



ICAO

# INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY



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

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# Presentation Overview

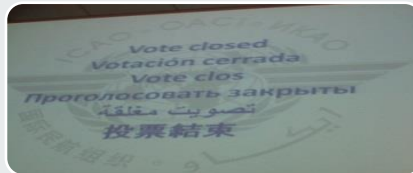
- 01 Treaty Making Process
- 02 Background and benefits of six key international air law treaties
- 03 Resources and actions to promote ratification



# 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



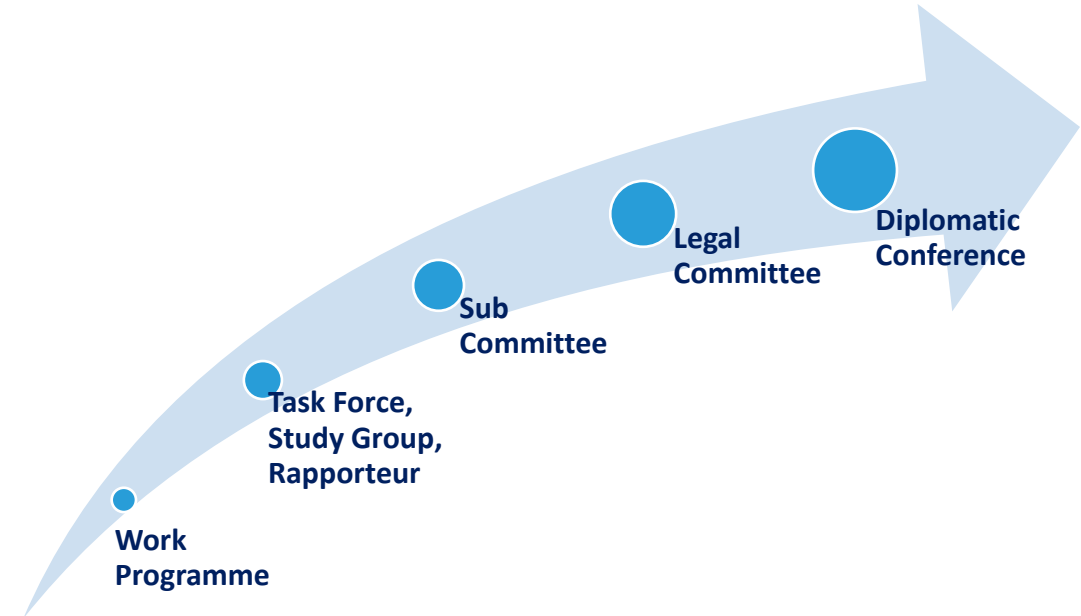
### Article 83 *bis*

- 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](https://www.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.
- 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)



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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 (48 Parties)**



**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.

### Beijing Protocol 2010

**51 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, 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
<b>Armenia</b>	<b>Hungary</b>	<b>Russian</b>
<b>Azerbaijan</b>	Jordan	<b>Federation</b>
Bahrain	<b>Kazakhstan</b>	Rwanda
Botswana	Kenya	Saint Kitts and Nevis
Congo	Kuwait	Senegal
Cote d'Ivoire	<b>Luxembourg</b>	Sierra Leone
Cuba	Malaysia	Singapore
<b>Cyprus</b>	<b>Malta</b>	<b>Switzerland</b>
Dominican Republic	Mozambique	<b>Tunisia</b>
Egypt	<b>Netherlands</b>	<b>Türkiye</b>
<b>Finland</b>	Niger	Uganda
<b>France</b>	Nigeria	United Arab Emirates
Gabon	Oman	Uruguay
Gambia	Paraguay	
Ghana	Peru	
Guyana	<b>Portugal</b>	
	Qatar	

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

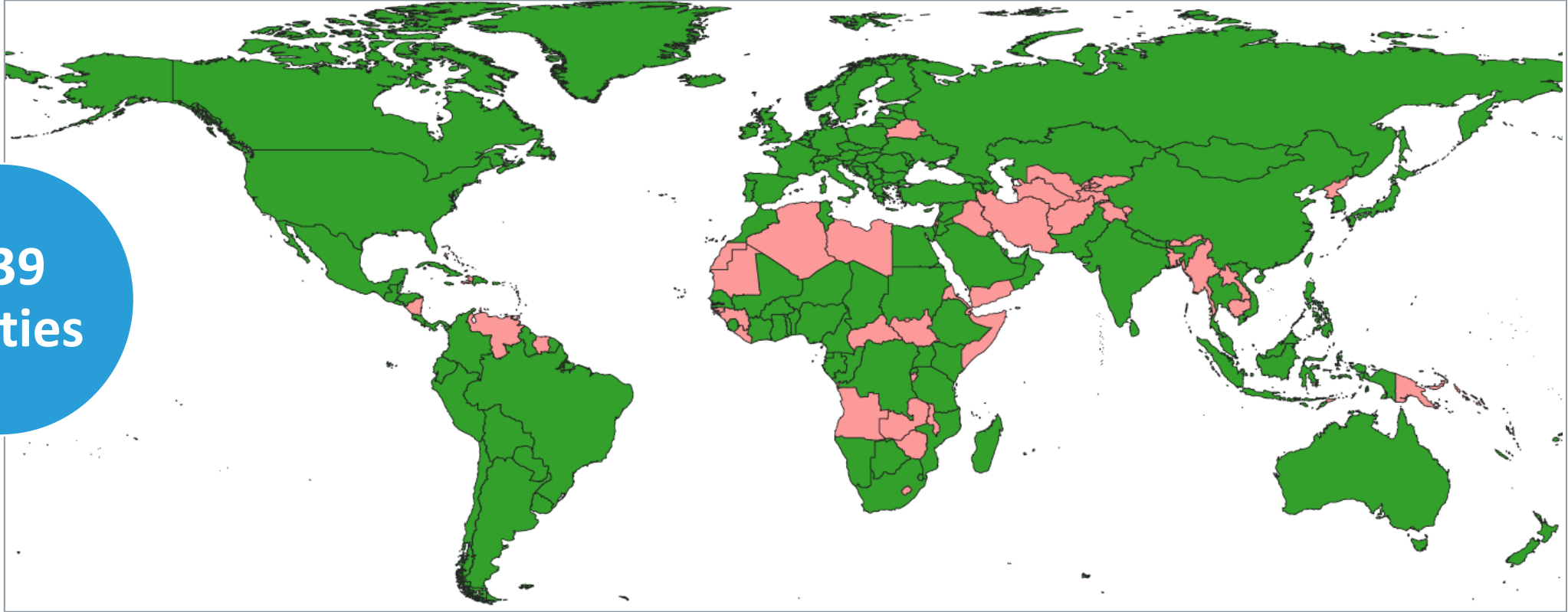


Montréal, 4 April 2024 – In response to the increase in incidents of unruly passenger behavior on international flights being reported by regulators and airlines, the International Civil Aviation Organization (ICAO) issued an urgent call to its Member States to fast-track the ratification of the 2014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

139  
Parties

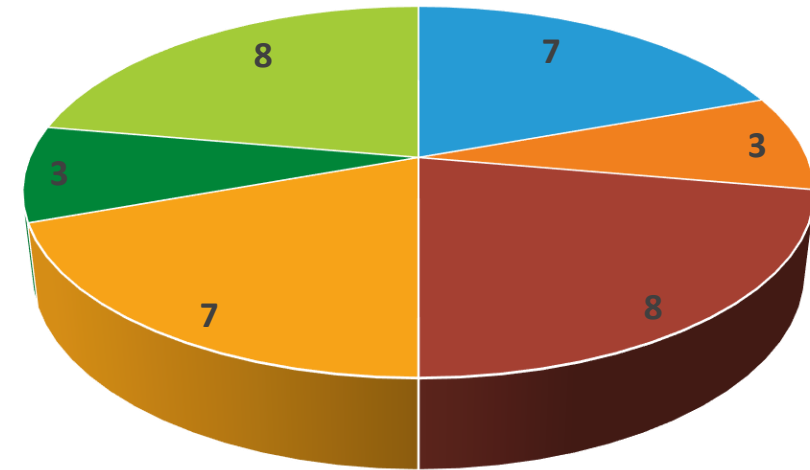


Disclaimer: The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

# 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

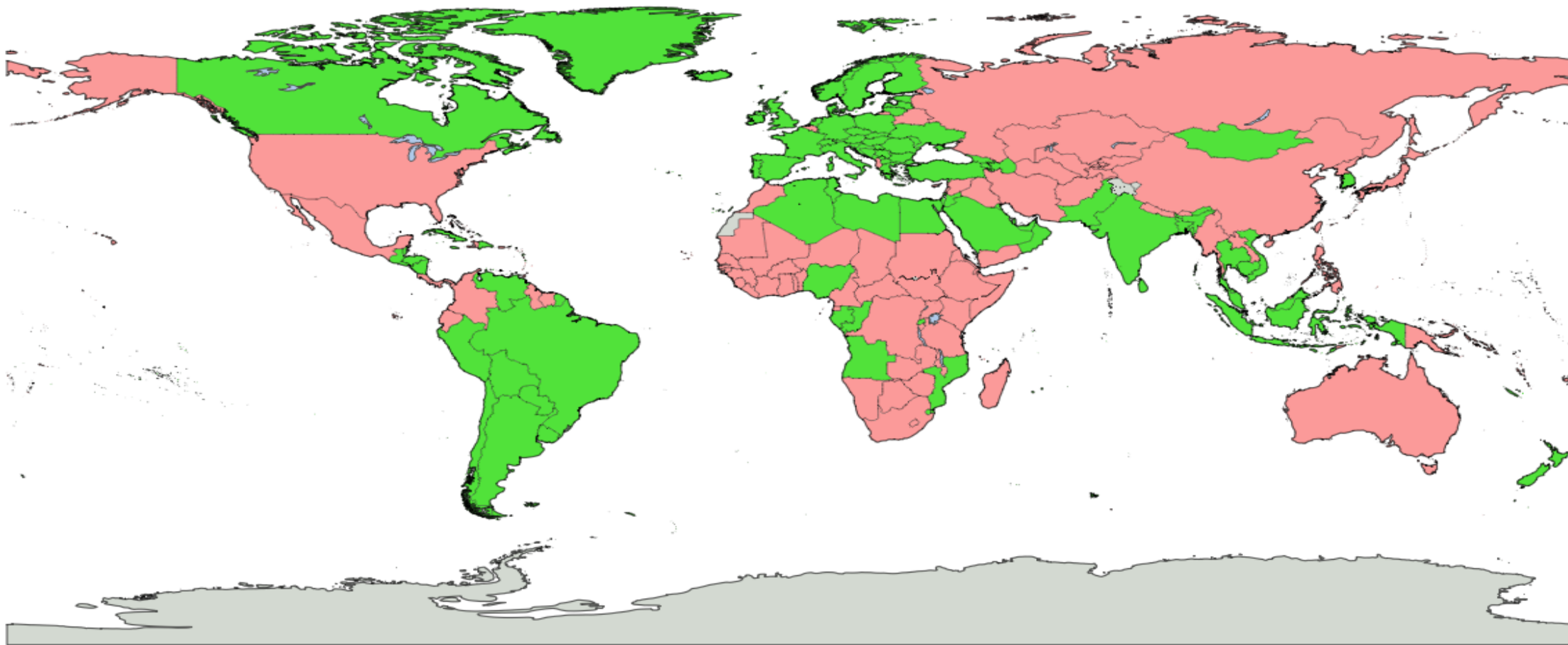
## Membership of the ICAO Council per Regions



■ 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

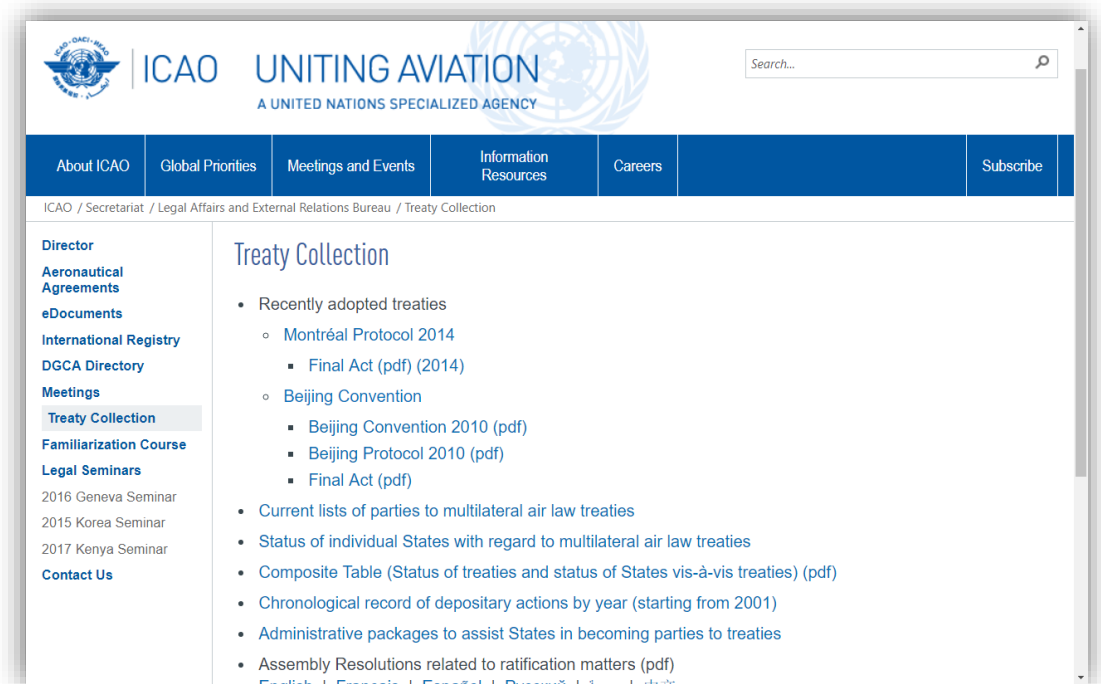


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# 3. Resources to promote ratification

## 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
- Participating in UN activities





### 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  
Seminars  
and Treaty  
Workshops

Dakar, 28-30 November 2024

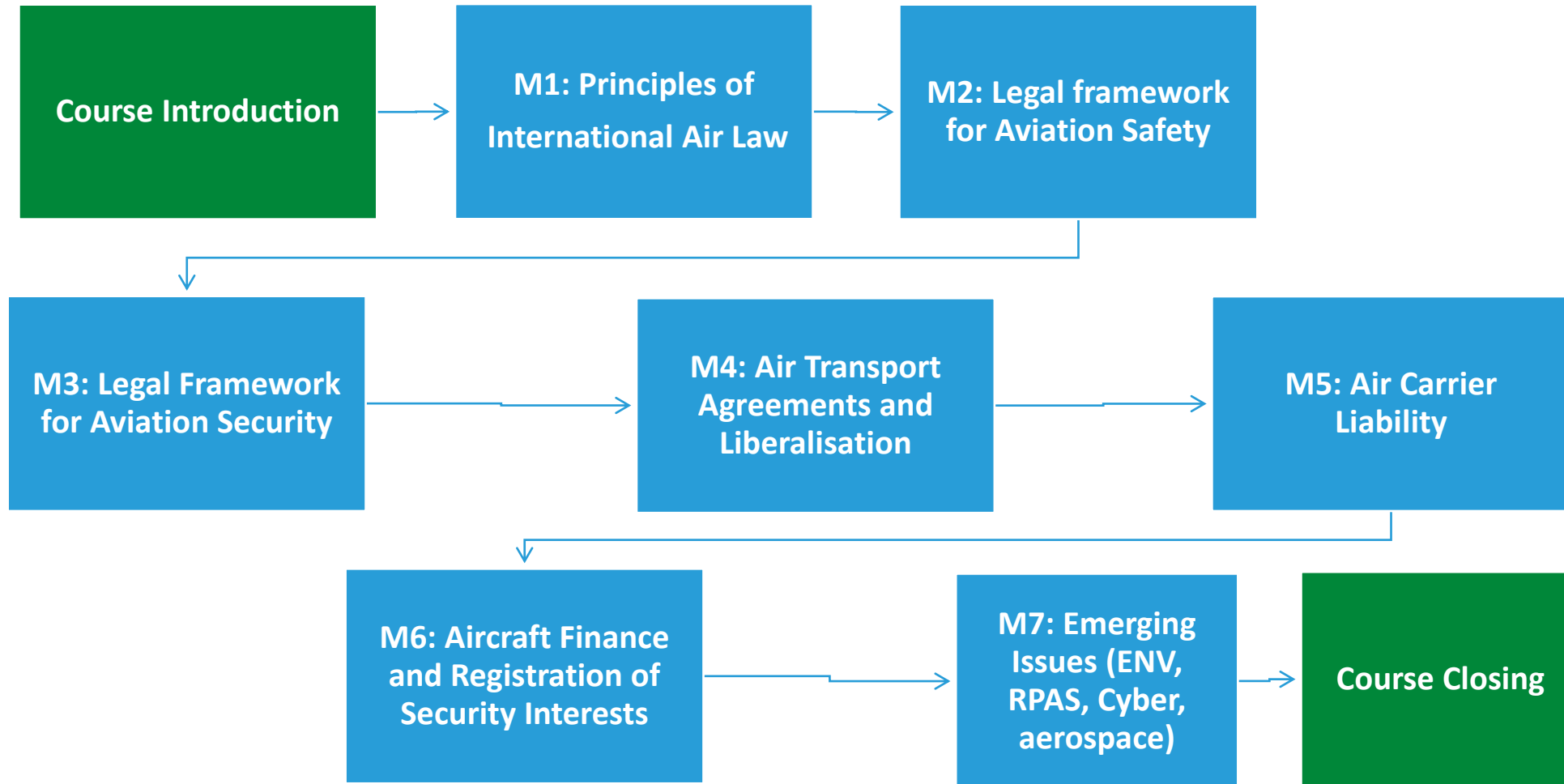
EUR/NAT, 30 November 2024  
(webinar)

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 Organization    Organisation de l'aviation civile internationale    Organización de Aviación Civil Internacional    Международная организация гражданской авиации    منظمة الطيران المدني الدولي    国际民用航空组织

Tel.: +1 514-315-3505    8 May 2024  
 Ref.: LM 42 – 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 Civil 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 (ICAO) 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 feature 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 counsel 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: [officeleb@icao.int](mailto:officeleb@icao.int). The link to the event website is: [SEMINARS \(icao.int\)](https://seminars.icao.int)

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

Juan Carlos Salazar  
 Secretary General

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Thank You!