



ICAO

International Civil Aviation Organization
North American, Central American and Caribbean Office

WORKING PAPER

NACC/DCA/12 — WP/15
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**Twelfth North American, Central American and Caribbean Directors of Civil Aviation Meeting
(NACC/DCA/12)**
Placencia, Belize, 9-11 July 2024

Agenda Item 10: Ratification of International Air Law Treaties

RATIFICATION OF INTERNATIONAL AIR LAW TREATIES

(Presented by the Secretariat)

EXECUTIVE SUMMARY	
This working paper presents actions taken by ICAO with respect to the promotion of the ratification of international air law treaties since the NACC-DCA/11 Meeting (Varadero, Cuba, 28-30 June 2023). It also provides an overview of the North American, Central American and Caribbean (NACC) regions States' responses to actions taken by ICAO, including depositary actions, since the aforesaid Meeting. The paper concludes with proposed future actions to accelerate ratification of international air law treaties.	
<i>Strategic Objectives:</i>	This working paper relates to all ICAO strategic objectives
<i>References:</i>	<ul style="list-style-type: none">• A41-4, Appendix C, Consolidated statement of continuing ICAO policies in the legal field – Ratification of ICAO international instruments• A41-18, Appendix B, Consolidated statement on continuing ICAO policies related to aviation security – International air law instruments, enactment of national legislation and conclusion of appropriate agreements for the suppression of acts of unlawful interference with civil aviation• A41-19, Addressing Cybersecurity in Civil Aviation• A39-5, Ratification of the Protocol amending Article 50 (a) of the Convention on International Civil Aviation• A39-7, Ratification of the Protocol amending Article 56 of the Convention on International Civil Aviation• A39-9, Promotion of the Montreal Convention of 1999• A39-10, Promotion of the Beijing Convention and the Beijing Protocol of 2010• UN Security Council Resolution 2309 (2016)

1. Introduction

1.1 At the 11th meeting of the Directors of Civil Aviation, ICAO North American, Central American and Caribbean (NACC) Regions, held in Varadero, Cuba on 28-30 June 2023 (NACC/DCA/11), the Directors of Civil Aviation considered NACC/DCA/11-WP/15, which presented the benefits of six international air law treaties¹ and invited States that have not yet ratified those treaties, to do so. Information pertaining to the ratification process² and an overview of the resources available for States to assist them with ratification were also provided.

1.2 The conclusion of the working paper invited the NACC States to: i) become parties to the highlighted 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 (IALC) 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; and 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 appended to the working paper.

1.3 This working paper presents the actions taken by ICAO and Member States since NACC/DCA/11 and concludes with proposed future actions with respect to States' ratification of international air law treaties.

2. Discussion

Actions taken to promote the ratification of international air law treaties

2.1 Immediately prior to and since NACC/DCA/11, ICAO has taken the following actions with a view to promoting the ratification of international air law treaties:

- a) **Issuance of a State letter:** On 26 May 2023, State letter Ref.: NT-NE57, NL1 — E.OSG-NACC97502 was issued by which NACC States were invited to coordinate with ICAO on matters related to the ratification and implementation of international air law treaties and to submit a tracking matrix indicating their progress towards ratification of air law treaties. To date, 16 States out of 22 in the region have responded to the State letter (73 % of States in the region).
- b) **Host of the IALC:** A session of the International Air Law Course was held in the NACC region (Bahamas, 4 to 8 September 2023) in English which was attended by a total of 15 participants from three States.

¹ The six international air law treaties highlighted in NACC/DCA/11 — WP/15 were: the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 50 (a)]* (Doc 10077) and the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 56]* (Doc 10076) (Montréal, 2016) (2016 Protocols on Articles 50 (a) and 56 of the Chicago Convention); the *Convention for the Unification of Certain Rules for International Carriage by Air* (Doc 9740) (Montreal, 1999) (Montreal Convention 1999); the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Doc 9960) and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Doc 9959) (Beijing, 2010) (Beijing Convention and Protocol 2010); and the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Doc 10034) (Montréal, 2014) (Montréal Protocol 2014).

² A State's expression of consent to be bound by a treaty at international law can be in the form of ratification, accession, acceptance or approval.

Depositary actions by NACC States

2.2 Eight depositary actions by five NACC States have been recorded by ICAO since the NACC/DCA/11 as follows:

- a) *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Articles 50(a) and 56]*: ratification by Belize on 7 November 2023, by Guatemala on 14 December 2023 and by Mexico on 18 June 2024;
- b) *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 83 bis]*, signed at Montreal on 6 October 1980: ratification by Honduras on 20 July 2023;
- c) *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 3 bis]*, signed at Montreal on 10 May 1984: ratification by Saint Lucia on 14 February 2024.

Tracking progress by NACC States towards ratification

2.3 While many States have ratified the Protocols increasing the membership of the Council and the Air Navigation Commission (the 2016 Protocols on Articles 50 (a) and 56 of the Chicago Convention), it is desirable for the remaining States to complete the process so as to enable timely action to be taken ahead of the 42nd ICAO Assembly in 2025. Furthermore, as there is limited progress on those treaties dealing with new and emerging threats against the safety and security of civil aviation, including cyber attacks (the Beijing Convention and Protocol 2010) and on the issue of unruly and disruptive passengers (Montréal Protocol 2014), this calls for expedited action by most States. The Montreal Convention 1999 is also widely ratified by most NACC States; however it is important that all States join the treaty as it will ensure universal application of the modernized compensation rules for air carrier liability for all travellers.

2.4 It is noteworthy that three States in the NACC region – Cuba, Dominican Republic and Honduras, have ratified all the key treaties.

2.5 Notably on 24 June 2024, State letter Ref.: NT-NE57, NL1 – E.OSG-NACC112288 was issued by which NACC States were again invited to report, by 31 July 2024, on their progress towards ratification of air law treaties by using the tracking matrix, as well as to provide the name, title and email address of a focal point within their administrations to coordinate on such matters.

Upcoming actions to promote the ratification of international air law treaties

2.6 While there has been some progress by the NACC States with respect to ratification of international air law treaties, in the interest of maintaining momentum States are encouraged to participate in the upcoming Third Edition of the Civil Aviation Legal Advisers Forum (CALAF) in London, United Kingdom from 26 to 28 November 2024 featuring presentations and discussions by legal advisers of civil aviation regulatory bodies on topical legal subjects of interest or concern regarding aviation safety, security and facilitation and will include the ratification of international air law treaties. The NACC States are also encouraged to participate in the [ICAO Training - International Air Law Course \(IAL EN\)](#) available in English, French or Spanish, which aims to enable representatives of Civil Aviation Administrations, Civil Aviation Authorities, Airports and Air Navigation Service Providers to support their organization in compliance with international air law, through application of appropriate knowledge and advocacy. Further, States are invited to provide the NACC office with the name, title and email address of a Focal Point within their Administration to coordinate on matters related to the ratification of international air law treaties.

2.7 **Appendix A** to this working paper provides an updated form indicating the status of NACC States with respect to ratification of the six international air law treaties highlighted in NACC/DCA/11 – WP/15. **Appendix B** contains the tracking matrix which was appended to NACC/DCA/11 – WP/15, and DGCA's/Focal Points are again invited to submit to ICAO so as to inform of their State's further progress towards ratification of international air law treaties. DGCA's are reminded that the tracking matrix can be filled/updated by the Focal Points whenever a State reaches an important milestone in the ratification process, such as when the ratification proposal is presented to the competent authority or organ for approval, or receives executive and/or legislative approval, and when the ratifying legislation is published or gazetted, as applicable.

2.8 In light of the foregoing, the following Conclusion by NACC/DCA/12 meeting is proposed:

CONCLUSION NACC/DCA/12/xx		RATIFICATION OF INTERNATIONAL AIR LAW TREATIES	
What:		Expected impact:	
<p>Consistent with ICAO Assembly Resolution A41-4, for States to accelerate the ratification and implementation of international air law instruments and considering the benefits of such ratification, NACC States to:</p> <ul style="list-style-type: none"> a) become parties to the six international air law treaties and to any other international air law treaties that they have not yet ratified; b) nominate a Focal Point for the Ratification of International Air Law Treaties and to inform the ICAO NACC Regional Office accordingly; c) participate in the Third Edition of the Civil Aviation Legal Advisers Forum (CALAF) in London, UK from 26 to 28 November 2024, in 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; d) inform ICAO before 31 October 2024 of their further progress towards the ratification of international air law treaties by updating/using the DGCA tracking matrix set out in Appendix B to this working paper; e) contact the ICAO LEB Treaty Section for any information or assistance with regard to ratification matters at treaty@icao.int or officeleb@icao.int; and f) report on the progress made by NACC States at the NACC/DCA/13 meeting. 		<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Political / Global <input type="checkbox"/> Inter-regional <input checked="" type="checkbox"/> Economic <input type="checkbox"/> Environmental <input checked="" type="checkbox"/> Operational/Technical 	
Why:		To support the sustainable and continuous air transport development in the region	
When: NACC/DCA/13 Meeting		Status: <input checked="" type="checkbox"/> Valid / <input type="checkbox"/> Superseded / <input type="checkbox"/> Completed	

Who: ☒ States ☒ ICAO ☐ Other:

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3. **Suggested Action**

- 3.1 The meeting is invited to:
- a) note the information provided;
 - b) amend as necessary and endorse the proposed Conclusion; and
 - c) provide direction as deemed necessary.

The following Appendices are provided with this working paper:

APPENDIX A: Status of States in the NACC region with Respect to Selected International Air Law Treaties
APPENDIX B: DGCA Ratification Tracking Matrix

APPENDIX A
STATUS OF STATES IN THE NACC REGIONS WITH RESPECT TO SELECTED
INTERNATIONAL AIR LAW TREATIES¹

(As of 18 June 2024)

(paragraph 2.7 refers)

	Article 50 (a) (2016) ² (95 Parties)	Article 56 (2016) ³ (95 Parties)	Mtl Convention (1999) (139 Parties)	Beijing Convention (2010) (49 Parties)	Beijing Protocol (2010) (51 Parties)	Mtl Protocol (2014) (48 Parties)
Antigua and Barbuda						
Bahamas						
Barbados			X			
Belize	X	X	X			
Canada	X	X	X			
Costa Rica			X			
Cuba	X	X	X	X	X	X
Dominica						
Dominican Republic	X	X	X	X	X	X
El Salvador	X	X	X			

¹ Yellow highlight indicates new ratifications since NACC/DCA/11/2023.

² Not in force.

³ Not in force.

	Article 50 (a) (2016) ² (95 Parties)	Article 56 (2016) ³ (95 Parties)	Mtl Convention (1999) (139 Parties)	Beijing Convention (2010) (49 Parties)	Beijing Protocol (2010) (51 Parties)	Mtl Protocol (2014) (48 Parties)
Grenada						
Guatemala	X	X	X			
Haiti						
Honduras	X	X	X	X	X	X
Jamaica	X	X	X			
Mexico	X	X	X			
Nicaragua	X	X	X			
Saint Kitts and Nevis						X
Saint Lucia				X	X	
Saint Vincent and the Grenadines			X			
Trinidad and Tobago						
United States			X			

APPENDIX B
DGCA RATIFICATION TRACKING MATRIX (*paragraphs 2.1 (a), 2.7 and 2.8 refer*)

[NAME OF THE MEMBER STATE]					
	TREATY PROPOSED BY DCA 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
PROTOCOL OF AMENDMENT TO ARTICLE 50(a) OF THE CHICAGO CONVENTION, 2016 (Not in force)					
PROTOCOL OF AMENDMENT TO ARTICLE 56 OF THE CHICAGO CONVENTION, 2016 (Not in force)					
MONTREAL CONVENTION 1999					
BEIJING CONVENTION 2010					
BEIJING PROTOCOL 2010					
MONTRÉAL PROTOCOL 2014					

- END/FIN—