DETAILED INFORMATION FOR STATES ON RATIFICATION OF KEY TREATIES

(As of 30 January 2026)

Information on the status of ratification/accession as well as administrative packages related to air law treaties are available in the Treaty Collection on the ICAO website at: www.icao.int/treaty.

PROTOCOL OF AMENDMENT TO ARTICLE 50(a) OF THE CHICAGO CONVENTION, 2016

Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 50(a)] (Doc 10077) (Not in force)

The Protocol of Amendment to Article 50 (a) provides for an increase in the size of the Council from thirty-six members to forty. In view of the growth in ICAO membership and the expansion and rising importance of international air transport for the national economies in many countries, an enlarged membership of the Council ensures a better balance in the representation of Contracting States.

The Protocol requires 128 ratifications to come into force. By Resolution A39-5, the Assembly recommends to all States to ratify most urgently this Protocol. 120 States have ratified this Protocol.

PROTOCOL OF AMENDMENT TO ARTICLE 56 OF THE CHICAGO CONVENTION, 2016

Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 56] (Doc 10076) (Not in force)

The Protocol of Amendment to Article 56 provides for an increase in the membership of the Air Navigation Commission (ANC) from nineteen to twenty-one. In view of the increase in the membership of ICAO, an enlarged membership of the ANC ensures that the Commission can draw on the expertise and experience from diverse operational skills and knowledge from the Contracting States.

The Protocol requires 128 ratifications to come into force. By Resolution A39-7, the Assembly recommends to all States to ratify most urgently this Protocol. 120 States have ratified this Protocol.

MONTREAL CONVENTION, 1999

Convention for the Unification of Certain Rules for International Carriage by Air (Doc 9740)

The Montreal Convention, 1999 modernizes and consolidates the international legal regime established pursuant to the Warsaw Convention, 1929 and its amending instruments (the so-called “Warsaw System”) and provides, within a consolidated and uniform framework, the rules relating to the international carriage of passengers, baggage and cargo performed by aircraft for reward. These rules govern the liability of air carriers in the case of death, injury or delay for passengers and damage, delay or loss of baggage and cargo.

This Convention re-establishes urgently needed uniformity and predictability of the rules relating to such international carriage. While maintaining a core of provisions which have successfully served the international air transport community for several decades, the Convention achieves modernization in a number of key areas. It protects the interests of the passenger by introducing a modern two-tier liability system and by facilitating the swift recovery of proven damages without the need for lengthy litigation. Air carriers, on the other hand, achieve substantive operational savings through the use of electronically produced and simplified documents of carriage (passenger ticket, air waybill), and the ability to manage risks more efficiently. By allowing the use of electronic

documents of carriage, the Convention facilitates simpler, faster, more accurate and safer documentation for cargo shipments, while providing some environmental benefits through paperless transactions. By establishing requirements for mandatory insurance and advance payments by carriers (if required by national law), the Convention guarantees relief for travellers and shippers as well as timely support for victims of accidents and their families.

With respect to the accidental death or injury of passengers, the Convention establishes a two-tier liability regime. For proven damage which per passenger does not exceed 151 880 Special Drawing Rights (SDRs), the carrier is subject to strict liability regardless of fault, and only in the case of contributory negligence of the passenger or the person claiming compensation could the carrier be partly or wholly exonerated. For proven damage exceeding 151 880 SDRs, the liability of the air carrier is based on a system of presumed fault with no pre-specified limits of liability. For such damage, the carrier is not liable if the carrier proves that the damage was not caused by its negligence or other wrongful act or omission. A system of strict liability also applies to damage sustained in the event of loss or destruction of checked baggage. With respect to the destruction or loss of cargo, the Convention establishes a system of strict liability, subject to certain defences which remain available to the air carrier.

The limit of liability for cargo claims is set at 26 SDRs per kilogramme, and the limits of liability for loss or destruction of baggage and for delay of passengers have been set at 1 519 SDRs and 6 303 SDRs per passenger respectively. In accordance with Article 24, the limits of liability are subject to review by the Depositary at five-year intervals starting from the end of the fifth year following the date of entry into force of the Convention. The fourth such review took place in 2024 and the amounts above reflect the results of that review.

As regards jurisdiction, the Convention provides that legal action in the case of injury or death of a passenger may, in addition to the existing four jurisdictions available under the Warsaw System, also be brought before a Court in the State in which, at the time of the accident, the passenger had his or her principal and permanent residence, provided the air carrier has the required operational and commercial presence in that State.

A patchwork of legal liability regimes for international carriage by air has arisen because a large number of States are not yet party to the treaty meaning that different levels of compensation will apply to different passengers even when they may be on the same flight. This may give rise to confusion, complicate the handling of claims, thereby needlessly causing further distress to claimants. The universal adoption of this Convention by States will ensure that compensation with modernized rules is more efficiently and uniformly applied wherever in the world a claim arises.

Although this Convention has a large number of States Parties, it does not quite have universal acceptance, with at least 51 ICAO Member States outstanding. By Resolution A39-9, the Assembly urges all States that have not done so to become party to this Convention. 142 States and one Regional Economic Integration Organization are Parties to this Convention.

BEIJING CONVENTION, 2010

Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Doc 9960)

The Beijing Convention modernizes and consolidates the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, done at Montreal on 23 September 1971 (Montreal Convention, 1971) and the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971*, signed at Montreal on 24 February 1988 (Supplementary Protocol, 1988). The Convention also contributes to the implementation of the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006 by enhancing the global treaty regime on counter-terrorism. The treaty enhances the penal law framework for dealing with new and emerging threats against civil aviation, since the terrorist attacks in the United States on 11 September 2001 and introduction of new technologies.

The Beijing Convention criminalizes the acts of using civil aircraft for the purpose of causing death, serious bodily injury or serious damage; of using civil aircraft to release or discharge any biological, chemical or nuclear (BCN)

weapon or similar substances to cause death, serious bodily injury or serious damage; and of using any BCN weapon or similar substances on board or against civil aircraft. It further criminalizes the unlawful transport of any BCN weapon, related material or other dangerous material.

Cyberattacks on air navigation facilities also constitute an offence under this Convention. Considering that this Convention would enhance the global legal framework for dealing with cyberattacks on international civil aviation as crimes, wide ratification by States would ensure that such attacks would be deterred and punished wherever in the world they occur.

Moreover, the Convention specifically provides for the criminal liability of directors and organizers of an offence, as well as the liability of those who knowingly assist an offender to evade investigation, prosecution or punishment. Any person making a threat to commit an offence may be criminally accountable when the circumstances indicate that the threat is credible. Under certain conditions, agreement to contribute or contribution to an offence, whether such an offence is committed or not, may be punishable. A legal entity may be held criminally liable if the applicable national law so provides. The Convention also expands the grounds of jurisdiction under the earlier instruments by requiring each State Party to establish jurisdiction when the offence is committed by its national, and by enabling each State Party to establish jurisdiction when the victim of the offence is its national. It also affirms the principles of fair treatment and non-discrimination. The Convention contains a clause that a State cannot refuse to extradite an offender on the sole ground that the offence would be political in nature.

By Resolution A39-10, the Assembly urges all States to ratify this instrument; and by Resolution A42-19, the Assembly urges Member States to ratify this Convention as a means for dealing with cyberattacks against civil aviation. 56 States are Parties to this Convention.

BEIJING PROTOCOL, 2010

Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Doc 9959)

The Beijing Protocol supplements the *Convention for the Suppression of Unlawful Seizure of Aircraft*, done at The Hague on 16 December 1970 (The Hague Convention, 1970). The Protocol expands the scope of The Hague Convention to cover different forms of aircraft hijackings, such as through modern technological means, including cyberattacks. The Protocol also contributes to the implementation of the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006 by enhancing the global treaty regime on counter-terrorism. The Protocol enhances the international penal law framework for dealing with new and emerging threats against civil aviation, since the terrorist attacks in the United States on 11 September 2001 and introduction of new technologies.

Moreover, the Protocol specifically provides for the criminal liability of directors and organizers of an offence, as well as the liability of those who knowingly assist an offender to evade investigation, prosecution or punishment. Any person making a threat to commit an offence may be criminally accountable when the circumstances indicate that the threat is credible. Under certain conditions, agreement to contribute or contribution to an offence, whether such an offence is committed or not, may be punishable. A legal entity may also be criminally liable if the applicable national law so provides.

The Protocol also expands the grounds of jurisdiction by requiring each State Party to establish jurisdiction when the offence is committed by its national, and by enabling each State Party to establish jurisdiction when the victim of the offence is its national. It also affirms the principles of fair treatment and non-discrimination. The Protocol contains a clause that a State cannot refuse to extradite an offender on the sole ground that the offence would be political in nature.

By Resolution A39-10, the Assembly urges all States to ratify this instrument; and by Resolution A42-19, the Assembly urges Member States to ratify this Protocol as a means for dealing with cyberattacks against civil aviation. 57 States are Parties to this Protocol.

MONTRÉAL PROTOCOL, 2014

Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Doc 10034)

The Montréal Protocol, 2014 amends the *Convention on Offences and Certain Other Acts Committed on Board Aircraft*, done at Tokyo on 14 September 1963 (Tokyo Convention, 1963). The Protocol expands the grounds of jurisdiction by recognizing, under certain conditions, the competence of the State of landing and the State of the operator to exercise jurisdiction over offences and acts on board aircraft. The establishment of such jurisdiction over offences is mandatory if the criteria set out in the Protocol are met. By expanding the scope of jurisdiction on a mandatory basis, it strengthens the capacity of States to curb the escalation of the severity and frequency of unruly and disruptive behaviour on board aircraft. The Protocol also recognizes the desire of many States to assist each other in curbing unruly and disruptive behaviour and restoring good order and discipline on board aircraft.

It is recognized that unruly and disruptive conduct on board aircraft undermines good order and discipline posing a threat to the safety and security of aircraft, crew and passengers. It leads to costly disruption to air travel when aircraft are diverted to disembark unruly and disruptive passengers.

The Protocol contains provisions addressing such issues as coordination among States, due process and fair treatment, and the right to seek recovery under national law.

Ratification of the Protocol has become increasingly vital to remove any jurisdictional gaps so as to enable States, in addition to the States of registration, to establish jurisdiction in order to better respond to unruly and disruptive passenger incidents.

In order to support application of the treaty provisions, Assembly Resolution A42-5, Appendix E and ICAO Doc 10117 contain provisions and guidance on legislation covering acts and offences, as well as elements of an administrative sanctions regime, which will assist States in implementing the appropriate legal measures to prevent and deal with unruly and disruptive passenger incidents.

By Resolution A42-5, Appendix C, and Resolution A42-17, Appendix C, the Assembly urges all States that have not done so to ratify this Protocol. 58 States are Parties to this Protocol.

PROTOCOLS ON THE AUTHENTIC QUINQUELINGUAL TEXT AND THE FINAL PARAGRAPH [ARABIC TEXT] OF THE CHICAGO CONVENTION, 1995

Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation (Doc 9663) and the *Protocol Relating to an amendment to the Convention on International Civil Aviation [Final Paragraph, Arabic Text]* (Doc 9664)

These Protocols provide that the text of the Chicago Convention in the Arabic language is of equal authenticity. The availability of the Arabic authentic text of the Convention as well as the availability of its 19 Annexes in the Arabic language, promotes safety by increasing accessibility of the text to a larger portion of the world's population.

The Protocol on the Authentic Quinquelingual Text shall come into force on the thirtieth day after twelve States shall, in accordance with the provisions of Article III thereof, have signed it without reservation as to acceptance or accepted it **and** after entry into force of the Protocol of Amendment (Final Paragraph, Arabic Text). The first requirement has been fulfilled. Therefore, when the Protocol of Amendment (Final Paragraph, Arabic Text) enters into force, so will the Protocol on the Quinquelingual Text.

By Assembly Resolution A42-5, Appendix C, States are urged to ratify these Protocols. The Protocol on the Quinquelingual Text has 77 Contracting States, while the Protocol on the Final Paragraph [Arabic Text] has been ratified by 71 States.

PROTOCOLS ON THE AUTHENTIC SIX-LANGUAGE TEXT AND THE FINAL PARAGRAPH [CHINESE TEXT] OF THE CHICAGO CONVENTION, 1998

Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation (Doc 9721) and the *Protocol Relating to an amendment to the Convention on International Civil Aviation [Final Paragraph, Chinese Text]* (Doc 9722)

These Protocols provide that the text of the Chicago Convention in the Chinese language is of equal authenticity. The availability of the Chinese authentic text of the Convention as well as the availability of its 19 Annexes in the Chinese language, promotes safety by increasing accessibility of the text to a larger portion of the world's population.

The Protocol on the Authentic Six-Language Text shall come into force on the thirtieth day after twelve States shall, in accordance with the provisions of Article III thereof, have signed it without reservation as to acceptance or accepted it **and** after entry into force of the Protocol of Amendment (Final Paragraph, Chinese Text). The first requirement has been fulfilled. Therefore, when the Protocol of Amendment (Final Paragraph, Chinese Text) enters into force, so will the Protocol on the Authentic Six-Language Text.

By Assembly Resolution A42-5, Appendix C, States are urged to ratify these Protocols. The Protocol on the Authentic Six-Language Text has 58 Contracting States, while the Protocol of Amendment on the Final Paragraph [Chinese Text], has been ratified by 57 States.

— END —