



Treaty Series No. 68 (1999)

# **Protocol**

relating to an Amendment to the Convention  
on International Civil Aviation

Montreal, 10 May 1984

[The United Kingdom instrument of ratification was deposited on 21 August 1987  
and the Protocol entered into force for the United Kingdom on 1 October 1998]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
October 1999*



**PROTOCOL RELATING TO AN AMENDMENT TO THE CONVENTION ON  
INTERNATIONAL CIVIL AVIATION**

**THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION  
ORGANIZATION**

HAVING MET in its Twenty-fifth Session (Extraordinary) at Montreal on 10 May 1984,

HAVING NOTED that international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to general security,

HAVING NOTED that it is desirable to avoid friction and to promote that co-operation between nations and peoples upon which the peace of the world depends,

HAVING NOTED that it is necessary that international civil aviation may be developed in a safe and orderly manner,

HAVING NOTED that in keeping with elementary considerations of humanity the safety and the lives of persons on board civil aircraft must be assured,

HAVING NOTED that in the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944<sup>1</sup> the contracting States

- recognize that every State has complete and exclusive sovereignty over the airspace above its territory,
- undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft, and
- agree not to use civil aviation for any purpose inconsistent with the aims of the Convention,

HAVING NOTED the resolve of the contracting States to take appropriate measures designed to prevent the violation of other States' airspace and the use of civil aviation for purposes inconsistent with the aims of the Convention and to enhance further the safety of international civil aviation,

HAVING NOTED the general desire of contracting States to reaffirm the principle of non-use of weapons against civil aircraft in flight,

1. DECIDES that it is desirable therefore to amend the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,

2. APPROVES, in accordance with the provision of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

Insert, after Article 3, a new Article 3 *bis*:

**“Article 3 bis**

- (a) The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations.
- (b) The contracting States recognize that every State, in the exercise of its sovereignty, is entitled to require the landing at some designated airport of a civil aircraft flying above its territory without authority or if there are reasonable grounds to conclude that it is being used for any purpose inconsistent with the aims of this Convention; it may also give such aircraft

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<sup>1</sup> Treaty Series No. 8 (1953) Cmd 8742.

any other instructions to put an end to such violations. For this purpose, the contracting States may resort to any appropriate means consistent with relevant rules of international law, including the relevant provisions of this Convention, specifically paragraph (a) of this Article. Each contracting State agrees to publish its regulations in force regarding the interception of civil aircraft.

- (c) Every civil aircraft shall comply with an order given in conformity with paragraph (b) of this Article. To this end each contracting State shall establish all necessary provisions in its national laws or regulations to make such compliance mandatory for any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State. Each contracting State shall make any violation of such applicable laws or regulations punishable by severe penalties and shall submit the case to its competent authorities in accordance with its laws or regulations.
- (d) Each contracting State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of this Convention. This provision shall not affect paragraph (a) or derogate from paragraphs (b) and (c) of this Article.”,

3. SPECIFIES, pursuant to the provision of the said Article 94(a) of the said Convention, one hundred and two as the number of contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

4. RESOLVES that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

- (a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
- (b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.
- (c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- (d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the one hundred and second instrument of ratification is so deposited.
- (e) The Secretary General shall immediately notify all contracting States of the date of deposit of each ratification of the Protocol.
- (f) The Secretary General shall notify all States parties to the said Convention of the date on which the Protocol comes into force.
- (g) With respect to any contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

CONSEQUENTLY, pursuant to the aforesaid action of the Assembly,

This Protocol has been drawn up by the Secretary General of the Organization.

IN WITNESS WHEREOF, the President and the Secretary General of the aforesaid Twenty-fifth Session (Extraordinary) of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

DONE at Montreal on the 10th day of May of the year one thousand nine hundred and eighty-four, in a single document in the English, French, Russian and Spanish languages, each text being equally authentic. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization, and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties to the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944.

ASSAD KOTAITE

President of the 25th Session  
(Extraordinary) of the Assembly

YVES LAMBERT

Secretary General

## RATIFICATION, ACCEPTANCES, EFFECTIVE DATES AND DECLARATIONS

| <i>State</i>         | <i>Action</i> | <i>Date</i>  | <i>Effective Date</i> |
|----------------------|---------------|--------------|-----------------------|
| Antigua & Barbuda    | Ratification  | 17 Oct 1988  | 01 Oct 1998           |
| Argentina            | Ratification  | 01 Dec 1986  | "                     |
| Australia            | Ratification  | 10 Sep 1986  | "                     |
| Austria              | Ratification  | 11 Jan 1985  | "                     |
| Bahrain              | Ratification  | 07 Feb 1990  | "                     |
| Bangladesh           | Ratification  | 03 Jun 1986  | "                     |
| Barbados             | Ratification  | 23 Nov 1984  | "                     |
| Belaruss             | Ratification  | 24 July 1996 | "                     |
| Belgium              | Ratification  | 20 Sep 1985  | "                     |
| Belize               | Ratification  | 24 Sep 1997  | "                     |
| Bolivia              | Ratification  | 09 Jul 1998  | "                     |
| Bosnia & Herzegovina | Ratification  | 09 May 1997  | "                     |
| Brazil               | Ratification  | 21 Jan 1987  | "                     |
| Bulgaria             | Ratification  | 06 Apr 1998  | "                     |
| Burkina Faso         | Ratification  | 08 Dec 1998  | 08 Dec 1998           |
| Burundi              | Ratification  | 10 Oct 1991  | 01 Oct 1998           |
| Cameroon             | Ratification  | 28 Jan 1988  | "                     |
| Canada               | Ratification  | 23 Sep 1986  | "                     |
| Chile                | Ratification  | 26 Nov 1984  | "                     |
| China                | Ratification  | 23 Jul 1997  | "                     |
| Colombia             | Ratification  | 10 Mar 1989  | "                     |
| Cote D'Ivoire        | Ratification  | 05 Jun 1987  | "                     |
| Cuba                 | Ratification  | 28 Sep 1998  | "                     |
| Cyprus               | Ratification  | 05 Jul 1989  | "                     |
| Czech Republic       | Ratification  | 15 Apr 1993  | "                     |
| Czechoslovakia       | Ratification  | 28 Sep 1992  | "                     |
| Denmark              | Ratification  | 16 Oct 1985  | "                     |
| Ecuador              | Ratification  | 22 Apr 1988  | "                     |
| Egypt                | Ratification  | 01 Aug 1985  | "                     |
| El Salvador          | Ratification  | 08 Apr 1998  | "                     |
| Eritrea              | Ratification  | 27 May 1994  | "                     |
| Estonia              | Ratification  | 21 Aug 1992  | "                     |
| Ethiopia             | Ratification  | 22 May 1985  | "                     |
| Fiji                 | Ratification  | 21 Sep 1992  | "                     |
| Finland              | Ratification  | 18 Dec 1991  | "                     |
| France               | Ratification  | 19 Aug 1985  | "                     |
| Gabon                | Ratification  | 01 Nov 1988  | "                     |
| Ghana                | Ratification  | 15 Jul 1997  | "                     |
| Greece               | Ratification  | 16 Oct 1987  | "                     |
| Guatemala            | Ratification  | 18 Sep 1987  | "                     |
| Guinea               | Ratification  | 01 Oct 1998  | "                     |
| Guyana               | Ratification  | 02 May 1988  | "                     |
| Hungary              | Ratification  | 24 May 1990  | "                     |
| Iran                 | Ratification  | 27 Jun 1994  | "                     |
| Iraq                 | Ratification  | 20 Mar 1998  | "                     |
| Ireland              | Ratification  | 19 Sep 1990  | "                     |
| Israel               | Ratification  | 30 Sep 1997  | "                     |
| Italy                | Ratification  | 12 Jun 1986  | "                     |
| Jamaica              | Ratification  | 25 May 1998  | "                     |
| Japan                | Ratification  | 26 Jun 1998  | "                     |
| Jordan               | Ratification  | 08 Oct 1986  | "                     |
| Kenya                | Ratification  | 05 Oct 1995  | "                     |
| Korea Rep of         | Ratification  | 27 Feb 1985  | "                     |
| Kuwait               | Ratification  | 18 Jul 1986  | "                     |
| Lebanon              | Ratification  | 14 Dec 1994  | "                     |
| Lesotho              | Ratification  | 17 Mar 1988  | "                     |
| Libya                | Ratification  | 28 Oct 1996  | "                     |
| Luxembourg           | Ratification  | 10 May 1985  | "                     |
| Macedonia and FYR of | Ratification  | 23 Mar 1998  | "                     |

| <i>State</i>         | <i>Action</i> | <i>Date</i> | <i>Effective Date</i> |
|----------------------|---------------|-------------|-----------------------|
| Madagascar           | Ratification  | 10 Sep 1986 | 01 Oct 1998           |
| Malawi               | Ratification  | 13 Dec 1990 | "                     |
| Maldives             | Ratification  | 08 Apr 1997 | "                     |
| Mali                 | Ratification  | 04 Mar 1987 | "                     |
| Malta                | Ratification  | 25 Mar 1994 | "                     |
| Mauritius            | Ratification  | 07 Nov 1989 | "                     |
| Mexico               | Ratification  | 26 Jun 1990 | "                     |
| Moldova Rep of       | Ratification  | 20 Jun 1997 | "                     |
| Monaco               | Ratification  | 27 Jan 1993 | "                     |
| Morocco              | Ratification  | 19 Jul 1990 | "                     |
| Nepal                | Ratification  | 26 Oct 1987 | "                     |
| Netherlands the      | Ratification  | 18 Dec 1986 | "                     |
| Niger                | Ratification  | 08 Apr 1988 | "                     |
| Nigeria              | Ratification  | 08 Jul 1985 | "                     |
| Norway               | Ratification  | 16 Oct 1985 | "                     |
| Oman                 | Ratification  | 21 Feb 1985 | "                     |
| Pakistan             | Ratification  | 10 Jun 1985 | "                     |
| Panama               | Ratification  | 22 May 1987 | "                     |
| Papua New Guinea     | Ratification  | 05 Oct 1992 | "                     |
| Portugal             | Ratification  | 17 Jun 1991 | "                     |
| Qatar                | Ratification  | 23 Oct 1990 | "                     |
| Russian Federation   | Ratification  | 24 Aug 1990 | "                     |
| San Marino           | Ratification  | 03 Feb 1995 | "                     |
| Senegal              | Ratification  | 02 May 1985 | "                     |
| Seychelles           | Ratification  | 08 Aug 1985 | "                     |
| Slovak Republic      | Succession    | 20 Mar 1995 | "                     |
| South Africa         | Ratification  | 28 Jun 1985 | "                     |
| Spain                | Ratification  | 24 Oct 1985 | "                     |
| Sweden               | Ratification  | 16 Oct 1985 | "                     |
| Switzerland          | Ratification  | 24 Feb 1986 | "                     |
| Thailand             | Ratification  | 12 Jul 1985 | "                     |
| Togo                 | Ratification  | 05 Jul 1985 | "                     |
| Tunisia              | Ratification  | 29 Apr 1985 | "                     |
| Turkey               | Ratification  | 20 Apr 1998 | "                     |
| Turkmenistan         | Ratification  | 14 Apr 1993 | "                     |
| Uganda               | Ratification  | 07 Jul 1995 | "                     |
| United Arab Emirates | Ratification  | 18 Feb 1987 | "                     |
| United Kingdom       | Ratification  | 21 Aug 1987 | "                     |
| Uruguay              | Ratification  | 11 Sep 1987 | "                     |
| Uzbekistan           | Ratification  | 24 Feb 1994 | "                     |
| Vietnam              | Ratification  | 03 Feb 1999 | 03 Feb 1998           |



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