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INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY



Ratification of International Air Law Treaties

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Meeting of the Directors General of Civil
Aviation – ICAO European and North Atlantic
Regions

Paris, France, 20-21 June 2023

Ratification of International Air Law Treaties ³



1. Outlines the benefits of certain international air law treaties adopted under the auspices of ICAO and urges States of the EURNAT regions that have not done so to ratify these treaties.



Provides summaries of the provisions and benefits of six key international air law instruments.



Contains information pertaining to the ratification process and an overview of the resources available for States to assist them with ratification matters.

Ratification of International Air Law Treaties

- The 41st Session of the 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



OACI

Doc 10184

Resoluciones vigentes de la Asamblea
(al 7 de octubre de 2022)



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ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL

Provisions and Benefits of Six Key Treaties



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



Beijing Convention 2010 (security and safety): 46 Parties, deals with new and emerging threats using aircraft, BCN weapons, cyber attacks



Beijing Protocol 2010 (security and safety): 45 Parties: deals with new forms of unlawful seizure including by any technological means



Montréal Protocol 2014 (unruly and disruptive passengers): 45 Parties, expands jurisdiction beyond State of registry, and promotes enforcement

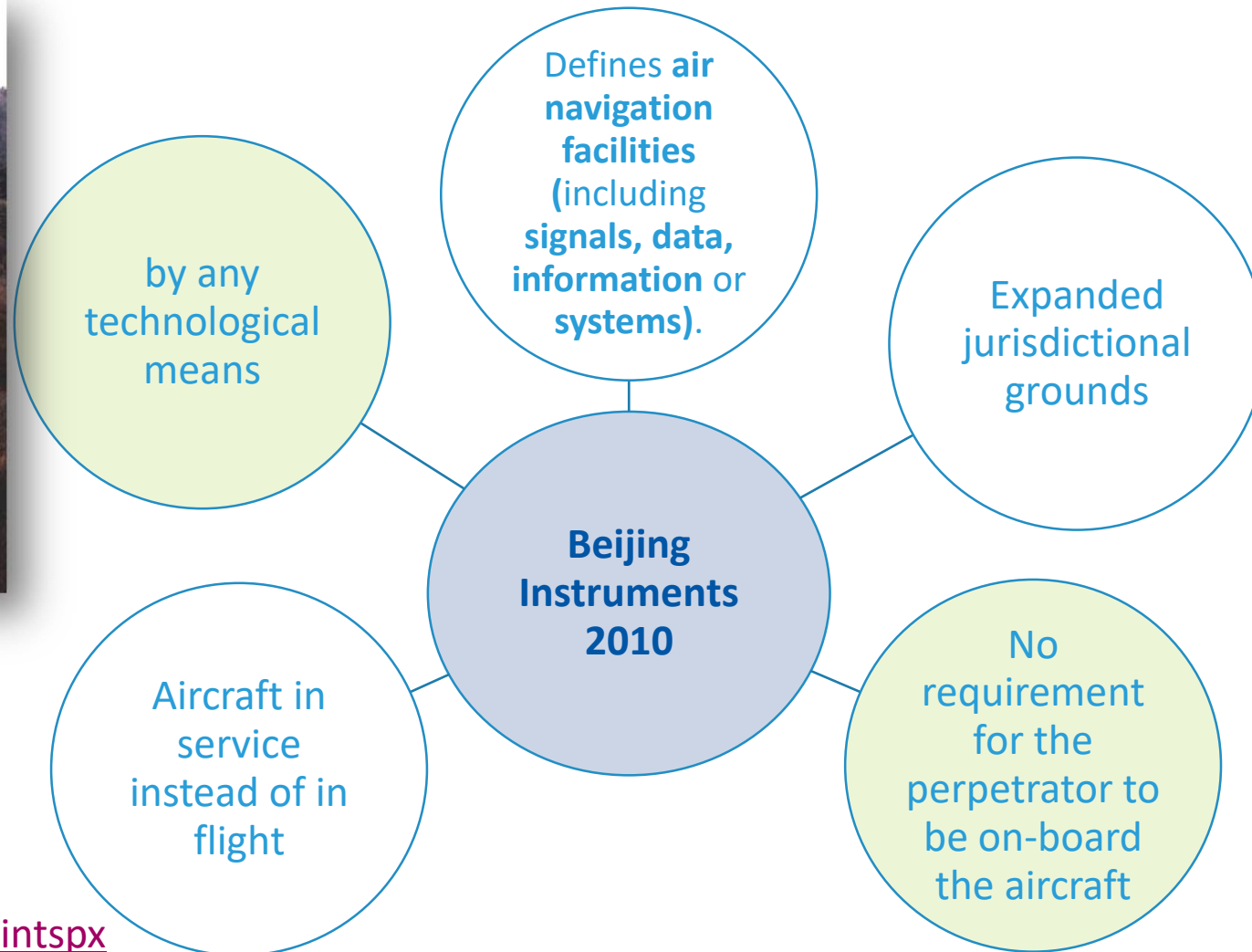
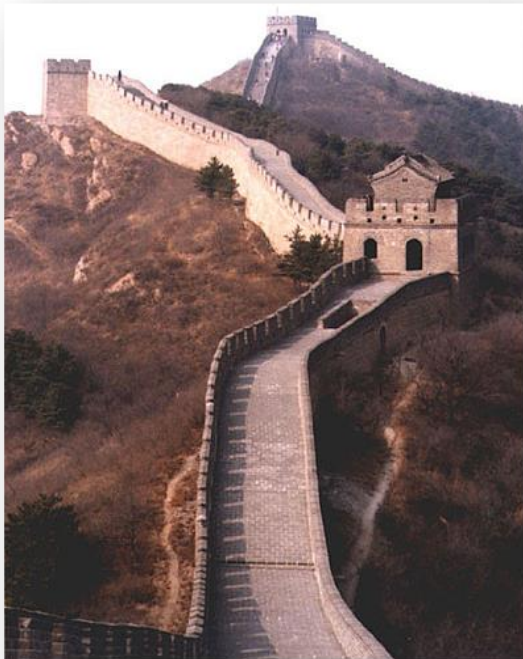


2016 Protocol on Art. 50 (a) of the Chicago Convention (increase in the size of Council): 83 ratifications, 128 needed, broader representation on the Council



2016 Protocol on Art. 56 of the Chicago Convention (increase in the size of the ANC): 83 ratifications, 128 needed, broader representation on the ANC

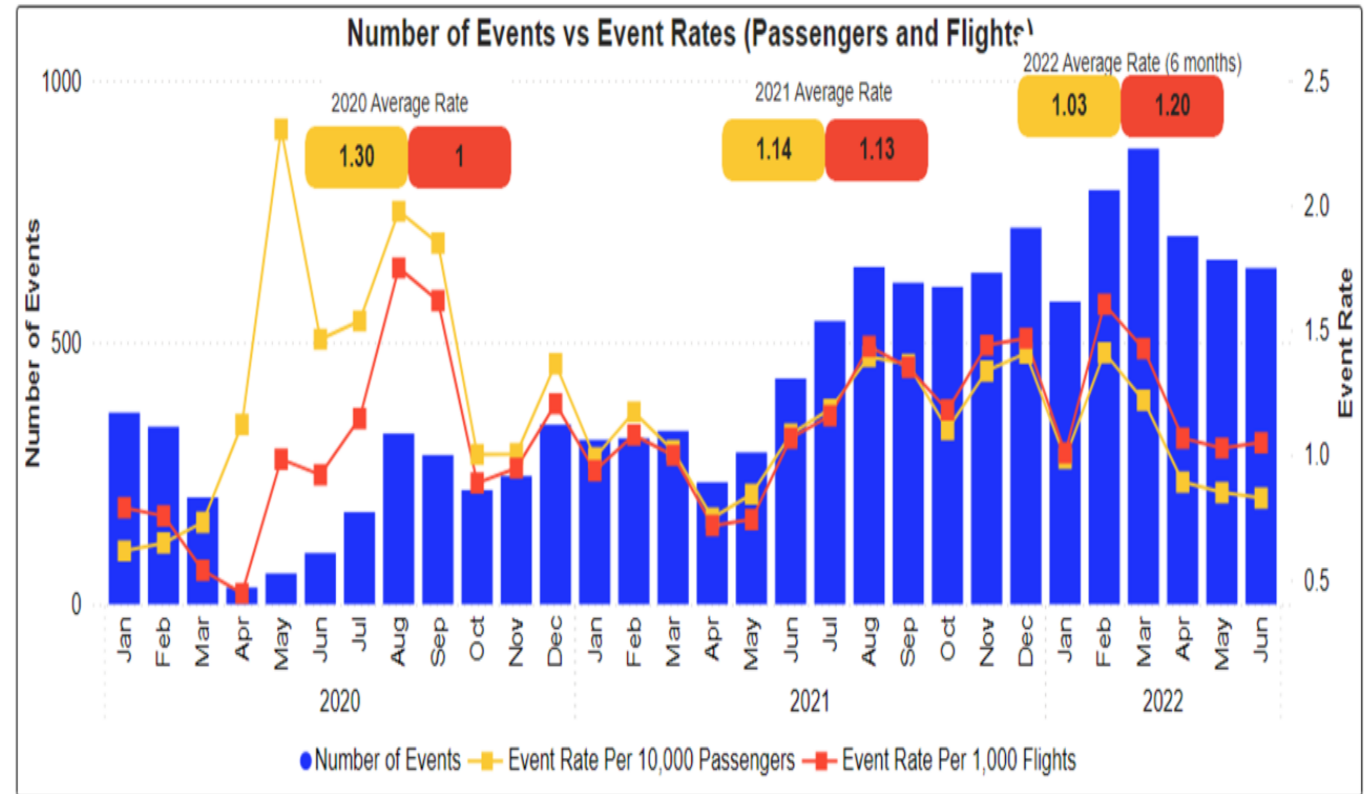
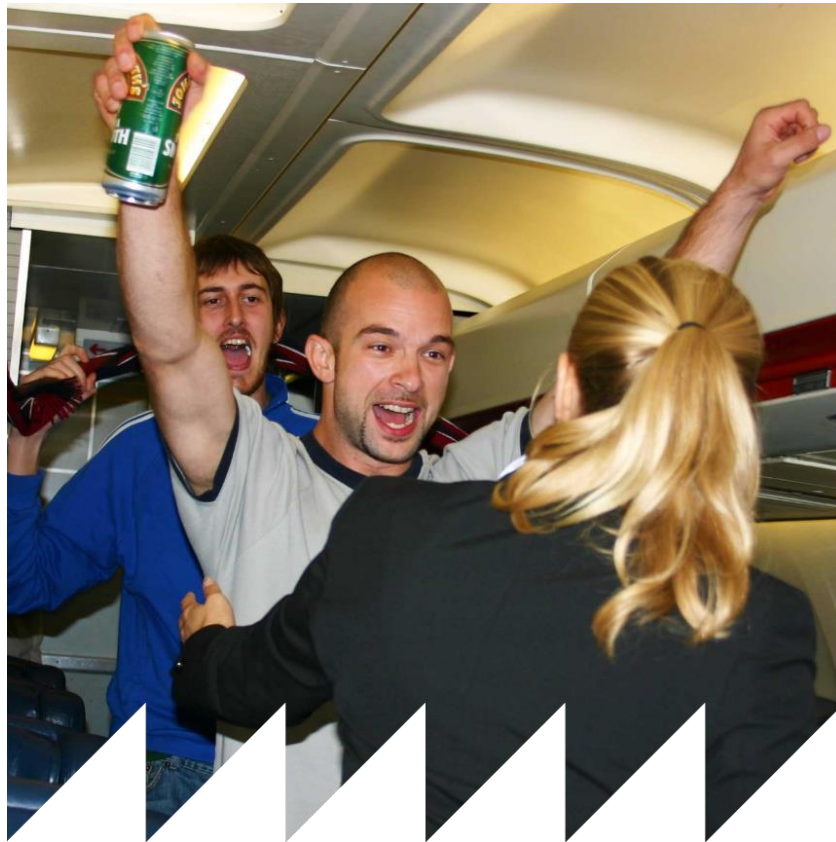
THE NEW WALL - ENHANCEMENTS OF BEIJING INSTRUMENTS 2010



- Beijing Protocol
- Beijing Convention



The Montréal Protocol 2014 and the State of the issue of Unruly Passengers 2020-2022



Source: IATA

Ratification process for international air law treaties



Two-phase process

- First phase: treaty to be approved for ratification by the national legislature or other organ of a State responsible for approving ratification of treaties
- DGCA can assist to:
 - Identify organs of State responsible for ratification process
 - Propose ratification of treaties to them, follow up for further action
 - Facilitate consultation processes with industry/key stakeholders

Ratification process for international air law treaties

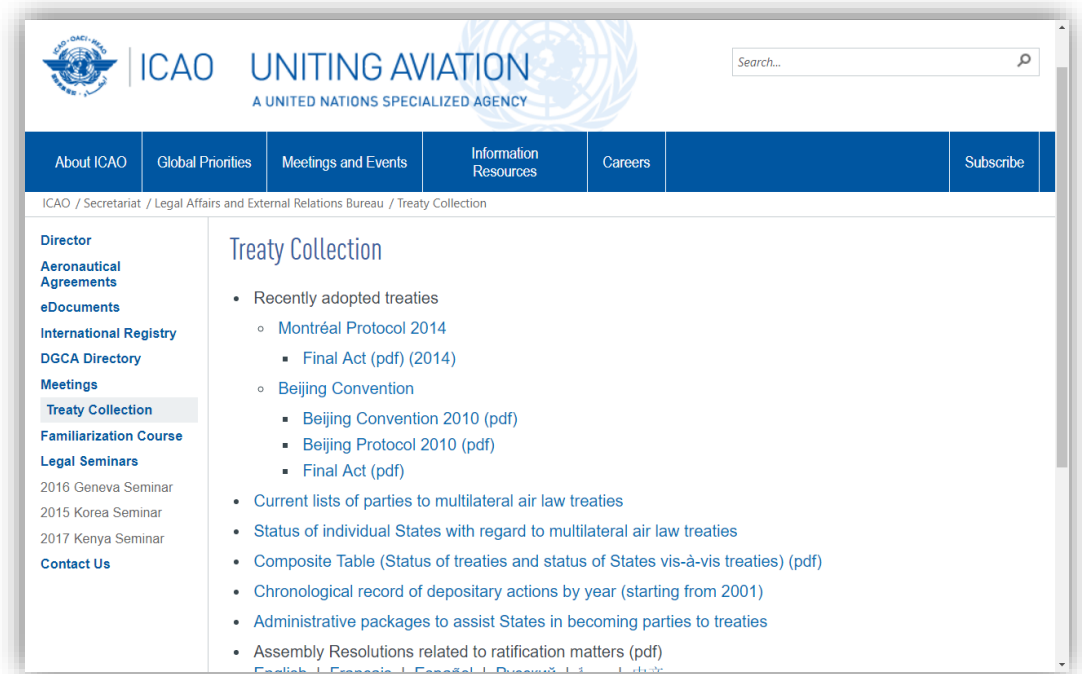
Two-phase process

- Second phase:
- deposit of an instrument of ratification with ICAO



ICAO Treaty Collection

- 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



— Other resources to assist States in the ratification of air law treaties

- ICAO legal seminars and workshops
- ICAO International Air Law Course
- Meetings of the Civil Aviation Legal Advisers Forum (CALAF)



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]					
[...]					

Draft EUR/NAT-DGCA Conclusion

That the ICAO Regional Director, Europe and North Atlantic:

- a) take action to invite EUR/NAT States to:
 - i) become parties to the international air law treaties and to any other international air law treaties that they have not yet ratified;
 - ii) make use of ICAO legal seminars and workshops, the Civil Aviation Legal Advisers Forum (CALAF), the ICAO International Air Law Course as well as other similar events for the continuous training and development of their legal advisers with regard to ratification and implementation of international air law instruments and to consider hosting from time to time such events in their States and regions;
 - iii) initially inform ICAO before 31 December 2023 of their progress towards the ratification of international air law treaties by using the DGCA tracking matrix set out in Appendix B to this working paper; and
- b) report on the progress made by EUR/NAT States at the 2024 EUR/NAT-DGCA meeting.

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- For any questions with respect to the ratification process with ICAO please do not hesitate to contact LEB





Thank You!