



ICAO

INTERNATIONAL CIVIL AVIATION ORGANIZATION

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Ratification of International Air Law Treaties

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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 APAC region 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 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



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Assembly Resolutions in Force
(as of 7 October 2022)



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INTERNATIONAL CIVIL AVIATION ORGANIZATION

Provisions and Benefits of Six Key Treaties



Montreal Convention 1999
(air carrier liability): 139 Parties **(23 APAC States)**: Universal application for uniform regime



Beijing Convention 2010 (security and safety): 47 Parties **(3 APAC States)**: deals with new and emerging threats using aircraft, BCN weapons, cyber attacks



Beijing Protocol 2010 (security and safety): 46 Parties **(3 APAC States)**: deals with new forms of unlawful seizure including by any technological means



Montréal Protocol 2014 (unruly and disruptive passengers): 45 Parties **(3 APAC States)**: 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): 86 ratifications **(11 APAC States)**, 128 needed: broader representation in the Council



2016 Protocol on Art. 56 of the Chicago Convention (increase in the size of the ANC): 86 ratifications **(11 APAC States)**, 128 needed: broader representation on the ANC

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
- DGCAs 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

ICAO / Secretariat / Legal Affairs and External Relations Bureau / Treaty Collection

Treaty Collection

- Recently adopted treaties
 - Montréal Protocol 2014
 - Final Act (pdf) (2014)
 - Beijing Convention
 - Beijing Convention 2010 (pdf)
 - Beijing Protocol 2010 (pdf)
 - Final Act (pdf)
- Current lists of parties to multilateral air law treaties
- Status of individual States with regard to multilateral air law treaties
- Composite Table (Status of treaties and status 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
- Assembly Resolutions related to ratification matters (pdf)

English | Français | Español | Русский | 中文

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

- ICAO legal seminars and workshops
 - Forthcoming workshop on ratification of international air law treaties (Singapore, 12 to 13 December 2023)
- 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]					
[...]					

States of the APAC Region are invited to:

- a) become parties to the international air law treaties that they have not yet ratified;
- b) make use of ICAO legal seminars and workshops, the Civil Aviation Legal Advisers Forum (CALAF), the ICAO International Air Law Course and other similar events for the continuous training and development of their legal advisers; and
- c) inform ICAO before 1 March 2024 on progress made towards ratification by using the DGCA tracking matrix set out in Appendix B to the discussion paper.



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





Thank You!