



| ICAO

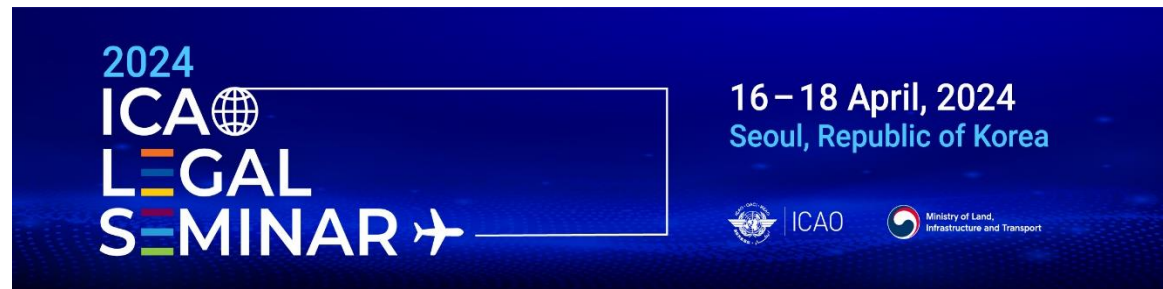
INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY



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

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Presentation Overview

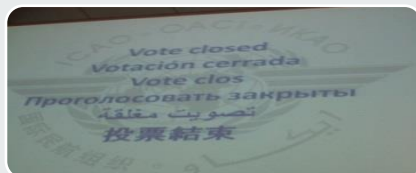
- 01 Treaty Making Process
- 02 Background and benefits of six key international air law treaties
- 03 Resources and actions to promote ratification



1. Treaty Making Process at ICAO

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



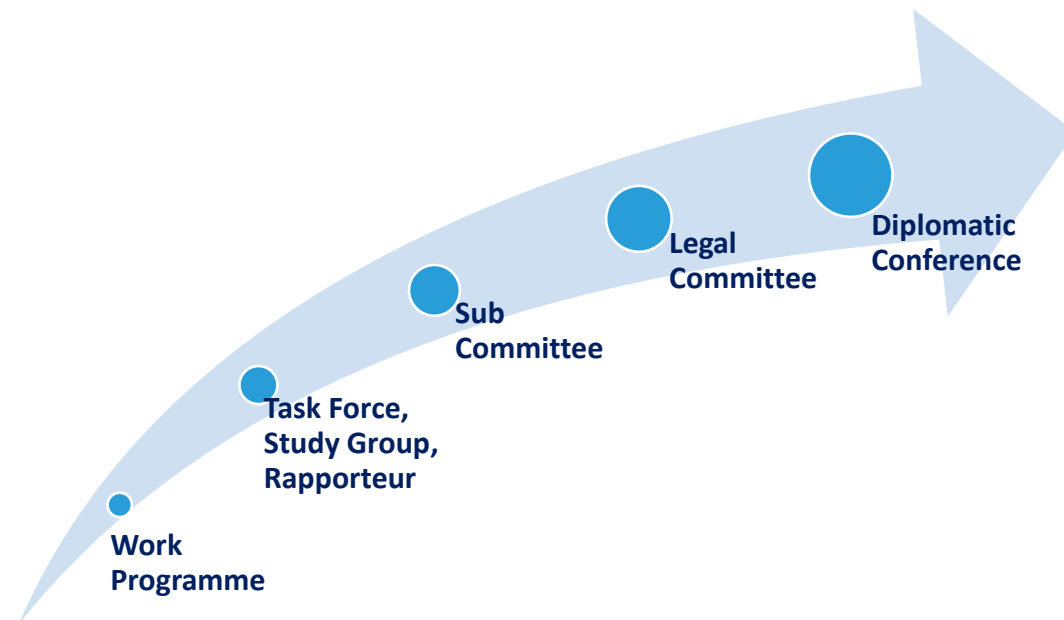
Article 83 *bis*

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

1. Treaty Making Process at ICAO

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
- Last instrument adopted is the Montréal Protocol 2014



1. Treaty Making Process at ICAO

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

1. Treaty Making Process at ICAO

Depositary Functions

- ICAO is the Depositary of almost 40 international air law treaties
- Ceremony of deposits
- Information for States available on the ICAO Treaty Collection Website (icao.int/treaty)



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)



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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)



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



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



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



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





“If it can happen ...it will”: Scenarios for BCN attacks on civil aviation



Hydrogen cyanide (HCN), mustard, sarin gas dispersed at or via ventilation system of aircraft or airport terminal

Anthrax or ricin released or deposited in aircraft or airport terminal

Radiological dispersal device placed in public area of airport terminal

Chloroform used to incapacitate air crew

Drone laden with chemical weapons crashed into sports stadium

Foodborne bioagents introduced through Inflight catering

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.

Beijing
Protocol
2010

51 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, 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.

States Parties to Montréal Protocol 2014

47
Parties

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

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

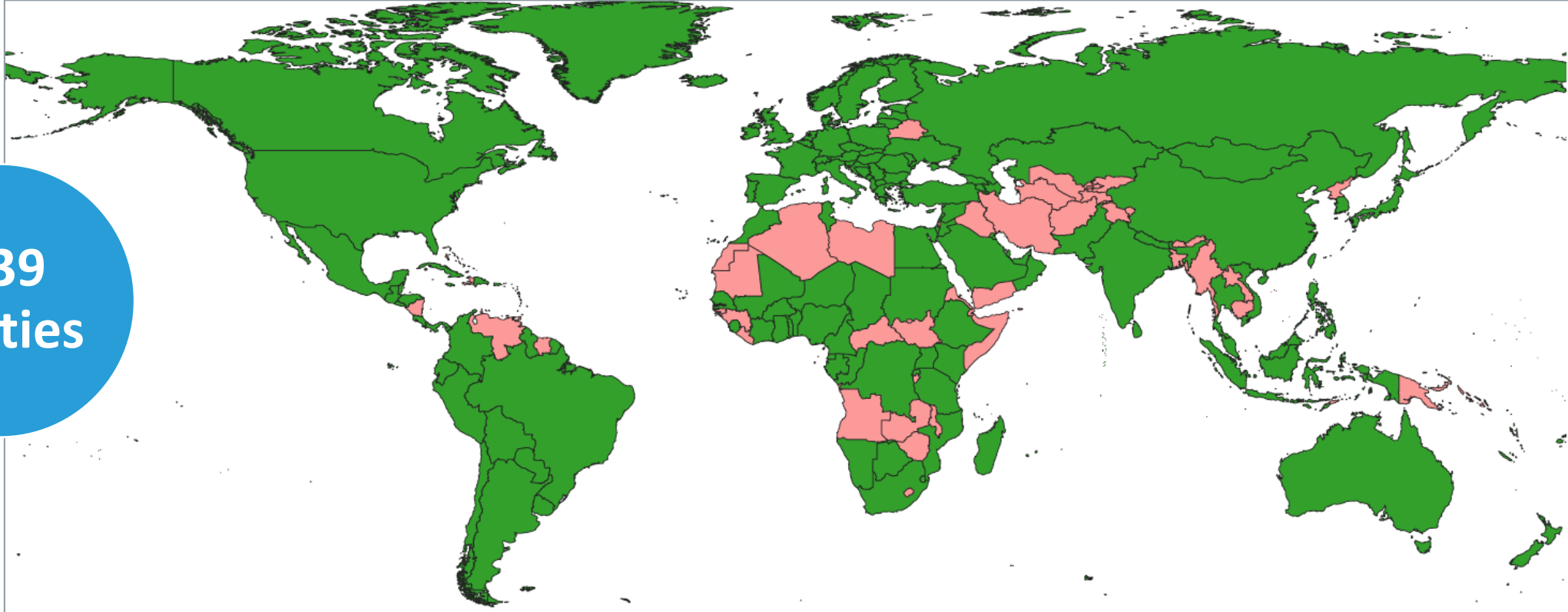


Montréal, 4 April 2024 – In response to the increase in incidents of unruly passenger behavior on international flights being reported by regulators and airlines, the International Civil Aviation Organization (ICAO) issued an urgent call to its Member States to fast-track the ratification of the 2014 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 Carriage by Air, done at Montreal on 28 May 1999

139
Parties



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)



**Passenger 1
Seat 4A
LAD-DXB-LAD
(WC29/HP55)**

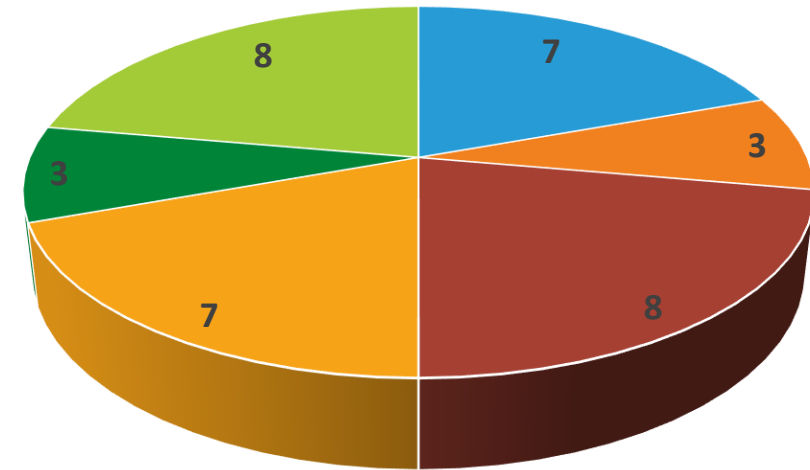
**Passenger 2
Seat 4B
DXB-LAD-DXB
(MC99)**

**Passenger 3
Seat 4C
LAD-DXB
(WC29/HP55)**

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

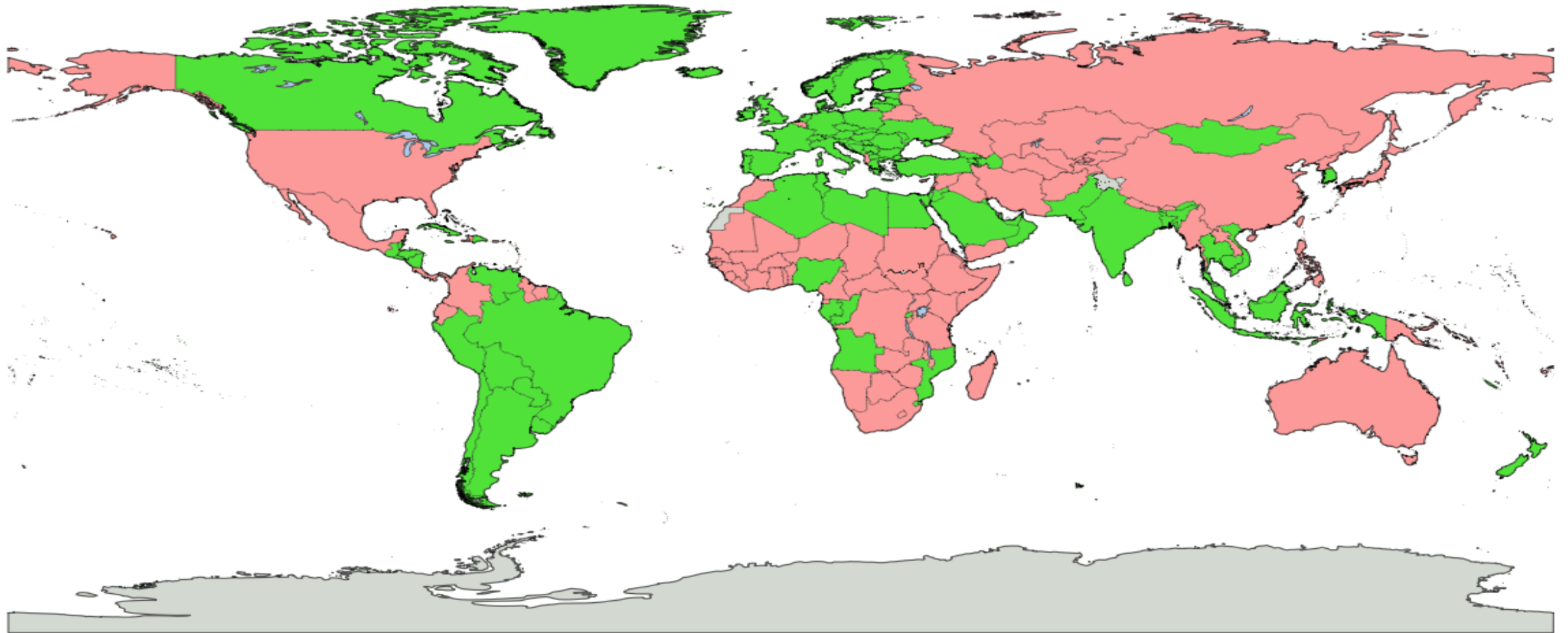
Membership of the ICAO Council per Regions



■ 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

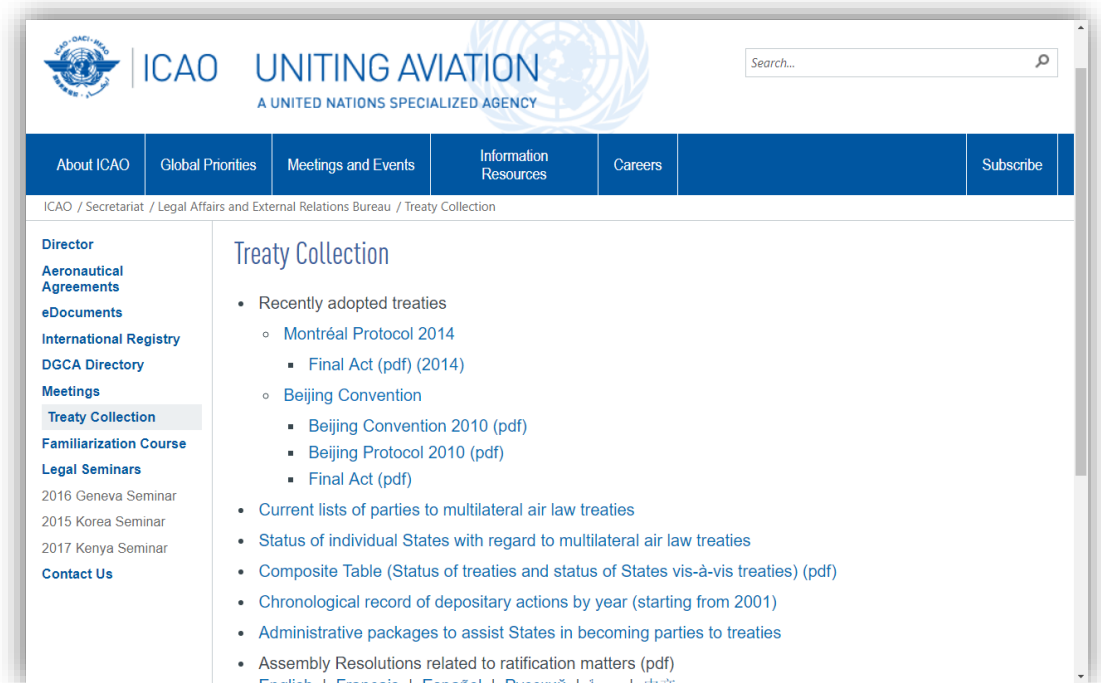


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3. Resources to promote ratification

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)



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



**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



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

3. Resources and actions to promote ratification

Legal Events

Dakar, 28-30 November 2024

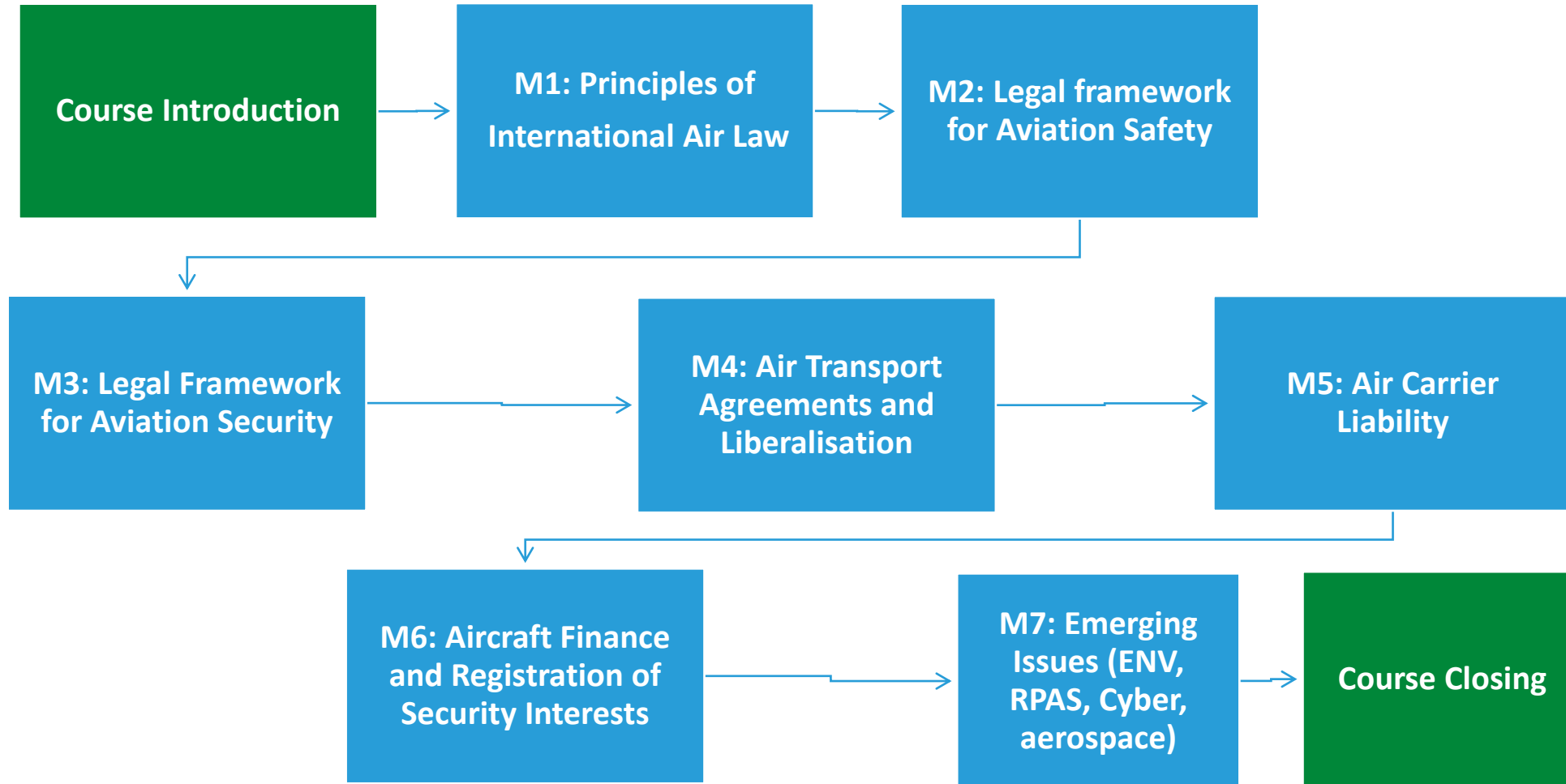
EUR/NAT, 30 November 2024
(webinar)

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

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



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.



Thank You!