM DGCA, Santiago,



10-14 April 2023

21

3. Resources and actions to promote ratification

Tracking Matrix for Treaty Ratification

[NAME OF THE MEMBER STATE]							
	TREATY PROPOSED BY DGCA TO COMPETENT AUTHORITY FOR RATIFICATION	TREATY SUBMITTED FOR APPROVAL TO LEGISLATURE OR OTHER COMPETENT AUTHORITY	AWAITING SUBMISSION OF THE INSTRUMENT OF RATIFICATION TO THE DEPOSITARY (E.G., ICAO)	TREATY NOT CONSIDERED FOR RATIFICATION	COMMENTS		
[NAME OF TREATY]							
[NAME OF TREATY]							
[NAME OF TREATY]							
[]							

3. Actions to promote ratification

Sample of data collected

	Article 50 (a) (2016)	Article 56 (2016)	Mtl Conv (1999)	Beijing Conv (2010)	Beijing Prot (2010)	Mtl Prot (2014)
State 1	X	X	X	Potential ratification currently under evaluation by interministerial coordination group.		Treaty submitted to legislature for approval.
State 2	X	X	X	Ministry of Justice informed DGCA that State 2 will not ratify the treaties because all criminal acts are contained in the domestic criminal laws of State 2. Also, none of the States in the region have ratified the treaties.		X

ICAO

3. Resources and actions to promote ratification

Legal Dakar, 28-30 November 2024 Events

> EUR/NAT, 30 November 2024 (webinar)

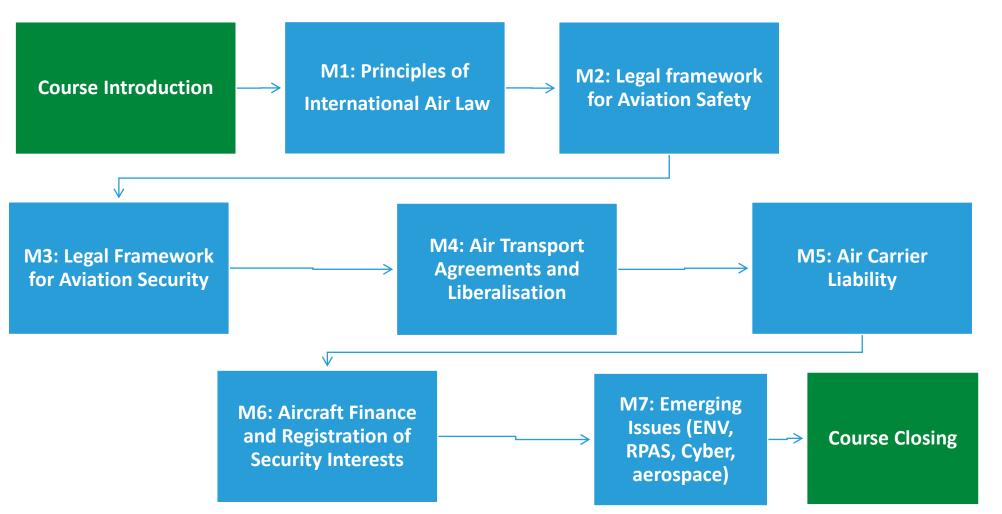
Singapore (IAL-TW/1), 12-14 December 2024

Paris (IAL-TW/2), 21-22 May 2024



24

International Air Law Course - Course Map



The International Air Law Course (IALC) aims to provide aviation professionals (with or without legal training) with competencies to support their organizations in the implementation of international air law, through application of appropriate knowledge and advocacy, in accordance with the Chicago Convention and other international air law instruments.



