

INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY

Introducing key air law treaties – Background, overview of policy objectives and ratification status.

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



International Air law Treaty Workshop (IAL-TW/2) Paris, France | 22 – 23 May 2024



Presentation Overview

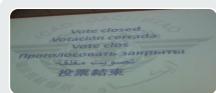
01 Treaty Making Process

- 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



ICAO

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





BUILDING THE GLOBAL LEGAL REGIME FOR CIVIL AVIATION COMMEMORATING THE 75TH ANNIVERSARY OF THE ICAO LEGAL COMMITTEE

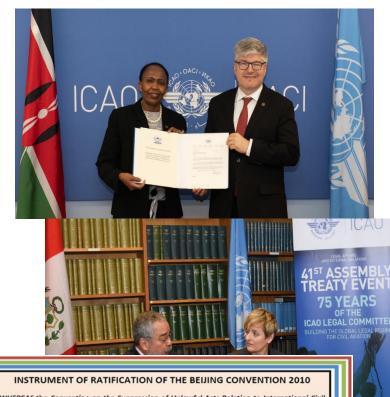


Depositary Functions

- 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)



WHEREAS the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation was adopted at Beijing on 10 September 2010;

WHEREAS the said Convention was signed on behalf of the Government of the Republic of;

ER 2022

AND WHEREAS Article 21, paragraph 2, of the Convention specifies that this Convention is subject to ratification, acceptance or approval;

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

liano-

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.
- Resolutions include A41-4 (Legal Field, A41-18 (Aviation Security) and A41-19 (Cybersecurity) and A41-27 (Air Transport)



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)

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

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

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Montréal Protocol 2014 (unruly and disruptive passengers): expands jurisdiction beyond State of registry, and promotes enforcement (48 Parties)



ICAO

2016 Protocol on Art. 50 (a) of the Chicago Convention (increase in the size of Council): broader representation in the Council (94 ratifications, 128 needed)



2016 Protocol on Art. 56 of the Chicago Convention (increase in the size of the ANC): broader representation on the ANC (94 ratifications, 128 needed) 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**, **Czechia**, 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**, **Czechia**, 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

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

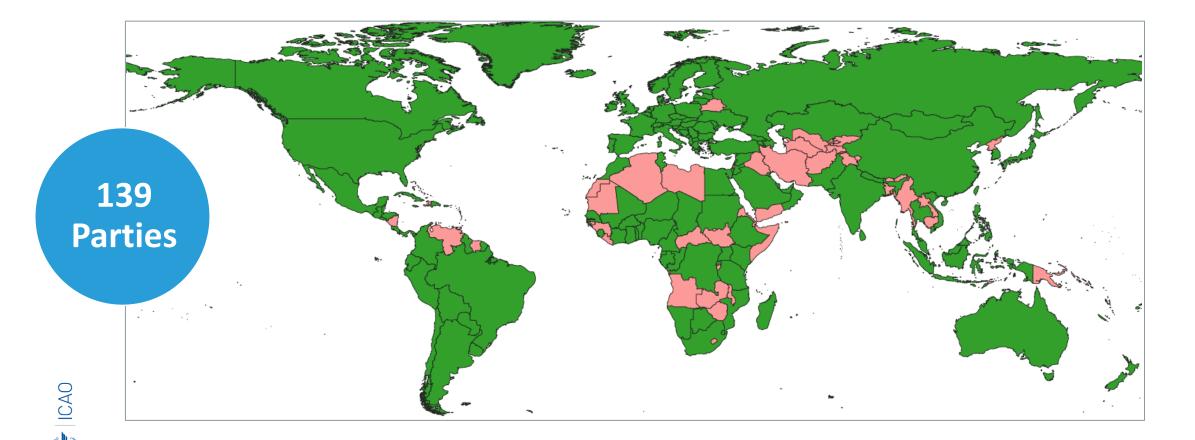
ICAO urges States to accelerate ratification of international unruly air passenger treaty.



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



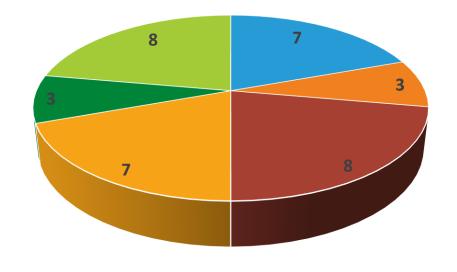
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2016 Protocols on Articles 50(a) and 56 of the Chicago Convention

- 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

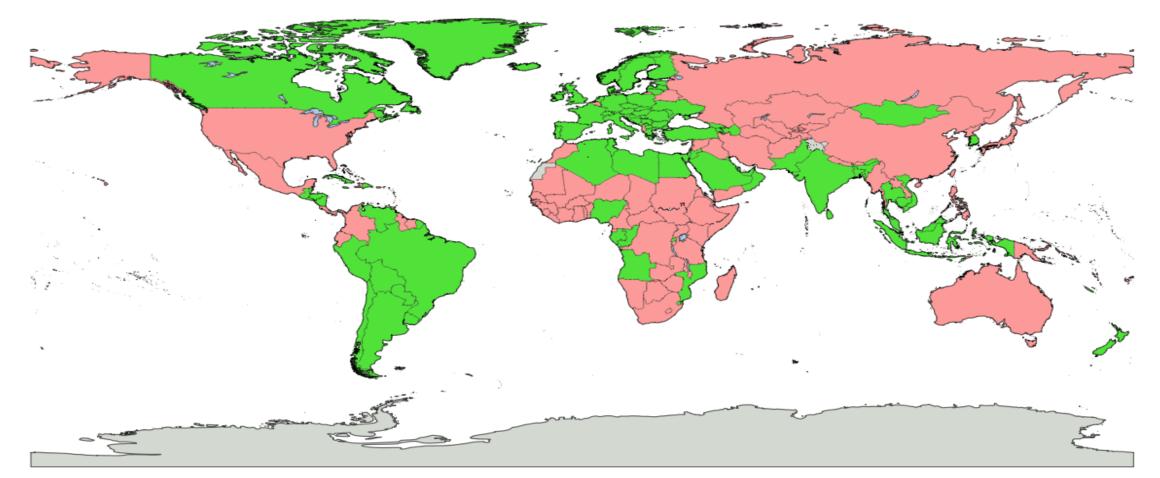
Membership of the ICAO Council per Regions



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)

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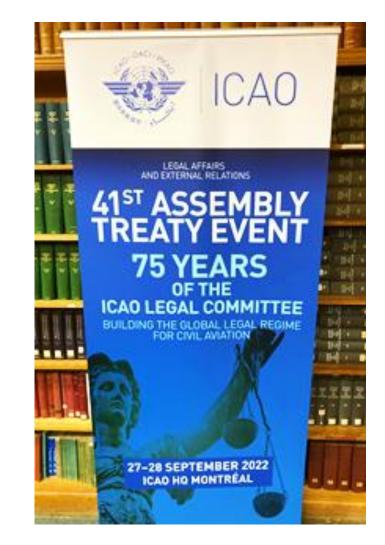


3. Actions to promote ratification

Key activities

ICAO

- 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
- Participating in UN activities



3. Actions to promote ratification

ROLE OF CAAs



ICAO

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 ¹⁸



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

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3. Resources and actions to promote ratification

Legal Seminars Dakar, 28-30 November 2024 and Treaty Workshops

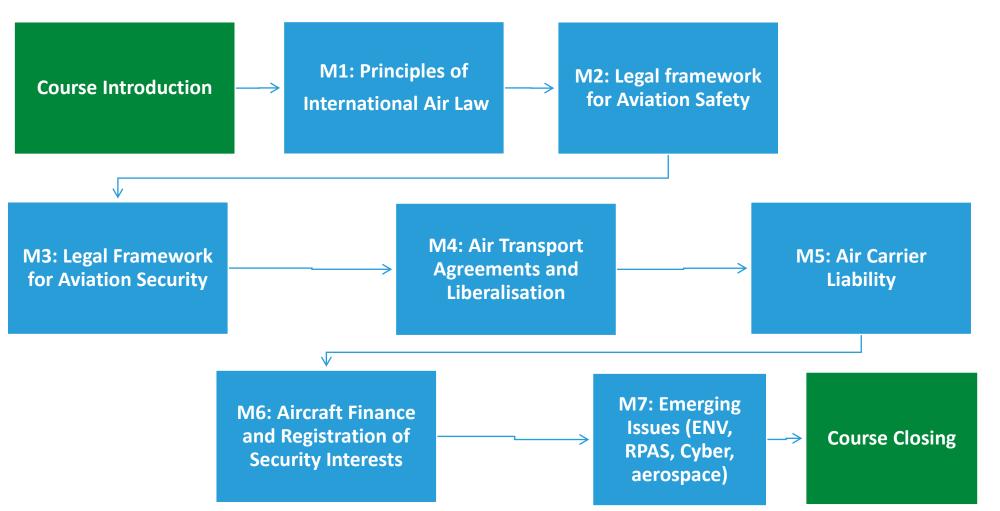
> EUR/NAT, 30 November 2024 (webinar)

Singapore, 12-14 December 2024

Paris, 21-22 May 2024



International Air Law Course - Course Map





The International Air Law course 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.





International Civil Aviation	Organisation de l'aviation civile	Organización de Aviación Civil	Международная организация	منظمة الطيران	国际民用
Organization	internationale	Internacional	пражданской авиации	المدني للدولي	航空组织

Tel.: +1 514-315-3505

Ref.: LM 4/2 - 24/58

Subject: Invitation to the third edition of the

Civil Aviation Legal Advisers Forum (CALAF/3) (London, United Kingdom, 26-28 November 2024)

Action required: Nomination and Registration by 15 October 2024

Sir/Madam,

I have the honour to inform you that the third edition of the Givil Aviation Legal Advisers Forum (CALAF/3) will be held on 26 to 28 November 2024 in London, United Kingdom. This event, to which the chief legal counsel of civil aviation regulatory bodies and their colleagues are invited, is organized by the International Civil Aviation Organization (CAO) with the generous support of the Civil Aviation Authority of the United Kingdom (UK CAA). It will be hosted at 4 Hamilton Place, London, which is the home of the Royal Aeronautical Society.

The Forum provides a platform for the consideration of issues of interest to the international aviation community in the legal field and the promotion of closer interaction between air law professionals, particularly those serving organizations that regulate civil aviation. In Resolution A41.4 (Appendix G), the ICAO Assembly invites Member States to support the Civil Aviation Legal Advisers Forum initiative and facilitate the participation of their legal advisers at the Forum.

CALAF/3 will facilitate a continuing focus of attention on issues of interest to the international aviation community in the legal field, as the world pursues innovation and sustainability for air transport. Moreover, the event will facture presentations on a variety of topical legal subjects of interest or concern to civil aviation legal advisers on aviation safety, security and facilitation and include inputs from industry and academia. Recent developments and emerging issues in the air law field, including regulatory best practices will be covered.

I wish to invite you to indicate the interest of your administration in the event and to nominate the chief legal ocunsel who may be accompanied by colleagues to participate in the Forum. The Forum will be conducted in English. There is no charge for attendance, but participants are requested to cover their own expenses. Additional information on the event including registration and the provisional programme will be posted at the event website in due course.

In order to facilitate the necessary administrative arrangements, you are kindly requested to nominate participants who should register online at the event website, not later than 15 October 2024. Notifications and inquiries may be sent by e-mail addressed to: <u>officeleb@icao.int</u>. The link to the event website is: <u>SEMINARS (icao.int</u>)

Accept, Sir/Madam, the assurances of my highest consideration.

Joace Entry Saul

8 May 2024

Juan Carlos Salazar Secretary General

999 Robert-Bourassa Boulevard Tel.: +1 514-954-8219 Email: loachq@icao.int Mortineal, Quebec Fax: +1 514-954-6077 www.icao.int Canada H3C 5H7









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