



BELIZE

**CIVIL AVIATION SECURITY ACT
CHAPTER 239:01**

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CIVIL AVIATION SECURITY

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CHAPTER 239:01

CIVIL AVIATION SECURITY ACT

22 of 2007.
S.I. 73 of 2008.

[18th June, 2008]

PART 1

Preliminary

1. This Act may be cited as the Civil Aviation Security Act.

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“acts of unlawful interference” means acts or attempted acts which jeopardize or may jeopardize the safety of civil aviation and air transport, including the,

- (a) unlawful seizure of aircraft in flight;
- (b) unlawful seizure of aircraft on the ground;
- (c) taking of hostages on board aircraft or on aerodromes or airports;
- (d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- (e) introduction on board an aircraft or at an airport of a weapon, including a chemical or biological weapon, explosive or hazardous device, substance or material intended for criminal purposes;
- (f) communication of false information which jeopardizes or which may jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the

general public, at an airport or on the premises of an aeronautical facility;

“aerial work” in respect of an aircraft, means an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying observation and patrol, search and rescue, aerial advertisement, and other specialized services;

“aircraft security check” means an inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances;

“aircraft security search” means a thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances;

“airside” means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled by security;

“background check” means a check of a person’s identity and previous experience, including the person’s criminal history, as part of the assessment of an individual’s suitability to implement a security control and/or for unescorted access to a security restricted area within an airport, aerodrome or other aeronautical facility;

“Belize National Civil Aviation Security Programme” means the Belize National Civil Aviation Security Programme produced by the Department of Civil Aviation pursuant to the Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference of the International Civil Aviation Organisation;

“cargo” means any property carried on an aircraft other than postal mail, stores and accompanied or mishandled baggage;

“certification” means a formal evaluation and confirmation, for civil aviation security purposes, by, for or on behalf of the Department of Civil Aviation, that a person possesses the necessary competencies to perform

assigned functions to an acceptable level as defined by the Department of Civil Aviation from time to time;

“commercial air transportation operation” means an aircraft operation involving the transportation of passengers, cargo or postal mail for remuneration, hire or reward;

“Concession Company” means the Belize Airport Concession Company Limited with responsibility for the management and administration of the Philip S. W. Godson International Airport and includes any successor to that company or any other concession company with responsibility for the management and administration of an airport or aerodrome;

“Convention” means any of the following Conventions,

- (a) the Convention on International Civil Aviation, including Annex 17 of thereof;
- (b) the Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14th September, 1963;
- (c) the Convention for the Suppression of Unlawful Seizure of Aircraft done at The Hague on 16th December, 1970;
- (d) the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23rd September, 1971;
- (e) the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14th December, 1973;
- (f) the International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17th December, 1979;

- (g) 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 24th February, 1988;
- (h) the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at Rome on 10th March, 1988;
- (i) the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10th March, 1988;
- (j) the Convention on the Marking of Plastic Explosives for the Purposes of Detection, signed at Montreal, on 1st March, 1991;
- (k) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15th December, 1997;

“corporate aviation” means the non-commercial operation or use of an aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot employed by the company to fly the aircraft;

“disruptive passenger” means a passenger who fails to respect the rules of conduct at an airport, aerodrome, aeronautical facility or on board an aircraft, or to follow the instructions of airport staff or crew members and thereby disrupts or disturbs the good order and discipline at an airport, aerodrome, aeronautical facility or on board an aircraft;

“general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

“human factor principles” in respect of civil aviation, means principles which apply to design, certification, training, operations and maintenance, and which seek safe interface between the human and other system components of civil aviation by proper consideration to human performance;

“human performance” means human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations;

“Minister” means the Minister for the time being responsible for Civil Aviation;

“regulated agent” means an agent, freight forwarder or any other entity which or who conducts business with an aircraft operator and provides security controls that are accepted or required by the Department of Civil Aviation in respect of cargo, baggage or postal mail;

“screening” means the application of technical or other means designed to identify and/or detect weapons, explosives, or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

“security” means the safeguarding of civil aviation against acts of unlawful interference;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the Belize National Civil Aviation Security Programme;

“security control” refers to a means by which the introduction at an airport, aerodrome, aeronautical facility or in an aircraft of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference may be prevented;

“security inspection” means an examination of the implementation of the Belize National Civil Aviation Security Programme requirements by airline, airport or other entity involved in security;

“security restricted areas” means those areas of the airside of an airport, aerodrome or aeronautical facility which are identified by the Department of Civil Aviation as priority risk areas where, in addition to access control, other security controls are applied, and includes,

- (a) all commercial aviation passenger departure areas between the screening checkpoint and the aircraft;
- (b) the ramp;
- (c) baggage make-up areas, including those where aircraft are brought into service and screened baggage and cargo are loaded or present;
- (d) cargo sheds;
- (e) mail centres;
- (f) airside catering areas;
- (g) aircraft cleaning premises;

“security survey” means an evaluation of security needs including the identification of vulnerabilities which can be exploited by any person to carry out an act of unlawful interference, and the recommendation of corrective actions;

“security test” means a covert or an overt trial of an aviation security measure which simulates an attempt to commit an act of unlawful act;

“unidentified baggage” means baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger.

Application.

3.-(1) Subject to subsection (2), this Act shall not apply to anything regulated by,

- (a) the Civil Aviation Act, Cap. 239 or any Regulations made thereunder;

- (b) the Belize Airports Authority Act, Cap. 238 or any Regulations made thereunder;
- (c) the Philip S.W. Goldson International Airport Development Act, Cap. 238:01. or any Regulations made thereunder.

(2) Notwithstanding subsection (1) of this section, where there is any conflict between the provisions of this Act and any law referred to in subsection (1), the provisions of this Act shall prevail.

PART II

Organisation of the National Civil Aviation Security Committee and Offences

4.–(1) There shall be and is hereby established a National Civil Aviation Security Committee which shall consist of the following persons or their designated representatives,

Establishment of
the National Civil
Aviation Security
Committee.

- (a) the Director of Civil Aviation, who shall be the Chairman of the Committee;
- (b) the Commissioner of Police or his representative who shall be of or above the rank of Superintendent;
- (c) the Commander, Belize Defence Force or his representative who shall be of or above the rank of Colonel;
- (d) the Chief Executive Officer in the Ministry for the time being responsible for National Security;
- (e) the Chief Executive Officer in the Ministry for the time being responsible for Civil Aviation;

- (f) the Chief Executive Officer in the Ministry for the time being responsible for Foreign Affairs;
- (g) the Comptroller of Customs;
- (h) the Director of Immigration and Nationality Services;
- (i) the Post Master General;
- (j) the Chief Executive Officer of the Concession Company;
- (k) General Manager of the Belize Airport Authority.

(2) Members of the National Civil Aviation Security Committee, other than *ex officio* members, shall be appointed by the Minister for a period of three years and shall be eligible for re-appointment.

(3) The National Civil Aviation Security Committee shall be responsible for developing policies for the maintenance of security at all airports, and aeronautical facilities in Belize, and without prejudice to the generality of the foregoing, the National Civil Aviation Security Committee shall, in the furtherance of this objective, have and exercise the following functions,

- (a) approving the Belize National Civil Aviation Security Programme, the national quality control programme, and the national training programme developed by the Department of Civil Aviation;
- (b) defining and allocating the different tasks, roles and responsibilities for the implementation of the various aspects of the Belize National Civil Aviation Security Programme to the different government departments, entities and organisations concerned with aviation security;

- (c) establishing the means of co-ordination between the different government departments, entities and organisations concerned with the implementation of the Belize National Civil Aviation Security Programme;
- (d) making available to the management of airports, aerodromes, aeronautical facilities, airlines and other entities operating in or within airports or aerodromes, relevant portions of the Belize National Civil Aviation Security Programme for their compliance and guidance;
- (e) reviewing periodically the effectiveness of the Belize National Civil Aviation Security Programme, including re-evaluating security measures and procedures to identify any weakness against acts of unlawful interference, and making appropriate recommendations to the Department of Civil Aviation for amendments;
- (f) reviewing and recommending that the Department of Civil Aviation may approve aircraft operator security programmes and airport or aerodrome security programmes;
- (g) ensuring that airport security services at international airports in Belize are provided with the necessary support facilities such as office space, telecommunications equipment, appropriate screening and security equipment, and training facilities;
- (h) developing and revising, on a continuous basis, national policies relating to civil aviation security;
- (i) developing, revising and issuing, on a continuous basis, comprehensive policy guidelines relating to all aspects of civil aviation security;

- (j) ensuring that architectural and infrastructure-related requirements at airports, aerodromes and aeronautical facilities, necessary for the optimum implementation of international civil aviation security measures developed by the International Civil Aviation Organisation or other regional organisations to which Belize is a party, are integrated into the design and construction of new facilities and alteration of existing airports, aerodromes and aeronautical facilities in Belize;
- (k) co-ordinating the development of, and the granting of approval to, civil aviation security training programmes by individual agencies or organisations;
- (l) developing standards for the hiring and retention of civil aviation security screening companies;
- (m) receiving, reviewing and distributing to relevant organisations and government departments intelligence information related to civil aviation security;
- (n) assessing threats posed to the civil aviation security of Belize and making appropriate recommendations therefore to the Minister;
- (o) developing policies, strategies, and plans for dealing with actual or threatened acts of unlawful interference;
- (p) identifying and commissioning research and development activities necessary to enhance Belize's civil aviation security;
- (q) ensuring the adequacy of security measures for the transportation of cargo into, within and from airports and aerodromes in Belize;

- (r) facilitating the co-ordination of intelligence, security, and law enforcement activities affecting civil aviation security;
- (s) facilitating the sharing of intelligence, security and law enforcement activities affecting civil aviation security with the agencies of other foreign governments which are friendly to Belize;
- (t) facilitating the sharing of intelligence, security, and law enforcement information affecting civil aviation security with operators of aircraft;
- (u) exploring the technical feasibility of developing, and approving the development of, a common electronic database of individuals who, and organisations which, may pose a threat to civil aviation security.

(4) The National Civil Aviation Security Committee shall meet at least once every six months, and the Chairman shall preside at such meeting.

5.—(1) The Director of Civil Aviation shall, after consultation with the National Civil Aviation Security Committee and the approval of the Minister, be responsible for,

Duties of the Director
of Civil Aviation.

- (a) ensuring that the Concession Company at the Philip S. W. Goldson International Airport,
 - (i) develops standards acceptable to the National Civil Aviation Security Committee for the hiring and retention of security screening companies;
 - (ii) trains and tests security screening personnel to standards acceptable to the National Civil Aviation Security Committee;

- (iii) is responsible for the day-to-day security screening operations for all passengers, crew, baggage and cargo;
 - (iv) is responsible for complying with the airport security programme for that airport;
 - (v) is responsible for contingency plan exercises and tests, which will be practiced and exercised on a regular basis to identify weaknesses and modifications for the safe conclusion of emergency situation;
- (b) ensuring that all persons operating any duty free shops or other business activities and all aircraft operators within the Philip S.W. Goldson International Airport observe the airport aviation security programme for the Philip S. W. Goldson International Airport.

(2) The Director of Civil Aviation shall,

- (a) enforce security-related regulations and requirements at any airport, aerodrome or at any other aeronautical facility;
- (b) inspect, audit and test security facilities, equipment and systems at any airport, aerodrome or at any other aeronautical facility;
- (c) oversee the implementation, and ensure the adequacy, of civil aviation security measures at airports, aerodromes and other aeronautical facilities;
- (d) require background checks for airport or aerodrome security screening personnel and individuals with access to security restricted areas;

- (e) work with the International Civil Aviation Organisation and appropriate aeronautical authorities of foreign governments which are friendly to Belize to address issues of,
 - (i) security concerns on passenger flights by foreign aircraft operators in international civil aviation;
 - (ii) security audits, security surveys, security tests and security inspections;
- (f) be the point of contact between Belize and the International Civil Aviation Organisation;
- (g) be the point of contact between the National Civil Aviation Security Committee, the Department of Civil Aviation, and any government department, concerning issues of civil aviation security;
- (h) approve a cargo security programme developed by cargo aircraft operators;
- (i) carry out such other duties, and exercise such other powers, relating to civil aviation security as may be authorised by any other law.

(3) Without prejudice to the generality of subsections (1) and (2) of this section, the Director of Civil Aviation, with the approval of the Minister and after consultation with the National Civil Aviation Security Committee,

- (a) may enter into memoranda of understanding with other local, regional or international organisations in respect of civil aviation security:
- (b) may enter into memoranda of understanding with the law enforcement authorities of any foreign

government to share or otherwise cross-check as necessary data on individuals identified on the National Civil Aviation Security Committee database as individuals who may pose a risk to civil aviation security;

- (c) may establish procedures for notifying the Concession Company, appropriate law enforcement authorities, airport security personnel, or aircraft operators security personnel of the identity of individuals known to pose risk, or suspected of posing a risk to civil aviation security;
- (d) may establish policies and procedures requiring aircraft operators,
 - (i) to use information from government departments to identify individuals on passenger lists who may be a threat to civil aviation security;
 - (ii) if such an individual is identified, to notify appropriate law enforcement authorities, prevent the individual from boarding an aircraft, or take other appropriate action with respect to the individual; and
 - (iii) to share passenger lists with appropriate government departments for the purpose of identifying individuals who may pose a threat to civil aviation security.

(4) The Director of Civil Aviation shall require each operator of an aircraft providing international services from or to Belize to develop and implement an aircraft operator aviation security programme, which shall be approved by the Director of Civil Aviation, and which shall,

- (a) specify the practices and procedures to be followed by the operator to protect passengers, crew, ground personnel, aircraft and aeronautical facilities from acts of unlawful interference;
- (b) specify the organisation of the operator's security systems and responsibilities, including the designation of the operator's security coordinator;
- (c) specify other security measures including,
 - (i) the operator's pre-flight security checks of aircraft;
 - (ii) the operator's procedures for the pre-flight screening of passengers, and the pre-flight screening of cabin baggage and hold baggage if applicable;
 - (iii) the operator's procedures for ensuring that no weapons, explosives and other dangerous devices, articles or substances are carried on board by embarking passengers;
 - (iv) the operator's procedures to protect hold baggage, air cargo, mail, aircraft catering supplies and stores;
 - (v) the operator's procedures for controlling disruptive passengers;
 - (vi) the operator's procedures, criteria and standards regarding the carrying of firearms on board an aircraft by any passenger;

- (vii) the operator's procedures for ensuring the security of, and the control of access to, parked aircraft;
- (d) specify the operator's contingency plans in cases of,
 - (i) hijacking, sabotage and bomb threats;
 - (ii) in-flight procedures when a suspect item is found, or believed to be on board an aircraft during flight;
 - (iii) emergency evacuation of passengers from a flight;
 - (iv) searches of the aircraft by Belize's law enforcement authorities on the ground;
- (e) specify measures to be taken by the operator to ensure the programme's effectiveness including the adequate training of staff, and the periodic testing and evaluation of their security programme.

(5) The Director of Civil Aviation shall require the Concession Company, at the Philip S. W. Goldson International Airport, to develop an airport security programme for that airport, which shall,

- (a) specify the individual security measures developed by the Concession Company at that airport, in conformity with the Belize National Civil Aviation Security Programme;
- (b) specify the airport security officer charged by the Concession Company with co-ordinating the implementation of that airport's aviation security programme;

- (c) establish an airport aviation security committee for the Philip S. W. Goldson International Airport consisting of members approved by the National Civil Aviation Security Committee and the Minister;
- (d) specify how the requirements of airport aviation security will be integrated into the architectural and infrastructure related designs, expansion and construction of the Philip S. W. Goldson International Airport;
- (e) specify the responsibilities of the Concession Company Limited and the Belize Airports Authority in the area of airport aviation security at the Philip S. W. Goldson International Airport, including,
 - (i) the prevention, detection and prosecution of offences at that airport;
 - (ii) routine surveillance and patrol of all airport terminals;
 - (iii) the surveillance of arriving and departing passengers and the identification of persons who may pose a threat to airport aviation security;
 - (iv) contingency planning with the Belize Police Department and the Belize Defence Force in respect of responses to acts of unlawful interference, including hijacking, sabotage, bomb or other threats, ground attacks and civil disorder;
 - (v) the ability to provide specialist responses to the threats specified in subparagraph

- (iv) above, including but not limited to the ability to provide anti-terrorist units, armed intervention, hostage negotiation and explosive device disarming and disposal;
- (vi) the ability to provide a rapid, armed response to major accidents at that airport;
- (vii) the training of police officers, customs officers, immigration officers and fire service officers in airport aviation security measures, practices and procedures relevant to their areas of operation;
- (viii) the enforcement of this Act and other laws relevant to airport aviation security.

(6) The Director of Civil Aviation shall, after consultation with the National Civil Aviation Security Committee and with the approval of the Minister, require operators of national and local lights in Belize to develop and submit to him for approval, aircraft operators aviation security programmes.

(7) Aircraft operators aviation security programmes referred to in subsection (6) of this section shall be developed pursuant to regulations made under section 16 (2)(c) and (d) of this section.

(8) Where the Director of Civil Aviation is required to do any act, discharge any duty, or perform any function under this Act, the Director of Civil Aviation shall first consult with the Minister and give great weight to the timely views of the National Civil Aviation Security Committee before doing the act, discharging the duty, or performing the function.

6.—(1) A person who in respect of any aircraft registered in Belize, or flying in or from Belize or in service in Belize, unlawfully and intentionally,

Endangering civil aviation security and safety.

- (a) seizes or exercises control over the aircraft by force or threat thereof or any other form of intimidation;
- (b) performs an act of violence against a person on board the aircraft if that act is likely to endanger the safe operation or flight of the aircraft;
- (c) destroys the aircraft or causes damage to such aircraft or to its cargo or passengers, which is likely to endanger the safe operation or flight of the aircraft;
- (d) places or causes to be placed on the aircraft, by any means whatsoever, a device, explosive or substance which is likely to destroy the aircraft, or cause damage to the aircraft or its cargo or passengers which endangers or is likely to endanger the operation of flight of the aircraft;
- (e) destroys or seriously damages aeronautical facilities or seriously interferes with their operation, if such act is likely to endanger the safe operation or flight of an aircraft; or
- (f) communicates information, knowing the information to be false and under circumstances in which the information may be reasonably believed, thereby endangering the safe operation or flight of an aircraft;
- (g) commits an act of unlawful interference,

commits an offence and is liable, on conviction on indictment,

- (i) to imprisonment for twenty years; or
- (ii) if the death of any person results from any act prohibited by this section, to be sentenced to death.

(2) For the purposes of this Act,

- (a) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for the persons and property on board; and
- (b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends twenty-four hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with paragraph (a) the aircraft is in flight.

(3) It shall be a defence for a person charged with an offence under subsection (1) (f) of this section to prove,

- (a) that he believed, and had reasonable grounds for believing, that the information was true; or
- (b) that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.

7.—(1) A person who unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against an airport, aerodrome, aeronautical facility or an aircraft,

Bombing offences.

- (a) with the intent to cause death or serious bodily injury to any person; or
- (b) with the intent to cause extensive damage to, or destruction of, the airport, aerodrome, aeronautical facility or aircraft where the destruction results in or is likely to result in major economic loss,

commits an offence and is liable, on conviction on indictment, to imprisonment for life.

(2) This section does not apply to members of the security services,

- (a) during an armed conflict; or
- (b) in respect of activities undertaken in the exercise of their official duties.

8.—(1) Subject to subsection (2) of this section, a person who commits an act of violence against the passengers or crew of an aircraft in flight commits an offence and shall, on summary conviction, be liable to a fine of five thousand dollars.

Protection of passengers.

(2) Where the act of violence referred to in subsection (1) of this section results in the death of a passenger or a member of the crew of an aircraft, the person shall be liable, on conviction on indictment, to imprisonment for life.

9.—(1) Subject to subsection (4) of this section, a person who unlawfully and intentionally,

Destroying, damaging or endangering the safety of aircraft.

- (a) destroys an aircraft in service or so damages such aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or
- (b) commits on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft,

commits an offence and shall, on conviction on indictment, be liable to imprisonment for ten years.

(2) Subject to subsection (4) of this section, a person who unlawfully and intentionally places or causes to be placed on an aircraft in service any device, explosive, weapon or substance which is likely to destroy the aircraft or is likely to damage the aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight commits an offence, but nothing in this subsection shall be construed as limiting the circumstances in which the commission of any act may constitute an offence under subsection (1) of this section.

(3) Except as provided in subsection (4), subsections (1) and (2) of this section apply regardless of whether such an act therein referred is committed by a citizen of Belize, or whether the aircraft is registered in Belize.

(4) Subsections (1) and (2) of this section shall not apply to any act committed in relation to an aircraft used by members of the security services while such members of the security services are on duty.

10. A person who, unlawfully and intentionally uses, threatens or attempts or conspires to use chemical, biological or nuclear weapons,

- (a) at any airport, aerodrome or aeronautical facility;
or
- (b) in or within an aircraft, while the aircraft is in flight, in service or parked on the ground,

commits an offence and shall be liable, on conviction on indictment, to imprisonment for a period of not less than twenty years.

11.—(1) If the commander of an aircraft in flight has reasonable grounds to believe in respect of a person on board the aircraft,

- (a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardizes or may jeopardize,

Use of chemical, biological or nuclear weapons.

Powers of commanders of aircraft.

- (i) the safety of the aircraft or of the passengers and crew and property on board the aircraft;
 - (ii) good order and discipline on board the aircraft; or
- (b) that the person in question has done on the aircraft while in flight any act which in the opinion of the commander is a serious offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination, then, subject to subsection (3) of this section, the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary,
 - (i) to protect the safety of the aircraft or of the passengers, crew or property on board the aircraft;
 - (ii) to maintain good order and discipline on board the aircraft; or
 - (iii) to enable the commander to disembark or deliver that person in accordance with subsection (4) of this section,

and for the purposes of paragraph (b) above, any aircraft shall be deemed to be registered in Belize if the aircraft is in flight to or from, or in service in, Belize.

(2) Any member of the crew of an aircraft and any other person on board the aircraft may, at the request or with the authority of the commander of the aircraft, and any such member of crew shall if so required by the commander, render assistance in restraining any person whom the commander is entitled under subsection (1) of this section to restrain; and at any time when the aircraft is in flight any such member or

other person may, without the authority of the commander, take within the aircraft any measures such as are mentioned in subsection (1) of this section which he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

(3) Any restraint imposed on any person on board an aircraft under the powers conferred by this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless before or as soon as is reasonably practicable after that time the commander of the aircraft causes notification of the fact that the person is under restraint and the reasons therefore to be sent to the appropriate authority of the country in which the aircraft so ceases to be in flight, but subject to such notification may be continued after that time,

- (a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with the requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (4) of this section; or
- (b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(4) If the commander of an aircraft,

- (a) in the case of any person on board the aircraft, has reasonable grounds,
 - (i) to believe as mentioned in paragraph (a) of subsection (1) of this section; and
 - (ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of passengers, crew and property on board the aircraft or to maintain good order and discipline on board the aircraft,

may disembark that person in any country in which that aircraft may be;
and

- (b) in the case of any person on board the aircraft, he has reasonable grounds for believing as mentioned in paragraph (b) of subsection (1) of this section, may deliver that person,
 - (i) in Belize, to a police officer or an immigration officer; or
 - (ii) in any other country, to an officer having functions corresponding to the functions either of a police officer or an immigration officer in Belize.

(5) The commander of an aircraft shall furnish the authorities referred to in subsection (4)(b) with all the evidence and information regarding the incident referred to in subsection (1) of this section that necessitated the restraint or disembarkation of the person in question.

(6) The commander of an aircraft who without reasonable cause fails to comply with the requirements of this section commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars.

12.—(1) The Conventions shall, from the commencement of this Act, have the force of law in Belize.

Offences against
the Conventions.

(2) Any person who contravenes any provision of any of the Conventions or any Regulations made pursuant to the Conventions which is not specifically provided in this Act commits an offence and shall be liable, on summary conviction, to a fine of not less than three thousand dollars.

13.—(1) No person shall,

Prohibited acts.

- (a) carry any firearm on his person on board any aircraft without the prior written authorisation of the aircraft operator;

- (b) carry any firearm in his baggage on board any aircraft without the prior written authorisation of the aircraft operator;
- (c) carry any explosives which are unmarked on any aircraft, or carry marked explosives on his person, in his baggage or as cargo.

(2) A person who contravenes subsection (1) of this section commits an offence and shall be liable, on summary conviction, to a fine of not less than five thousand dollars or to imprisonment for five years, or to both such fine and period of imprisonment.

PART III

Finance, etc., of the Programme and Miscellaneous

Funding of the Belize National Civil Aviation Security Programme.

14. The Belize National Civil Aviation Security Programme shall be funded by,

- (a) monies allocated for that purpose from the Consolidated Revenue Fund;
- (b) fees levied on the Concession Company for that purpose under Regulations made by the Minister;
- (c) fees levied on aircraft operators for that purpose under Regulations made by the Minister;
- (d) donations, grants and bequests from any local, regional or international organisation.

Annual audits.

15. The accounts of the Belize National Civil Aviation Security Programme shall be audited annually by the Auditor General.

Regulations.

16.—(1) The Minister may make Regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, Regulations made under this section may provide for,

- (a) the payment of fees by different organisations for the purpose of funding the Belize National Civil Aviation Security Programme;
- (b) authority to search and access persons, baggage and property;
- (c) authority to personnel of the Concession Company, the Belize Airports Authority, the Belize Police Department, the Customs and Excise Department, the Department of Immigration and Nationality Services and any other government department to arrest persons without a warrant and to detain such persons for contravening any civil aviation security measures or laws;
- (d) aircraft operators offering national or international services to submit to the Director of Civil Aviation for approval by a specified date their operators aviation security programmes;
- (e) security inspections, audits, surveys and tests by officials designated by the Director of Civil Aviation with the approval of the National Civil Aviation Security Committee;
- (f) access to airside areas of airports, aerodromes and aeronautical facilities serving civil aviation;
- (g) security restricted areas at airports and aeronautical facilities serving civil aviation;
- (h) unauthorized access to airside and security restricted areas, and the penalties payable therefor;

- (i) background checks conducted on passengers, crew, security personnel and other persons within airports and aeronautical facilities serving international civil aviation;
- (j) background checks conducted on persons granted unescorted access to airside and security restricted areas at airports and aeronautical facilities serving international civil aviation;
- (k) the supervision of the movement of vehicles and persons to and from aircraft in security restricted areas in order to prevent unauthorised access to aircraft;
- (l) the screening of passengers, crew, security personnel, baggage and cargo;
- (m) the security checking of aircraft engaged in commercial civil aviation;
- (n) ensuring that passengers of commercial flights disembarking from aircraft at any time do not leave items on board the aircraft;
- (o) measures to prevent unauthorised persons, during a flight, from entering the flight crew compartment;
- (p) the screening of passengers and their baggage where such passengers are transferring from one aircraft to another;
- (q) the protection of in-transit passengers and their baggage from unauthorised interference by any person, and to protect the integrity of the security of the airport at the point of transit;
- (r) the screening of hold baggage and cargo prior to being loaded onto an aircraft;

- (s) the standards to be observed by aircraft operators for the transportation of the baggage of passengers who are not on board the aircraft, and the additional screening measures to be used in such cases;
- (t) the screening of transfer hold baggage prior to being loaded onto an aircraft;
- (u) the security measures to be applied to postal mail, prior to the mail being loaded onto the aircraft;
- (v) the approval of regulated agents;
- (w) the prohibition of aircraft operators from accepting cargo or mail for carriage on an aircraft engaged in passenger commercial air transport operations unless the application of security controls is confirmed and accounted for by a regulated agent, or such consignments are subjected to appropriate security controls;
- (x) the screening of catering, stores and supplies intended for carriage on passenger commercial flights;
- (y) the adoption of any Regulations developed by a regional organisation for use in Belize;
- (z) security inspections.

17. An offence under this Act shall be an extradition offence within the meaning of the Extradition Act, Cap. 112.

Extradition.



Doc 7300/8

**Convention on
International Civil Aviation**

**Convention relative à
l'aviation civile internationale**

**Convenio sobre
Aviación Civil Internacional**

Конвенция о международной гражданской авиации

This document supersedes Doc 7300/7

Le présent document annule et remplace le Doc 7300/7

Este documento reemplaza el Doc 7300/7

Настоящий документ заменяет Doc 7300/7

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International Civil Aviation Organization

FOREWORD

This document contains the text of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944 (hereinafter referred to as the “Convention”), in the English, French, Russian and Spanish languages. Each of these texts is equally authentic. The English text is the text adopted and signed at Chicago on 7 December 1944, amended as indicated below. The French and Spanish texts are the texts adopted by and annexed to the Protocol on the Authentic Trilingual Text of the Convention, signed at Buenos Aires on 24 September 1968 (hereinafter referred to as the “Buenos Aires Protocol**), amended as indicated below. The text of the Buenos Aires Protocol is reproduced in this document at pages 45 to 47. The Russian text is the text adopted by and annexed to the Protocol on the Authentic Quadrilingual Text of the Convention, signed at Montreal on 30 September 1977 (hereinafter referred to as the “Protocol on the Authentic Quadrilingual Text”). This Protocol came into force on 16 September 1999. The text of the Protocol on the Authentic Quadrilingual Text is reproduced in this document at pages 48 to 51.

In the body of the above-mentioned texts of the Convention, in English, French, Russian and Spanish, as presented in this document, are incorporated all the amendments made to the Convention which were in force on 1 January 2000, namely in respect of:

- (a) Article 3 *bis* (non-use of weapons against civil aircraft in flight);
- (b) Article 45 (permanent seat of the Organization);
- (c) Article 48 a) (frequency of Assembly Sessions);
- (d) Article 49 e) (powers of Assembly relating to annual budgets);
- (e) Article 50 a) (composition and election of Council);

- (f) Article 56 (membership of Air Navigation Commission);
- (g) Article 61 (budget and apportionment of expenses);
- (h) Article 83 *bis* (transfer of certain functions and duties in cases of lease, charter or interchange of aircraft);
- (i) Article 93 *bis* (expulsion from the International Civil Aviation Organization or suspension of membership in it); and
- (j) the final paragraph, adding Russian to the authentic texts of the Convention.

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CONVENTION¹
ON INTERNATIONAL
CIVIL AVIATION

Signed at Chicago,
on 7 December 1944

PREAMBLE

Whereas the future development of 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 the general security; and

Whereas it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;

Therefore, the undersigned governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically;

Have accordingly concluded this Convention to that end.

1. Came into force on 4 April 1947, the thirtieth day after deposit with the Government of the United States of America of the twenty-sixth instrument of ratification thereof or notification of adherent thereto, in accordance with Article 91 *b*).

PART I

AIR NAVIGATION

CHAPTER I

GENERAL PRINCIPLES
AND APPLICATION OF THE CONVENTION

Article 1

Sovereignty

The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

Article 2

Territory

For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

Article 3

Civil and state aircraft

- a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft.
- b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.
- c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.

- d) The contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.

*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 any other instructions or 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.

Article 4

Misuse of civil aviation

Each contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention.

CHAPTER II

FLIGHT OVER TERRITORY OF CONTRACTING STATES

Article 5

Right of non-scheduled/tight

Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory

and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes, or to obtain special permission for such flights.

Such aircraft if engaged in the carriage of passengers, cargo, or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of Article 7, have the privilege of taking on or discharging passengers, cargo, or mail, subject to the right of any State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.

Article 6

Scheduled air services

No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, and in accordance with the terms of such permission or authorisation.

Article 7

Cabotage

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

Article 8

Pilotless aircraft

No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft.

Article 9

Prohibited areas

- a) Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a contracting State, as well as any subsequent alterations therein, shall be communicated as soon as possible to the other contracting States and to the International Civil Aviation Organization.
- b) Each contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality to aircraft of all other States.

- c) Each contracting State, under such regulations as it may prescribe, may require any aircraft entering the areas contemplated in subparagraphs a) or b) above to effect a landing as soon as practicable thereafter at some designated airport within its territory.

Article 10

Landing at customs airport

Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a contracting State without landing, every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the International Civil Aviation Organization established under Part II of this Convention for communication to all other contracting States.

Article 11

Applicability of air-regulations

Subject to the provisions of this Convention, the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

Article 12

Rules of the air

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or manoeuvring within its territory and that every aircraft

may be, shall comply with the rules and regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

Article 13

Entry and clearance regulations

The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.

Article 14

Prevention of spread of disease

Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the contracting States may be parties.

Article 15

Airport and similar charges

Every airport in, con.rac.mg State which it open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions to the aircraft of all the other contracting States. The like

uniform conditions shall apply to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation.

Any charges that may be imposed or permitted to be imposed by a contracting State for the use of such airports and air navigation facilities by the aircraft of any other contracting State shall not be higher.

- a) As to aircraft not engaged in scheduled international air services, than those that would be paid by its national aircraft of the same class engaged in similar operations, and
- b) As to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services.

All such charges shall be published and communicated to the International Civil Aviation Organization, provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon.

Article 16

Search of aircraft

The appropriate authorities of each of the contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure, and to inspect the certificates and other documents prescribed by this Convention,

Chapter III

Nationality of Aircraft

Article 17

Nationality of aircraft

Aircraft have the nationality of the State in which they are registered.

Article 18

Dual registration

An aircraft cannot be validly registered in more than one State, but its Registration may be changed from one State to another

Article 19

National laws governing registration

The registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations.

Article 20

Display of marks

Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

Article 21

Report of registrations

Each contracting State undertakes to supply to any other contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any particular aircraft

registered in that State. In addition, each contracting State shall furnish reports to the International Civil Aviation Organization, under such regulations as the latter may prescribe, giving such pertinent data as can be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by the International Civil Aviation Organization shall be made available by it on request to the other contracting States.

CHAPTER IV

MEASURES TO FACILITATE AIR NAVIGATION

Article 22

Facilitation of formalities

Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.

Article 23

Customs and immigration procedures

Each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

Article 24

Customs duty

- a) Aircraft on a light to, from, or across the territory of another contracting State shall be admitted temporarily free of duty, subject to the customs regulations of the State. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board an aircraft of a contracting State, on arrival in the territory of another contracting State and retained on board on leaving the territory of that State shall be exempt from customs duty, inspection fees or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded, except in accordance with the customs regulations of the State, which may require that they shall be kept under customs supervision.
- b) Spare parts and equipment imported into the territory of a contracting State for incorporation in or use on an aircraft of another contracting State engaged in international air navigation shall be admitted free of customs duty, subject to compliance with the regulations of the State concerned, which may provide that the articles shall be kept under customs supervision and control.

Article 25

Aircraft in distress

Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft,

will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention.

Article 26

Investigation of accidents

In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the mailer to that State.

Article 27

Exemption from seizure on patent claims

- a) While engaged in international air navigation, any authorized entry of aircraft of a contracting State into the territory of another contracting State or authorized transit across the territory of such State with or without landings shall not entail any seizure or detention of the aircraft or any claim against the owner or operator thereof or any other interference therewith by or on behalf of such State or any person therein, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is an infringement of any patent, design, or model duly granted or registered in the State whose territory is entered by the aircraft, it being agreed that no deposit of security in connection with the foregoing

exemption from seizure or detention of the aircraft shall in any case be required in the State entered by such aircraft.

- b) The provisions of paragraph *a)* of this Article shall also be applicable to the storage of spare parts and spare equipment for the aircraft and the right to use and install the same in the repair of an aircraft of a contracting State in the territory of any other contracting State, provided that any patented part or equipment so stored shall not be sold or distributed internally in or exported commercially from the contracting State entered by the aircraft
- c) The benefits of this Article shall apply only to such States, parties to this Convention, as either 1) are parties to the International Convention for the Protection of Industrial Property and to any amendments thereof; or 2) have enacted patent laws which recognize and give adequate protection to inventions made by the nationals of the other States parties to this Convention.

Article 28

Air navigation facilities and standard systems

Each contracting State undertakes, so far as it may find practicable, to;

- a) Provide, in its territory, airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;
- b) Adopt and put into operation the appropriate standard systems of communications procedure, codes,

markings, signals, lighting and other operational practices and rules which may be recommended or established from time to time, pursuant to this Convention;

- c) Collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards which may be recommended or established from time to time, pursuant to this Convention.

CHAPTER V

CONDITIONS TO BE FULFILLED WITH RESPECT TO AIRCRAFT

Article 29

Documents carried in aircraft

Every aircraft of a contracting State, engaged in inter-national navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

- a) Its certificate of registration;
- b) Its certificate of airworthiness;
- c) The appropriate licenses for each member of the crew;
- d) Its journey log book;
- e) If it is equipped with radio apparatus, the aircraft radio station license;
- f) If it carries passengers, a list of their names and places of embarkation and destination;

- g) If it carries cargo, a manifest and detailed declarations of the cargo.

Article 30

Aircraft radio equipment

- a) Aircraft of each contracting State may, in or over the territory of other contracting States, carry radio transmitting apparatus only if a license to install and operate such transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the contracting State whose territory is flown over shall be in accordance with the regulations prescribed by that State.
- b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

Article 31

Certificates of airworthiness

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

Article 32

Licenses of personnel

- a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international

navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

- b) Each contracting State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another contracting State.

Article 33

Recognition of certificates and licenses

Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention.

Article 34

Journey log books

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time pursuant to this Convention.

Articles 35

Cargo restrictions

- a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitutes ammunitions of

war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.

- b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph a): provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged; and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

Article 36

Photographic apparatus

Each contracting State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

CHAPTER VI

INTERNATIONAL STANDARDS AND RECOMMENDED
PRACTICES

Article 37

Adoption of international standards and procedures

Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices, and procedures dealing with:

- a) Communications systems and air navigation aids, including ground marking,
- b) Characteristics of airports and landing areas;
- c) Rules of the air and air traffic control practices;
- d) Licensing of operating and mechanical personnel;
- e) Airworthiness of aircraft;
- f) Registration and identification of aircraft;
- g) Collection and exchange of meteorological information;
- h) Log books;
- i) Aeronautical maps and charts;

- j) Customs and immigration procedures;
- k) Aircraft in distress and investigation of accidents;

and such other matters concerned with the safety, regularly, and efficiency of air navigation as may from time o time appear appropriate.

Article 38

Departures from international standards and procedures

Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take, In any such case, the Council shall make immediate notification lo all other states of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

Article 39

Endorsement of certificates and licenses

- a) Any aircraft or pan thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed,

- b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions,

Article 40

Validity of endorsed certificates and licenses

No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported.

Article 41

Recognition of existing standards of airworthiness

The provisions of this Chapter shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

Article 42

Recognition of existing standards of competency of personnel

The provisions of this Chapter shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel whose licenses remain valid five years after the date of adoption of such standard.

Part II**THE INTERNATIONAL CIVIL
AVIATION ORGANIZATION****CHAPTER VII****The Organization****Article 43***Name and composition*

An organization to be named the International Civil Aviation Organization is formed by the Convention. It is made up of an Assembly, a Council, and such other bodies as may be necessary.

Article 44*Objectives*

The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to,

- a) Insure the safe and orderly growth of international civil aviation throughout the world;
- b) Encourage the arts of aircraft design and operation for peaceful purposes;
- c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation.
- d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;
- e) Prevent economic waste caused by unreasonable competition;
- f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;

- g) Avoid discrimination between contracting States;
- h) Promote safety of flight in international air navigation;
- i) Promote generally the development of all aspects of international civil aeronautics.

Article 45*

Permanent seat

The permanent seat of the Organization shall be at such place as shall be determined at the final meeting of the Interim Assembly of the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944. The seat may be temporarily transferred elsewhere by decision of the Council and otherwise than temporarily by decision of the Assembly, such decision to be taken by the number of votes specified by the Assembly. The number of votes so specified will not be less than three-fifths of the total number of contracting States.

Article 46

First meeting of Assembly

The first meeting of the Assembly shall be summoned by the Interim Council of the above-mentioned Provisional Organization as soon as the Convention has come into force, to meet at a time and place to be decided by the Interim Council.

Article 47

Legal capacity

The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned

* This is the text of the Article as amended by the Eighth Session of the Assembly on 14 June 1954; it entered into force on 16 May 1958 Under Article 94 a) of the Convention, the amended text is in force in respect of those States which have ratified the amendment. In respect of the States which have not ratified the amendment, the original text is still in force and, therefore, that text is reproduced below:

Chapter VIII

THE ASSEMBLY

Article 48

Meetings of Assembly and voting

- a) The Assembly shall meet not less than once in three years and shall be convened by the Council at a suitable time and place. An extraordinary meeting of the Assembly may be held at any time upon the call of the Council or at the request of not less than one-fifth of the total number of contracting States addressed to the Secretary General.*
- b) All contracting States shall have an equal right to be represented at the meetings of the Assembly and each contracting State shall be entitled to one vote. Delegates representing contracting States may be assisted by technical advisers who may participate in the meetings but shall have no vote.
- c) A majority of the contracting States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided in this Convention, decisions of the Assembly shall be taken by a majority of the votes cast.

* This is the text of the Article as amended by the 14th Session of the Assembly on 14 September 1962; U entered into force on 11 September 1975. Under Article 94 a) of the Convention, the amended text is in force in respect of those States which have ratified the amendment. The previous text of this Article as amended by the 8th Session of the Assembly on 14 June 1954 and which entered into force on 12 December 1956 read as follows:

“a) The Assembly shall meet not less than once in three years and shall be convened by the Council at a suitable time and place and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon the call of the Council or at the request of any ten contracting States addressed to the Secretary General.

*The original amended text of the Convention read as follows:

**a) The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon the call of the Council or at the request of any ten contracting States addressed to the Secretary General.”

Article 49

Powers and duties of Assembly

The powers and duties of the Assembly shall be to:

- a) Elect at each meeting its President and other officers;
- b) Elect the contracting States to be represented on the Council, in accordance with the provisions of Chapter IX;
- c) Examine and take appropriate action on the reports of the Council and decide on any matter referred to it by the Council;
- d) Determine its own rules of procedure and establish such subsidiary commissions as it may consider to be necessary or desirable;
- e) Vote annual budgets and determine the financial arrangements of the Organization, in accordance with the provisions of Chapter XII; *
- f) Review expenditures and approve the accounts of the Organization;
- g) Refer, at its discretion, to the Council, to subsidiary commissions, or to any other body any matter within its sphere of action;
- h) Delegate to the Council the powers and authority necessary or desirable for the discharge of the duties of the Organization and revoke or modify the delegations of authority at any time;
- i) Carry out the appropriate provisions of Chapter KM;

*This is the text of The Article as amended by the Eighth Session of the Assembly on 14 June 1954; it entered into force on 12 December 1956. Under Article 94 a) of the Convention, the amended text is in force in respect of those States which have ratified the amendment. In respect of the States which have not ratified the amendment, the original text is still in force and, therefore, that text is reproduced below:

“e) Vote an annual budget and determine the financial arrangements of the Organization, in accordance with the provisions of Chapter XII.”

- j) Consider proposals for the modification or amendment of the provisions of this Convention and, if it approves of the proposals, recommend them to the contracting States in accordance with the provisions of Chapter XXI;
- k) Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

CHAPTER IX

THE COUNCIL

Article 50

Composition and election of Council

- a) The Council shall be a permanent body responsible to the Assembly. It shall be composed of thirty-three contracting States elected by the Assembly. An election shall be held at the first meeting of the Assembly and thereafter every three years, and the members of the Council so elected shall hold office until the next following election.*
- b) In electing the members of the Council, the Assembly shall give adequate representation to 1) the States of chief importance in air transport; 2) the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and 3) the States not otherwise included whose designation will insure that all the major geographic areas of the world are represented on the Council. Any vacancy on the Council shall be filled by the Assembly as soon as possible; any contracting State so elected to the Council shall hold office for the unexpired portion of its predecessor's term of office.

* This is the text of the Article as amended by the 21st Session of the Assembly on 14 October 1974; it entered into force on 15 February 1980. The original text of the Convention provided for twenty-one Members of the Council. The text was subsequently amended at the 13th (Extraordinary) Session of the Assembly on 19 June 1961: that amendment entered into force on 17 July 1962 and provided for twenty-seven Members of the Council; a further amendment was approved by the 17th(A) (Extraordinary) Session of the Assembly on 12 March 1971 providing for thirty Members of the Council; this amendment entered into force on 16 January 1973.

- c) No representative of a contracting State the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

Article 51

President of Council

The Council shall elect its President for a term of three years. He may be re-elected. He shall have no vote. The Council shall elect from among its members one or more Vice Presidents who shall retain their right to vote when serving as acting President. The President need not be selected from among the representatives of the members of the Council but, if a representative is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The duties of the President shall be to:

- a) Convene meetings of the Council, the Air Transport Committee, and the Air Navigation Commission;
- b) Serve as representative of the Council; and
- c) Carry out on behalf of the Council the functions which the Council assigns to him.

Article 52

Voting in Council

Decisions by the Council shall require approval by a majority of its members. The Council may delegate authority with respect to any particular matter to a committee of its members. Decisions of any committee of the Council may be appealed to the Council by any interested contracting State.

Article 53

Participation without a vote

Any contracting State may participate, without a vote, in the consideration by the Council and by its committees and commissions of any question which especially affects its interest. No member of the Council shall vote in the consideration by the Council of a dispute to which it is a party.

Article 54

Mandatory functions of Council

The Council shall:

- a) Submit annual reports to the Assembly;
- b) Carry out the directions of the Assembly and discharge the duties and obligations which are laid on it by this Convention;
- c) Determine its organization and rules of procedure;
- d) Appoint and define the duties of an Air Transport Committee, which shall be chosen from among the representatives of the members of the Council, and which shall be responsible to it;
- e) Establish an Air Navigation Commission, in accordance with the provisions of Chapter X;
- f) Administer the finances of the Organization in accordance with the provisions of Chapters XII and XV;
- g) Determine the emoluments of the President of the Council;
- h) Appoint a chief executive officer who shall be called the Secretary General, and make provision for the appointment of such other personnel as may be necessary, in accordance with the provisions of Chapter XI;
- i) Request, collect, examine and publish information relating to the advancement of air navigation and the operation of international air services, including information about the costs of operation and particulars of subsidies paid to airlines from public funds;
- j) Report to contracting States any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council;
- k) Report to the Assembly any infraction of this Convention where a contracting State has failed to take appropriate action within a reasonable time after notice of the infraction;
- l) Adopt, in accordance with the provisions of Chapter VI of this Convention, international standards and recommended practices; for convenience, designate

them as Annexes to this Convention; and notify all contracting States of the action taken:

- m) Consider recommendations of the Air Navigation Commission for amendment of the Annexes and take action in accordance with the provisions of Chapter XX;
- n) Consider any matter relating to the Convention which any contracting State refers to it.

Article 55

Permissive functions of Council

The Council may,

- a) Where appropriate and as experience may show to be desirable, create subordinate air transport commissions on a regional or other basis and define groups of states or airlines with or through which it may deal to facilitate the carrying out of the aims of this Convention;
- b) Delegate to the Air Navigation Commission duties additional to those set forth in the Convention and revoke or modify such delegations of authority at any time;
- c) Conduct research into all aspects of air transport and air navigation which are of international importance, communicate the results of its research to the contracting States, and facilitate the exchange of information between contracting States on air transport and air navigation matters;
- d) Study any matters affecting the organization and operation of international air transport, including the international ownership and operation of international air services on trunk routes, and submit to the Assembly plans in relation thereto;
- e) Investigate, at the request of any contracting State, any situation which may appear to present avoidable obstacles to the development of international air navigation; and, after such investigation, issue such reports as may appear to it desirable.

CHAPTER X

THE AIR NAVIGATION COMMISSION

Article 56

Nomination and appointment of Commission

The Air Navigation Commission shall be composed of fifteen members appointed by the Council from among persons nominated by contracting States. These persons shall have suitable qualifications and experience in the science and practice of aeronautics. The Council shall request all contracting States to submit nominations. The President of the Air Navigation Commission shall be appointed by the Council.*

Article 57

Duties of Commission

The Air Navigation Commission shall,

- a) Consider, and recommend to the Council for adoption, modifications of the Annexes to this Convention;
- b) Establish technical sub commissions on which any contracting State may be represented, if it so desires:
- c) Advise the Council concerning the collection and communication to the contacting States of all information which it considers necessary and useful for the advancement of air navigation.

*This is the text of the Article as amended at the 18th Session of the Assembly on 7 July 1971; it entered into force on 1 December 1974, The original text of the Convention provided for twelve members of the Air Navigation Commission.

CHAPTER XI

PERSONNEL

Article 58

Appointment of personnel

Subject to any rules laid down by the Assembly and to the provisions of this Convention, the Council shall determine the method of appointment and of termination of appointment, the training, and the salaries, allowances, and conditions of service of the Secretary General and other personnel of the Organization, and may employ or make use of the services of nationals of any contracting State.

Article 59

International character of personnel

The President of the Council, the Secretary General, and other personnel shall not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization. Each contracting State undertakes fully to respect the international character of the responsibilities of the personnel and not to seek to influence any of its nationals in the discharge of their responsibilities.

Article 60

Immunities and privileges of personnel

Each contracting State undertakes, so far as possible under its constitutional procedure, to accord to the President of the Council, the Secretary General, and the other personnel of the Organization, the immunities and privileges which are accorded to corresponding personnel of other public international organizations. If a general international agreement on the immunities and privileges of international civil servants is arrived at, the immunities and privileges accorded to the President, the Secretary General, and the other personnel of the Organization shall be the immunities and privileges accorded under that general international agreement.

CHAPTER XII

Finance

Article 61*

Budget and apportionment of expenses

The Council shall submit to the Assembly annual budgets, annual statements of accounts and estimates of all receipts and expenditures, The Assembly shall vote the budgets with whatever modification it sees it o prescribe, and, with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.

Article 62

Suspension of voting power

The Assembly may suspend the voting power in the Assembly and in the Council of any contracting State that fails to discharge within a reasonable period its financial obligations to the Organization,

Article 63

Expenses of delegations and other representatives

Each contracting State shall bear the expenses of its own delegation to the Assembly and the remuneration, travel, and other expenses of any person whom it appoints to serve on the Council, and of its nominees or representatives on any subsidiary committees or commissions of the Organization,

* This is the text of the Article as amended by the Eighth Session of the Assembly on 14 June 1954; it entered into force on December 1956. Under Article 94 a) of the Convention, the amended text is in force in respect of those States which have ratified the amendment. In respect of the States which have not ratified the amendment, the original text is still in force and, therefore, that text is reproduced below:

“The Council shall submit to the Assembly an annual budget, annual statements of accounts and estimates of all receipts and expenditures. The Assembly shall vote the budget with whatever modification a sees ii to prescribe, and, with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of die Organization among the contracting States on the basis which it shall from time to time determine.”

CHAPTER XIII

OTHER INTERNATIONAL ARRANGEMENTS

Article 64

Security arrangements

The Organization may, with respect to air matters within its competence directly affecting world security, by vote of the Assembly enter into appropriate arrangement with any general organization set up by the nations of the world to preserve peace.

Article 65

Arrangements with other international bodies

The Council, on behalf of the Organization, may enter into agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, may enter into such other arrangements as may facilitate the work of the Organization.

Article 66

Functions relating to other agreements

- a) The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.
- b) Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement of the international Air Transport Agreement drawn up at Chicago on December 7, 1944 shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreement.

PART III**INTERNATIONAL AIR TRANSPORT****CHAPTER XIV****Information and Reports****Article 67***File reports with Council*

Each contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics and financial statements showing among other things all receipts and the sources thereof.

CHAPTER XV**AIRPORTS AND OTHER AIR NAVIGATION FACILITIES****Article 68***Designation of routes and airports*

Each contracting State may, subject to the provisions of this Convention, designate the route to be followed within its territory by any international air service and the airports which any such service may use.

Article 69*Improvement of air navigation facilities*

If the Council is of the opinion that the airports or other air navigation facilities, including radio and meteorological services, of a contracting State are not reasonably adequate for the safe, regular, efficient, and economical operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose. No contracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

Article 70

Financing of air navigation facilities

A contracting State, in the circumstances arising under the provisions of Article 69, may conclude an arrangement with the Council for giving effect to such recommendations. The State may elect to bear all of the costs involved in any such arrangement. If the State does not so elect, the Council may agree, at the request of the State, to provide for all or a portion of the costs.

Article 71

Provision and maintenance of facilities by Council

If a contracting State so requests, the Council may agree to provide, man, maintain, and administer any or all of the airports and other air navigation facilities including radio and meteorological services, required in its territory for the safe, regular, efficient and economical operation of the international air services of the other contracting States, and may specify just and reasonable charges for the use of the facilities provided.

Article 72

Acquisition or use of land

Where ad is needed for facilities financed in whole or in part by the Council at the request of a contracting Sate, that State shall either provide the land itself, retaining title if it wishes, or facilitate the use of the land by the Council on just and reasonable terms and in accordance with the laws of the State concerned.

Article 73

Expenditure and assessment of funds

Within the limit of the funds which may be made available to it by the Assembly under Chapter XII, the Council may make current expenditures for the purposes of this Chapter from the general funds of the Organization. The Council shall assess the capital funds required for the purposes of this Chapter in previously agreed proportions over a reasonable period of time o the contracting States consenting thereto whose airlines use the facilities. The Council may also assess to States that consent any working funds that are required,

Article 74

Technical assistance and utilization of revenues

When the Council, at the request of a contracting State, advances funds or provides airports or other facilities in whole or in part, the arrangement may provide, with the consent of that State, for technical assistance in the supervision and operation of the airports and other facilities, and for the payment, from the revenues derived from the operation of the airports and other facilities, of the operating expenses of the airports and the other facilities, and of interest and amortization charges.

Article 75

Taking over of facilities from Council

A contracting State may at any time discharge any obligation into which it has entered under Article 70, and take over airports and other facilities which the Council has provided in its territory pursuant to the provisions of Articles 71 and 72, by paying to the Council an amount which in the opinion of the Council is reasonable in the circumstances. If the State considers that the amount fixed by the Council is unreasonable it may appeal to the Assembly against the decision of the Council and the Assembly may confirm or amend the decision of the Council.

Article 76

Return of funds

Funds obtained by the Council through reimbursement under Article 75 and from receipts of interest and amortization payments under Article 74 shall, in the case of advances originally financed by States under Article 73, be returned to the States which were originally assessed in the proportion of their assessments, as determined by the Council.

CHAPTER XVI

JOINT OPERATING ORGANIZATIONS
AND POOLED SERVICES

Article 77

Joint operating organizations permitted

Nothing in this Convention shall prevent two or more contracting States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Convention, including those relating to the registration of agreements with the Council. The Council shall determine in what manner the provisions of this Convention relating to nationality of aircraft shall apply to aircraft operated by international operating agencies.

Article 78

Function of Council

The Council may suggest to contracting States concerned that they form joint organizations to operate air services on any routes or in any regions.

Article 79

Participation in operating organizations

A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be state-owned or partly state-owned or privately owned.

PART IV
FINAL PROVISIONS

CHAPTER XVII

**OTHER AERONAUTICAL AGREEMENTS AND
ARRANGEMENTS**

Article 80

Paris and Habana Conventions

Each contracting State undertakes, immediately upon the coming into force of this Convention, to give notice of denunciation of the Convention relating to the Regulation of Aerial Navigation signed at Paris on October 13, 1919 or the Convention on Commercial Aviation signed at Habana on February 20, 1928, if it is a party to either. As between contracting States, this Convention supersedes the Conventions of Paris and Habana previously referred to.

Article 81

Registration of existing agreements

All aeronautical agreements which are in existence on the coming into force of this Convention, and which are between a contracting State and any other State or between an airline of a contracting State and any other State or the airline of any other State, shall be forthwith registered with the Council.

Article 82

Abrogation of inconsistent arrangements

The contracting States accept this Convention as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which, before becoming a member of the Organization has undertaken any obligations toward a non-contracting State or a national of a contracting State or of a non-contracting State inconsistent with the terms of this Convention, shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Convention.

Article 83

Registration of new arrangements

Subject to the provisions of the preceding Article, any contracting State may make arrangements not inconsistent with the provisions of this Convention. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

Article 83 bis*

Transfer of certain functions and duties

- a) Notwithstanding the provisions of Articles 12,30, 31 and 32 a), when an aircraft registered in a contracting State is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has his principal place of business or, if he has no such place of business, his permanent residence in another contracting State, the State of registry may, by agreement with such other State, transfer to it all or part of its functions and duties as State of registry in respect of that aircraft under Articles 12,30, 31 and 32 a). The State of registry shall be relieved of responsibility in respect of the functions and duties transferred.
- b) The transfer shall not have effect in respect of other contracting States before either the agreement between States in which it is embodied has been registered with the Council and made public pursuant to Article 83 or the existence and scope of the agreement have been directly communicated to the authorities of the other contracting State or States concerned by a State party to the agreement.
- c) The provisions of paragraphs a) and b) above shall also be applicable to cases covered by Article 77.

*On 6 October 1980 the Assembly decided to amend the Chicago Convention by introducing Article 83 bis. Under Article 94 a) of the Convention the amendment came into force on 20 June 1997 in respect of States which ratified it.

CHAPTER XVIII

DISPUTES AND DEFAULT

Article 84

Settlement of disputes

If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council. No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party. Any contracting State may, subject to Article 85, appeal from the decision of the Council to an ad hoc arbitral tribunal agreed upon with the other parties to the dispute or to the Permanent Court of International Justice. Any such appeal shall be notified to the Council within sixty days of receipt of notification of the decision of the Council.

Article 85

Arbitration procedure

If any contracting State party to a dispute in which the decision of the Council is under appeal has not accepted the Statute of the Permanent Court of International Justice and the contracting States parties to the dispute cannot agree on the choice of the arbitral tribunal, each of the contracting States parties to the dispute shall name a single arbitrator who shall name an umpire. If either contracting State party to the dispute fails to name an arbitrator within a period of three months from the date of the appeal, an arbitrator shall be named on behalf of that State by the President of the Council from a list of qualified and available persons maintained by the Council. If, within thirty days, the arbitrators cannot agree on an umpire, the President of the Council shall designate an umpire from the list previously referred to. The arbitrators and the umpire shall then jointly constitute an arbitral tribunal. Any arbitral tribunal established under this or the preceding Article shall settle its own procedure and give its decisions by majority vote, provided that the Council may determine procedural questions in the event of any delay which in the opinion of the Council is excessive.

Article 86

Appeals

Unless the Council decides otherwise any decision by the Council on whether an international airline is operating in conformity with the provisions of this Convention shall remain in effect unless reversed on appeal. On any other matter, decisions of the Council shall, if appealed from, be suspended until the appeal is decided. The decisions of the Permanent Court of International Justice and of an arbitral tribunal shall be final and binding.

Article 87

Penalty for non-conformity of airline

Each contracting State undertakes not to allow the operation of an airline of a contracting State through the airspace above its territory if the Council has decided that the airline concerned is not conforming to a final decision rendered in accordance with the previous Article.

Article 88

Penalty for non-conformity by State

The Assembly shall suspend the voting power in the Assembly and in the Council of any contracting State that is found in default under the provisions of this Chapter.

CHAPTER XIX

WAR

Article 89

War and emergency conditions

In case of war, the provisions of this Convention shall not affect the freedom of action of any of the contracting States affected, whether as belligerents or as neutrals. The same principle shall apply in the case of any contracting State which declares a state of national emergency and notifies the fact to the Council.

Chapter XX

ANNEXES

Article 90

Adoption and amendment of Annexes

- a) The adoption by the Council of the Annexes described in Article 54, subparagraph 1), shall require the vote of two-thirds of the Council at a meeting called for that purpose and shall then be submitted by the Council to each contracting State. Any such Annex or any amendment of an Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the Council,
- b) The Council shall immediately notify all contracting States of the coming into force of any Annex or amendment thereto.

CHAPTER XXI

RATIFICATIONS, ADHERENCES, AMENDMENTS,
AND DENUNCIATIONS

Article 91

Ratification of Convention

- a) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering States.

- b) As soon as this Convention has been ratified or adhered to by twenty-six States it shall come into force between them on the thirtieth day after deposit of the twenty-sixth instrument. It shall come into force for each State ratifying thereafter on the thirtieth day after the deposit of its instrument of ratification.
- c) It shall be the duty of the Government of the United States of America to notify the government of each of the signatory and adhering States of the date on which this Convention comes into force.

Article 92

Adherence to Convention

- a) This Convention shall be open for adherence by members of the United Nations and States associated with them, and States which remained neutral during the present world conflict.
- b) Adherence shall be effected by a notification addressed to the Government of the United States of America and shall take effect as from the thirtieth day from the receipt of the notification by the Government of the United States of America, which shall notify all the contracting States.

Article 93

Admission of other States

States other than those provided for in Articles 91 and 92 a) may, subject to approval by any general international organization set up by the nations of the world to preserve peace, be admitted to participation in this Convention by means of a four-fifths vote of the Assembly and on such conditions as the Assembly may prescribe: provided that in each case the assent of any State invaded or attacked during the present war by the State seeking admission shall be necessary.

Article 93 *bis**

- a) Notwithstanding the provisions of Articles 91, 92 and 93 above;
- 1) A State whose government the General Assembly of the United Nations has recommended be debarred from membership in international agencies established by or brought into relationship with the United Nations shall automatically cease to be a member of the International Civil Aviation Organization;
 - 2) A State which has been expelled from membership in the United Nations shall automatically cease to be a member of the International Civil Aviation Organization unless the General Assembly of the United Nations attaches to us act of expulsion a recommendation to the contrary.
- b) A State which ceases to be a member of the international Civil Aviation Organization as a result of the provisions of paragraph a) above may, after approval by the General Assembly of the United Nations, be readmitted to the International Civil Aviation Organization upon application and upon approval by a majority of the Council.
- c) Members of the Organization which are suspended from the exercise of the rights and privileges of membership in the United Nations shall, upon the request of the later, be suspended from the rights and privileges of membership in this Organization.

Article 94

Amendment of Convention

- a) Any proposed amendment to this Convention must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by me number of contracting States specified by the Assembly. The number so specified shall not be less than two-thirds of the total number of contracting States.

*On 27 May 1947 the Assembly deked to amend the Chicago Convention by introducing Article 93 *bis*. Under Article 94 a) of the Convention die amendment came into force on 20 March 1961 in respect of States which ratified it.

- b) If in its opinion the amendment is of such a nature as to justify this course, the Assembly in its resolution recommending adoption may provide that any State which has not ratified within a specified period after the amendment has come into force shall thereupon cease to be a member of the Organization and a party to the Convention.

Article 95

Denunciation of Convention

- a) Any contracting State may give notice of denunciation of this Convention three years after its coming into effect by notification addressed to the Government of the United States of America, which shall at once inform each of the contracting States.
- b) Denunciation shall take effect one year from the date of the receipt of the notification and shall operate only as regards the State effecting the denunciation.

CHAPTER XXII

DEFINITIONS

Article 96

For the purpose of this Convention the expression;

- a) “Air service” means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.
- b) “International air service” means an air service which passes through the air space over the territory of more than one State.
- c) “Airline” means any air transport enterprise offering or operating an international air service.
- d) “Sop for non-traffic purposes” means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

SIGNATURE OF CONVENTION

IN WITNESS WHEREOF, the undersigned plenipotentiaries having been duly authorized, sign this Convention on behalf of their respective governments on the dates appearing opposite their signatures,

DONE at Chicago the seventh day of December 1944 in the English language. The texts of this Convention drawn up in the English, French, Russian and Spanish languages are of equal authenticity. These texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the Governments of all the States which may sign or adhere to this Convention. This Convention shall be open for signature at Washington, D.C.*

* This is the text of the final paragraph as amended by the 22nd Session of the Assembly on 30 September 1977; it entered into force on 17 August 1999. Under Article 94 a) of the Convention, the amended text is in force in respect of those States which have ratified the amendment. In respect of the States which have not ratified the amendment, the original text is still in force and, therefore, that text is reproduced below:

“DONE at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French and Spanish languages, each of which shall be of equal authenticity, shall be open for signature at Washington, DC. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign or adhere to this Convention.”

PROTOCOL'
ON THE AUTHENTIC TRILINGUAL TEXT OF
THE CONVENTION ON
INTERNATIONAL CIVIL AVIATION (CHICAGO, 1944)

Signed at Buenos Aires on 24 September 1968

THE UNDERSIGNED GOVERNMENTS

Considering that the last paragraph of the Convention on International Civil Aviation, hereinafter called "the Convention", provides that a text of the Convention, drawn up in the English, French and Spanish languages, each of which shall be of equal authenticity, shall be open for signature;

CONSIDERING that the Convention was opened for signature, at Chicago, on the seventh day of December, 1944, in a text in the English language;

CONSIDERING, accordingly, that it is appropriate to make the necessary provision for the text to exist in three languages as contemplated in the Convention;

CONSIDERING that in making such provision, it should be taken into account that there exist amendments to the Convention in the English, French and Spanish languages, and that the text of the Convention in the French and Spanish languages should not incorporate those amendments because, in accordance with Article 94 a) of the Convention, each such amendment can come into force only in respect of any State which has ratified it;

HAVE AGREED as follows,

Article I²

The text of the Convention in the French and Spanish languages annexed to this Protocol, together with the text of the Convention in the English language, constitutes the text equally authentic in the three languages as specifically referred to in the last paragraph of the Convention.

1. Came into force on 24 October 1968.
2. The text of the Convention in the French and Spanish languages mentioned in this Article will be found in the second and third columns at pages 1 to 44 of this document, subject to what is stated in the second paragraph of the Foreword at page (ii).

Article II

If a State party to this Protocol has ratified or in the future ratifies any amendment made to the Convention in accordance with Article 94 a) thereof, then the text of such amendment in the English, French and Spanish languages shall be deemed to refer to the text, equally authentic in the three languages, which results from this Protocol.

Article III

1) The States members of the International Civil Aviation Organization may become parties to this Protocol either by,

- a) signature without reservation as to acceptance, or
- b) signature with reservation as to acceptance followed by acceptance, or
- c) acceptance.

2) This Protocol shall remain open for signature at Buenos Aires until the twenty-seventh day of September 1968 and thereafter at Washington, D.C,

3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Government of the United States of America.

4) Adherence to or ratification or approval of this Protocol shall be deemed to be acceptance thereof.

Article IV

1) This Protocol shall come into force on the thirtieth day after twelve States shall, in accordance with the provisions of Article III, have signed it without reservation as to acceptance or accepted it.

2) As regards any State which shall subsequently become a party to this Protocol, in accordance with Article III, the Protocol shall come into force on the date of its signature without reservation as to acceptance or of its acceptance.

Article V

Any future adherence of a State to the Convention shall be deemed to be acceptance of this Protocol.

Article VI

As soon as this Protocol comes into force, it shall be registered with the United Nations and with the International Civil Aviation Organization by the Government of the United States of America.

Article VII

- 1) This Protocol shall remain in force so long as the Convention is in force.
- 2) This Protocol shall cease to be in force for a State only when that State ceases to be a party to the Convention.

Article VIII

The Government of the United States of America shall give notice to all States members of the International Civil Aviation Organization and to the Organization itself:

- a) of any signature of this Protocol and the date thereof, with an indication whether the signature is with or without reservation as to acceptance;
- b) of the deposit of any instrument of acceptance and the date thereof;
- c) of the date on which this Protocol comes into force in accordance with the provisions of Article IV. paragraph 1).

Article IX

This Protocol, drawn up in the English, French and Spanish languages, each text being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Government of the States members of the International Civil Aviation Organization.

In WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorized, have signed this Protocol.

DONE at Buenos Aires this twenty-fourth day of September, one thousand nine hundred and sixty-eight.

PROTOCOL¹

ON THE AUTHENTIC QUADRTLINGUAL TEXT OF
THE CONVENTION ON INTERNATIONAL CIVIL
AVIATION (CHICAGO, 1944)

Signed at Montreal on 30 September 1977

THE UNDERSIGNED GOVERNMENTS

CONSIDERING that the 21st Session of the Assembly of the International Civil Aviation Organization requested the Council of this Organization “to undertake the necessary measures for the preparation of the authentic text of the Convention on International Civil Aviation in the Russian language, with the aim of having it approved not later than the year 1977”;

CONSIDERING that the English text of the Convention on International Civil Aviation was opened for signature at Chicago on 7 December 1944;

CONSIDERING that, pursuant to the Protocol signed at Buenos Aires on 24 September 1968 on the authentic trilingual text of the Convention on International Civil Aviation done at Chicago, 7 December 1944, the text of the Convention on International Civil Aviation (hereinafter called the Convention) was adopted in the French and Spanish languages and, together with the text of the Convention in the English language, constitutes the text equally authentic in the three languages as provided for in the final clause of the Convention;

CONSIDERING accordingly, that it is appropriate to make the necessary provision for the text of the Convention to exist in the Russian language;

CONSIDERING that in making such provision account must be taken of the existing amendments to the Convention in the English, French and Spanish languages, the texts of which are equally authentic and that, according to Article 94 a) of the Convention, any amendment can come into force only in respect of any State which has ratified it;

1. Came into force on 16 September 1999.

HAVE AGREED as follows:

Article I²

The text of the Convention and of the amendments thereto in the Russian language annexed to this Protocol, together with the text of the Convention and of the amendments thereto in (the English, French and Spanish languages, constitutes the text equally authentic in the four languages.

Article II

if a State party to this Protocol has ratified or in the future ratifies any amendment made to the Convention in accordance with Article 94 a) thereof, then the text of such amendment in the Russian, English, French and Spanish languages shall be deemed to refer to the text equally authentic in the four languages, which results from this Protocol,

Article III

1) The States members of the International Civil Aviation Organization may become parties to this Protocol either by,

- a) signature without reservation as to acceptance, or
- b) signature with reservation as to acceptance followed by acceptance, or
- c) acceptance.

2) This Protocol shall remain open for signature at Montreal until the 5th of October 1977 and thereafter at Washington, DC.

3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Government of the United States of America.

4) Adherence to or ratification or approval of this Protocol shall be deemed to be acceptance thereof.

2. The text of the Convention in the Russian language mentioned in this Article will be found in the fourth column at pages 1 to 44 of this document, subject to what is stated in the second paragraph of the Foreword at page (ii).

Article IV

1) This Protocol shall come into force on the thirtieth day after twelve States shall, in accordance with the provisions of Article III, have signed it without reservation as to acceptance or accepted it and after entry into force of the amendment to the final clause of the Convention, which provides that the text of the Convention in the Russian language is of equal authenticity.

2) As regards any State which shall subsequently become a party to this Protocol in accordance with Article III, the Protocol shall come into force on the date of its signature without reservation as to acceptance or of its acceptance.

Article V

Any adherence of a State to the Convention after this Protocol has entered into force shall be deemed to be acceptance of this Protocol.

Article VI

Acceptance by a State of this Protocol shall not be regarded as ratification by it of any amendment to the Convention.

Article VII

as soon as this Protocol comes into force, it shall be registered with the United Nations and with the International Civil Aviation Organization by the Government of the United States of America.

Article VIII

1) This Protocol shall remain in force so long as the Convention is in force.

2) This Protocol shall cease to be in force for a State only when that State ceases to be a party to the Convention.

Article IX

The Government of the United States of America shall give notice to all States members of the International Civil Aviation Organization and to the Organization itself:

a) of any signature of this Protocol and the date thereof, and an indication whether the signature is with or without reservation as to acceptance;

b) of the deposit of any instrument of acceptance and the date thereof;

c) of the date on which this Protocol comes into force in accordance with the provisions of Article IV. paragraph I.

Article X

This Protocol, drawn up in the English, French, Russian and Spanish languages, each text being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the States members of the International Civil Aviation Organization.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorized, have signed this Protocol.
Done at Montreal this thirtieth day of September, one thousand nine hundred and seventy-seven.

-END-

No. 10106

MULTILATERAL

Convention on offences and certain other acts committed on board aircraft. Signed at Tokyo on 14 September 1963

*Authentic texts: English, French and Spanish.
Registered by the International Civil Aviation Organization on 22 December 1969.*

MULTILATERAL

Convention relative aux infractions et à certains autres actes survenant à bord des aéronefs. Signée à Tokyo le 14 septembre 1963

*Textes authentiques : anglais, français et espagnol.
Enregistrée par l'Organisation de l'aviation civile Internationale le 22 décembre 1969.*

CONVENTION¹ ON OFFENCES AND CERTAIN OTHER ACTS
COMMITTED ON BOARD AIRCRAFT

The States Parties to this Convention

¹ Came into force on 4 December 1969 between the following States, i.e., on the ninetieth day after the date of deposit with the International Civil Aviation Organization of the twelfth instrument of ratification by the said States, in accordance with article 21;

<i>State</i>	<i>Date of deposit of the Instrument</i>
Portugal.....	25 November 1964 ^a
Philippines.....	26 November 1965
Republic of China.....	28 February 1966
Denmark.....	17 January 1967 ^b
Norway.....	17 January 1967 ^c
Sweden.....	17 January 1967
Italy.....	18 October 1968
United Kingdom of Great Britain and Northern Ireland.....	29 November 1968
(With a declaration.) ^d	
Mexico.....	18 March 1969 ^e
Upper Volta.....	6 June 1969
Niger.....	27 June 1969 ^f
United States of America.....	5 September 1969

Subsequently, in accordance with article 21, the Convention came into force for the following State on the ninetieth day after the deposit of its instrument of ratification:

<i>State</i>	<i>Date of deposit of the Instrument</i>
Israel	19 September 1969 (With effect from 18 December 1969).

- a. Signature affixed on 11 March 1964: Ed. Brazão.
 b. Signature affixed on 21 November 1966: Mogens Juhl.
 c. Signature affixed on 19 April 1966: Bredo Stabell.
 d. See p. 254 of this volume for the text of the declaration made upon ratification.
 e. Signature affixed on 24 December 1968: Jose” Rodríguez Torres.
 f. Signature affixed on 14 April 1969: Adamou Mayaki.

No. 10106

Have agreed as follows:

CHAPTER I
SCOPE OF THE CONVENTION

Article 1

1. This Convention shall apply in respect of,
 - (a) offences against penal law;
 - (b) acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board.
2. Except as provided in Chapter III, this Convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a Contracting State, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State.
3. For the purposes of this Convention, an aircraft is considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.
4. This Convention shall not apply to aircraft used in military, customs or police services.

Article 2

Without prejudice to the provisions of Article 4 and except when the safety of the aircraft or of persons or property on board so requires, no provision of this Convention shall be interpreted as authorizing or requiring any action in respect of offences against penal laws of a political nature or those based on racial or religious discrimination.

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CHAPTER II JURISDICTION

Article 3

1. The State of registration of the aircraft is competent to exercise jurisdiction over offences and acts committed on board.

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2. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction as the State of registration over offences committed on board aircraft registered in such State.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 4

A Contracting State which is not the State of registration may not interfere with an aircraft in flight in order to exercise its criminal jurisdiction over an offence committed on board except in the following cases:

- (a) the offence has effect on the territory of such State;
- (b) the offence has been committed by or against a national or permanent resident of such State;
- (c) the offence is against the security of such State;
- (d) the offence consists of a breach of any rules or regulations relating to the flight or manoeuvre of aircraft in force in such State;
- (e) the exercise of jurisdiction is necessary to ensure the observance of any obligation of such State under a multilateral international agreement.

No. 10106

CHAPTER III
POWERS OF THE AIRCRAFT COMMANDER

Article 5

1. The provisions of this Chapter shall not apply to offences and acts committed or about to be committed by a person on board an aircraft in flight in the airspace of the State of registration or over the high seas or any other area outside the territory of any State unless the last point of take-off or the next point of intended landing is situated in a State other than that of registration, or the aircraft subsequently flies in the airspace of a State other than that of registration with such person still on board.

2. Notwithstanding the provisions of Article 1, paragraph 3, an aircraft shall for the purposes of this Chapter, be considered to be in light at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the provisions of this Chapter shall continue to apply with respect to offences and acts committed on board until competent authorities of a State take over the responsibility for the aircraft and for the persons and property on board.

Article 6

1. The aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act contemplated in Article 1, paragraph 1, impose upon such person reasonable measures including restraint which are necessary,

- (a) to protect the safety of the aircraft, or of persons or property therein; or
- (b) to maintain good order and discipline on board; or

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- (c) to enable him to deliver such person to competent authorities or to disembark him in accordance with the provisions of this Chapter.

2. The aircraft commander may require or authorize the assistance of other crew members and may request or authorize, but not require, the assistance of passengers to restrain any person whom he is entitled to restrain. Any crew member or passenger may also take reasonable preventive measures without such authorization when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

Article 7

1. Measures of restraint imposed upon a person in accordance with Article 6 shall not be continued beyond any point at which the aircraft lands unless,

- (a) such point is in the territory of a non-Contracting State and its authorities refuse to permit disembarkation of that person or those measures have been imposed in accordance with Article 6, paragraph 1(c) in order to enable his delivery to competent authorities;
- (b) the aircraft makes a forced landing and the aircraft commander is unable to deliver that person to competent authorities; or
- (c) that person agrees to onward carriage under restraint.

2. The aircraft commander shall as soon as practicable, and if possible before landing in the territory of a State with a person on board who has been placed under restraint in accordance with the provisions of Article 6, notify the authorities of such State of the fact that a person on board is under restraint and of the reasons for such restraint.

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Article 8

1. The aircraft commander may, in so far as it is necessary for the purpose of subparagraph (a) or (e) of paragraph 1 of Article 6, disembark in the territory of any State in which the aircraft lands any person who he has reasonable grounds to believe has committed, or is about to commit, on board the aircraft an act contemplated in Article 1, paragraph 1 (c).

2. The aircraft commander shall report to the authorities of the State in which he disembarks any person pursuant to this Article, the fact of, and the reasons for, such disembarkation.

Article 9

1. The aircraft commander may deliver to the competent authorities of any Contracting State in the territory of which the aircraft lands any person who he has reasonable grounds to believe has committed on board the aircraft an act which, in his opinion, is a serious offence according to the penal law of the State of registration of the aircraft.

2. The aircraft commander shall as soon as practicable and if possible before landing in the territory of a Contracting State with a person on board whom the aircraft commander intends to deliver in accordance with the preceding paragraph, notify the authorities of such State of his intention to deliver such person and the reasons therefor.

3. The aircraft commander shall furnish the authorities to whom any suspected offender is delivered in accordance with the provisions of this Article with evidence and information which, under the law of the State of registration of the aircraft, are lawfully in his possession.

Article 10

For actions taken in accordance with this Convention, neither the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the light was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.

CHAPTER IV

Unlawful Seizure of Aircraft

Article 11

1. When a person on board has unlawfully committed by force or threat thereof an act of interference, seizure, or other wrongful exercise of control of an aircraft in flight or when such an act is about to be committed, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated in the preceding paragraph, the Contracting State in which the aircraft lands shall permit its passengers and crew to continue their journey as soon as practicable, and shall return the aircraft and its cargo to the persons lawfully entitled to possession.

CHAPTER V

POWERS AND DUTIES OF STATES

Article 12

Any Contracting State shall allow the commander of an aircraft registered in another Contracting State to disembark any person pursuant to Article 8, paragraph 1.

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Article 13

1. Any Contracting State shall take delivery of any person whom the aircraft commander delivers pursuant to Article 9, paragraph 1.
2. Upon being satisfied that the circumstances so warrant, any Contracting State shall take custody or other measures to ensure the presence of any person suspected of an act contemplated in Article 11, paragraph 1 and of any person of whom it has taken delivery. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is reasonably necessary to enable any criminal or extradition proceedings to be instituted.
3. Any person in custody pursuant to the previous paragraph shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.
4. Any Contracting State, to which a person is delivered pursuant to Article 9, paragraph 1, or in whose territory an aircraft lands following the commission of an act contemplated in Article 11, paragraph 1, shall immediately make a preliminary enquiry into the facts.
5. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft and the State of nationality of the detained person and, if it considers it advisable, any other interested State of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 4 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 14

1. When any person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act

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contemplated in Article 11, paragraph 1, and when such person cannot or does not desire to continue his journey and the State of landing refuses to admit him, that State may, if the person in question is not a national or permanent resident of that State, return him to the territory of the State of which he is a national or permanent resident or to the territory of the State in which he began his journey by air.

2. Neither disembarkation, nor delivery, nor the taking of custody or other measures contemplated in Article 13, paragraph 2, nor return of the person concerned, shall be considered as admission to the territory of the Contracting State concerned for the purpose of its law relating to entry or admission of persons and nothing in this Convention shall affect the law of a Contracting State relating to the expulsion of persons from its territory.

Article 15

1. Without prejudice to Article 14, any person who has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and who desires to continue his journey shall be at liberty as soon as practicable to proceed to any destination of his choice unless his presence is required by the law of the State of landing for the purpose of extradition or criminal proceedings.

2. Without prejudice to its law as to entry and admission to, and extradition and expulsion from its territory, a Contracting State in whose territory a person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1 or has disembarked and is suspected of having committed an act contemplated in Article 11, paragraph 1, shall accord to such person treatment which is no less favourable for his protection and security than that accorded to nationals of such Contracting State in like circumstances.

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CHAPTER VI
OTHER PROVISIONS

Article 16

1. Offences committed on aircraft registered in a Contracting State shall be treated, for the purpose of extradition, as if they had been committed not only in the place in which they have occurred but also in the territory of the State of registration of the aircraft.

2. Without prejudice to the provisions of the preceding paragraph, nothing in this Convention shall be deemed to create an obligation to grant extradition.

Article 17

In taking any measures for investigation or arrest or otherwise exercising jurisdiction in connection with any offence committed on board an aircraft the Contracting States shall pay due regard to the safety and other interests of air navigation and shall so act as to avoid unnecessary delay of the aircraft, passengers, crew or cargo.

Article 18

If Contracting States establish joint air transport operating organizations or international operating agencies, which operate aircraft not registered in any one State those States shall, according to the circumstances of the case, designate the State among them which, for the purposes of this Convention, shall be considered as the State of registration and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

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CHAPTER VII
FINAL CLAUSES

Article 19

Until the date on which this Convention comes into force in accordance with the provisions of Article 21, it shall remain open for signature on behalf of any State which at that date is a Member of the United Nations or of any of the Specialized Agencies.

Article 20

1. This Convention shall be subject to ratification by the signatory States in accordance with their constitutional procedures.
2. The instruments of ratification shall be deposited with the International Civil Aviation Organization.

Article 21

1. As soon as twelve of the signatory States have deposited their instruments of ratification of this Convention, it shall come into force between them on the ninetieth day after the date of the deposit of the twelfth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.
2. As soon as this Convention comes into force, it shall be registered with the Secretary-General of the United Nations by the International Civil Aviation Organization.

Article 22

1. This Convention shall, after it has come into force, be open for accession by any State Member of the United Nations or of any of the Specialized Agencies.

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2. The accession of a State shall be effected by the deposit of an instrument of accession with the International Civil Aviation Organization and shall take effect on the ninetieth day after the date of such deposit.

Article 23

1. Any Contracting State may denounce this Convention by notification addressed to the International Civil Aviation Organization.

2. Denunciation shall take effect six months after the date of receipt by the International Civil Aviation Organization of the notification of denunciation.

Article 24

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or reification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the International Civil Aviation Organization.

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Article 25

Except as provided in Article 24 no reservation may be made to this Convention.

Article 26

The International Civil Aviation Organization shall give notice to all States Members of the United Nations or of any of the Specialized Agencies:

- (a) of any signature of this Convention and the date thereof;
- (b) of the deposit of any instrument of ratification or accession and the date thereof;
- (c) of the date on which this Convention comes into force in accordance with Article 21, paragraph 1;
- (d) of the receipt of any notification of denunciation and the date thereof; and
- (e) of the receipt of any declaration or notification made under Article 24 and the date thereof.

In witness whereof the undersigned Plenipotentiaries, having been duly authorized, have signed this Convention.

Done at Tokyo on the fourteenth day of September One Thousand Nine Hundred and Sixty-three in three authentic texts drawn up in the English, French and Spanish languages.

This Convention shall be deposited with the International Civil Aviation Organization with which, in accordance with Article 19, it shall remain open for signature and the said Organization shall send certified copies thereof to all States Members of the United Nations or of any Specialized Agency.

No. 10106 Doc 8920

CONVENTION FOR THE SUPPRESSION
OF UNLAWFUL SEIZURE OF AIRCRAFT

PREAMBLE

THE STATES PARTIES TO THIS CONVENTION

CONSIDERING that unlawful acts of seizure or exercise of control of aircraft in light jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

CONSIDERING that the occurrence of such acts is a matter of grave concern;

CONSIDERING that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Any person who on board ait aircraft in flight:

(a) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or

(b) is an accomplice of a person who performs or attempts to perform any such act

commits an offence (hereinafter referred to as “the offence”).

ARTICLE 2

Each Contracting State undertakes to make the offence punishable by severe penalties.

ARTICLE 3

1. For the purposes of this Convention, an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

2. This Convention shall not apply to aircraft used in military, customs or police services.

3. This Convention shall apply only if the place of take-off or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.

4. In the cases mentioned in Article 5, this Convention shall not apply if the place of takeoff and the place of actual landing of the aircraft on board which the offence is committed are situated within the territory of the same State where that State is one of those referred to in that Article.

5. Notwithstanding paragraphs 3 and 4 of this Article, Articles 6, 7, 8 and 10 shall apply whatever the place of take-off or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registration of that aircraft.

ARTICLE 4

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

(a) when the offence is committed on board an aircraft registered in that State;

(b) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;

(c) when the Offence is committed on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offence in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 5

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary enquiry into the facts.
3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.
4. When a State, pursuant to this Article has taken a person into custody, it shall immediately notify the State of registration of the aircraft, the State mentioned in Article 4. paragraph 1(c), the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction

ARTICLE 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

ARTICLE 8

1. The offence shall be deemed to be included as an extraditable offence in any extradition treaty existing between Contracting States. Contracting States undertake to include the offence as an extraditable offence in every extradition treaty to be concluded between them.
2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offence. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognise the offence as an extraditable offence between themselves subject to the conditions provided by the law of the requested State,
4. The offence shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 4. paragraph 1.

ARTICLE 9

1. When any of the acts mentioned in Article 1(a) has occurred or is about to occur, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.
2. In the cases contemplated by the preceding paragraph, any Contracting State in which the aircraft or its passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 10

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offence and other acts mentioned in Article 4. The law of the State requested shall apply in criminal cases.
2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 11

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning;

- (a) the circumstances of the offence;
- (b) the action taken pursuant to Article 9;
- (c) the measures taken in relation to the offender or the alleged offender, and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 12

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organisation of the arbitration, any one of those Parties may refer the dispute to the International Court of justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto. declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.
3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depository Governments.

ARTICLE 13

1. This Convention shall be open for signature at The Hague on 16 December 1970, by States participating in the International Conference on Air Law held at The Hague from 1 to 16 December 1970 (hereinafter referred to as The Hague Conference). After 31 December 1970, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.
2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depository Governments,
3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in The Hague Conference.
4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

ARTICLE 14

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their Governments, have signed this Convention.

DONE at The Hague, this sixteenth day of December, one thousand nine hundred and seventy, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

-3-

Doc 9518

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

PROTOCOLE

pour la répression des actes illicites de violence
dans les aéroports servant à l'aviation civile internationale,
complémentaire à la Convention pour la répression d'actes illicites
dirigés contre la sécurité de l'aviation civile,
faite à Montréal le 23 septembre 1971

Signé à Montréal le 24 février 1988

ПРОТОКОЛ

о борьбе с незаконными актами насилия в аэропортах, обслуживающих
международную гражданскую авиацию, дополняющий Конвенцию о борьбе
с незаконными актами, направленными против безопасности гражданской
авиации, принятую в Монреале 23 сентября 1971 года

Подписано в Монреале 24 февраля 1988 г.

PROTOCOLO

para la represión de actos ilícitos de violencia
en los aeropuertos que prestan servicio a la aviación civil internacional,
complementario del Convenio para la represión de actos ilícitos
contra la seguridad de la aviación civil,
hecho en Montreal el 23 de septiembre de 1971

Firmado en Montreal el 24 de febrero de 1988



1988

**INTERNATIONAL CIVIL AVIATION ORGANIZATION
ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE
МЕЖДУНАРОДНАЯ ОРГАНИЗАЦИЯ ГРАЖДАНСКОЙ АВИАЦИИ
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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**

THE STATES PARTIES TO THIS PROTOCOL

CONSIDERING that unlawful acts of violence which endanger or are likely to endanger the safety of persons at airports serving international civil aviation or which jeopardize the safe operation of such airports undermine the confidence of the peoples of the world in safety at such airports and disturb the safe and orderly conduct of civil aviation for all States;

CONSIDERING that the occurrence of such acts is a matter of grave concern to the international community and that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

CONSIDERING that it is necessary to adopt provisions supplementary to those of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971, to deal with such unlawful acts of violence at airports serving international civil aviation;

HAVE AGREED AS FOLLOWS:

ARTICLE I

This Protocol supplements the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971 (hereinafter referred to as “the Convention”), and, as between the Parties to this Protocol, the Convention and the Protocol shall be read and interpreted together as one single instrument.

ARTICLE II

1. In Article 1 of the Convention, the following shall be added as new paragraph 1 bis;

“1 bis. Any person commits an offence if he unlawfully and intentionally, using any device, substance or weapon:

- (a) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or
- (b) destroys or seriously damages the facilities of an airport serving international civil aviation or aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at that airport.”

2. In paragraph 2 (a) of Article 1 of the Convention, the following words shall be inserted after the words “paragraph 1”:

“or paragraph 1 bis”.

ARTICLE III

In Article 5 of the Convention, the following shall be added as paragraph 2 bis:

“2 *bis*. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences mentioned in Article I, paragraph 1 *bis*, and in Article I, paragraph 2, in so far as that paragraph relates to those offences, in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to the State mentioned in paragraph 1 (*a*) of this Article.”

ARTICLE IV

This Protocol shall be open for signature at Montreal on 24 February 1988 by States participating in the International Conference on Air Law held at Montreal from 9 to 24 February 1988- After 1 March 1988, the Protocol shall be open for signature to all States in London, Moscow, Washington and Montreal, until it enters into force in accordance with Article VI.

ARTICLE V

1. This Protocol shall be subject to ratification by the signatory States.
2. Any State which is not a Contracting State to the Convention may ratify this Protocol if at the same time it ratifies or accedes to the Convention in accordance with Article 15 thereof.
3. Instruments of ratification shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America or with the International Civil Aviation Organization, which are hereby designated the Depositories.

ARTICLE VI

1. As soon as ten of the signatory States have deposited their instruments of ratification of this Protocol, it shall enter into force between them on the thirtieth day after the date of the deposit of the tenth instrument of ratification. It shall enter into force for each State which deposits its instrument of ratification after that date on the thirtieth day after deposit of its instrument of ratification.

2. As soon as this Protocol enters into force, it shall be registered by the Depositaries pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

Doc 9571

CONVENTION

on the Marking of Plastic Explosives for the Purpose of Detection,
done at Montreal on 1 March 1991

CONVENTION

sur le marquage des explosifs plastiques et en feuilles aux fins de détection,
faite à Montréal le 1^{er} mars 1991

КОНВЕНЦИЯ

о маркировке пластических взрывчатых веществ в целях их обнаружения,
совершенная в Монреале 1 марта 1991 года

CONVENIO

sobre la marcación de explosivos plásticos para los fines de detección,
hecho en Montreal el 1 de marzo de 1991

اتفاقية

بشأن تمييز المتفجرات البلاستيكية بغرض كشفها
حررت في مونتريال في 1 مارس 1991



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INTERNATIONAL CIVIL AVIATION ORGANIZATION
ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE
МЕЖДУНАРОДНАЯ ОРГАНИЗАЦИЯ ГРАЖДАНСКОЙ АВИАЦИИ
ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL

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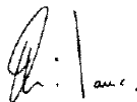
FOREWORD

The Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991, entered into force on 21 June 1998. The Technical Annex thereto, forming an integral part of this Convention, has been amended as follows:

1. The first amendment, to delete ortho-Mononitrotoluene (o-MNT) from the list of detection agents, entered into force on 27 March 2002.
2. The second amendment, to increase the minimum concentration level of 2,3-Dimethyl-2,3-dinitrobutane (DMNB) detection agent from 0.1 to 1.0 per cent by mass, entered into force on 19 December 2005.

This document contains the text of the Convention, incorporating the two above-mentioned amendments, in the English, French, Russian, Spanish and Arabic languages.

I hereby certify that the following document contains the text of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, done at Montréal on 1 March 1991, the original of which is deposited with the International Civil Aviation Organization. It also incorporates the amendments to the Technical Annex adopted in accordance with the procedure set out in Articles VI and VII of the Convention, in force as of 19 December 2005.



Denys Wibaux
Director, Legal Bureau
ICAO, Montréal

CONVENTION**on the Marking of Plastic Explosives
for the Purpose of Detection**

THE STATES PARTIES TO THIS CONVENTION,

CONSCIOUS of the applications of acts of terrorism for international security;

EXPRESSING deep concern regarding terrorist acts aimed at destruction of aircraft, other means of transportation and other targets;

CONCERNED that plastic explosives have been used for such terrorist acts;

CONSIDERING that the marking of such explosives for the purpose of detection would contribute significantly to the prevention of such unlawful acts;

RECOGNIZING that for the purpose of deterring such unlawful acts there is an urgent need for an international instrument obliging States to adopt appropriate measures to ensure that plastic explosives are duly marked;

CONSIDERING United Nations Security Council Resolution 635 of 14 June 1989, and United Nations General Assembly Resolution 44729 of 4 December 1989 urging the International Civil Aviation Organization to intensify its work on devising an international regime for the marking of plastic or sheet explosives for the purpose of detection;

BEARING IN MIND Resolution A27-8 adopted unanimously by the 27th Session of the Assembly of the International Civil Aviation Organization which endorsed with the highest and overriding priority the preparation of a new international instrument regarding the marking of plastic or sheet explosives for detection;

NOTING with satisfaction the role played by the Council of the International Civil Aviation Organization in the preparation of the Convention as well as its willingness to assume functions related to its implementation;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

For the purposes of this Convention:

1. “Explosives” mean explosive products, commonly known as “plastic explosives”, including explosives in flexible or elastic sheet form, as described in the Technical Annex to this Convention.
2. “Detection agent” means a substance as described in the Technical Annex to this Convention which is introduced into an explosive to render it detectable.
3. “Marking” means introducing into an explosive a detection agent in accordance with the Technical Annex to this Convention.
4. “Manufacture” means any process, including reprocessing, that produces explosives.
5. “Duly authorized military devices” include, but are not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades and perforators manufactured exclusively for military or police purposes according to the laws and regulations of the State Party concerned.
6. “Producer State” means any State in whose territory explosives are manufactured.

ARTICLE II

Each State Party shall take the necessary and effective measures to prohibit and prevent the manufacture in its territory of unmarked explosives.

ARTICLE III

1. Each State Party shall take the necessary and effective measures to prohibit and prevent the movement into or out of its territory of unmarked explosives.
2. The preceding paragraph shall not apply in respect of movements for purposes not inconsistent with the objectives of this Convention, by authorities of a State Party performing military or police functions, of unmarked explosives under the control of that State Party in accordance with paragraph I of Article IV.

ARTICLE IV

1. Each State Party shall take the necessary measures to exercise strict and effective control over the possession and transfer of possession of unmarked explosives which have been manufactured in or brought into its territory prior to the entry into force of this Convention in respect of that State, so as to prevent their diversion or use for purposes inconsistent with the objectives of this Convention.
2. Each State Party shall take the necessary measures to ensure that all stocks of those explosives referred to in paragraph 1 of this Article not held by its authorities performing military or police functions are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective, within a period of three years from the entry into force of this Convention in respect of that State.
3. Each State Party shall take the necessary measures to ensure that all stocks of those explosives referred to in paragraph 1 of this Article held by its authorities performing military or police functions and that are not incorporated as an integral part of duly authorized military devices are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective, within a period of fifteen years from the entry into force of this Convention in respect of that State.
4. Each State Party shall take the necessary measures to ensure the destruction, as soon as possible, in its territory of unmarked explosives which may be discovered therein and which are not referred to in the preceding paragraphs of this Article, other than stocks of unmarked

explosives held by its authorities performing military or police functions and incorporated as an integral part of duly authorized military devices at the date of the entry into force of this Convention in respect of that State.

5. Each State Party shall take the necessary measures to exercise strict and effective control over the possession and transfer of possession of the explosives referred to in paragraph B of Part 1 of the Technical Annex to this Convention so as to prevent their diversion or use for purposes inconsistent with the objectives of this Convention.

6. Each State Party shall take the necessary measures to ensure the destruction, as soon as possible, in its territory of unmarked explosives manufactured since the coming into force of this Convention in respect of that State that are not incorporated as specified in paragraph II d) of Part 1 of the Technical Annex to this Convention and of unmarked explosives which no longer fail within the scope of any other sub-paragraphs of the said paragraph II.

ARTICLE V

1. There is established by this Convention an International Explosives Technical Commission (hereinafter referred to as “the Commission”) consisting of not less than fifteen nor more than nineteen members appointed by the Council of the International Civil Aviation Organization (hereinafter referred to as “the Council”) from among persons nominated by States Parties to this Convention.

2. The members of the Commission shall be experts having direct and substantial experience in matters relating to the manufacture or detection of, or research in, explosives.

3. Members of the Commission shall serve for a period of three years and shall be eligible for reappointment.

4. Sessions of the Commission shall be convened, at least once a year at the Headquarters of the International Civil Aviation Organization, or at such places and times as may be directed or approved by the Council.

5. The Commission shall adopt its rules of procedure, subject to the approval of the Council.

ARTICLE VI

1. The Commission shall evaluate technical developments relating to the manufacture, marking and detection of explosives.
2. The Commission, through the Council, shall report its findings to the States Parties and international organizations concerned.
3. Whenever necessary, the Commission shall make recommendations to the Council for amendments to the Technical Annex to this Convention. The Commission shall endeavour to take its decisions on such recommendations by consensus. In the absence of consensus the Commission shall take such decisions by a two-thirds majority vote of its members.
4. The Council may, on the recommendation of the Commission, propose to States Parties amendments to the Technical Annex to this Convention.

ARTICLE VII

1. Any State Party may, within ninety days from the date of notification of a proposed amendment to the Technical Annex to this Convention, transmit to the Council its comments. The Council shall communicate these comments to the Commission as soon as possible for its consideration. The Council shall invite any State Party which comments on or objects to the proposed amendment to consult the Commission.
2. The Commission shall consider the views of States Parties made pursuant to the preceding paragraph and report to the Council. The Council, after consideration of the Commission's report, and taking into account the nature of the amendment and the comments of States Parties, including producer States, may propose the amendment to all States Parties for adoption.
3. If a proposed amendment has not been objected to by five or more States Parties by means of written notification to the Council within ninety days from the date of notification of the amendment by the Council, it shall be deemed to have been adopted, and shall enter into force one hundred and eighty days thereafter or after such other period as specified in the proposed amendment for States Parties not having expressly objected thereto.

4. States Parties having expressly objected to the proposed amendment may, subsequently, by means of the deposit of an instrument of acceptance or approval, express their consent to be bound by the provisions of the amendment

5. If five or more States Parties have objected to the proposed amendment, the Council shall refer it to the Commission or further consideration.

6. If the proposed amendment has not been adopted in accordance with paragraph 3 of this Article, the Council may also convene a conference of all States Parties.

ARTICLE VIII

1. States Parties shall, if possible, transmit to the Council information that would assist the Commission in the discharge of its functions under paragraph 1 of Article VI.

2. States Parties shall keep the Council informed of measures they have taken to implement the provisions of this Convention. The Council shall communicate such information to all States Parties and international organizations concerned.

ARTICLE IX

The Council shall, to cooperation with States Parties and international organizations concerned, take appropriate measures to facilitate the implementation of this Convention, including the provision of technical assistance and measures for the exchange of information relating to technical developments in the marking and detection of explosives.

ARTICLE X

The Technical Annex to this Convention shall form an integral part of this Convention.

ARTICLE XI

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration If within six months from the date of the request or arbitration

the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may, at the time of signature, ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other States Parties shall not be bound by the preceding paragraph with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary.

ARTICLE XII

Except as provided in Article XI no reservation may be made to this Convention.

ARTICLE XIII

1. This Convention shall be open for signature in Montreal on 1 March 1991 by States participating in the International Conference on Air Law held at Montreal from 12 February to 1 March 1991. After 1 March 1991 the Convention shall be open to all States for signature at the Headquarters of the International Civil Aviation Organization in Montreal until it enters into force in accordance with paragraph 3 of this Article. Any State which does not sign this Convention may accede to it at any time.

2. This Convention shall be subject to ratification, acceptance, approval or accession by States. Instruments of ratification, acceptance, approval or accession shall be deposited with the International Civil Aviation Organization, which is hereby designated the Depositary. When depositing its instrument of ratification, acceptance, approval or accession, each State shall declare whether or not it is a producer State.

3. This Convention shall enter into force on the sixtieth day following the date of deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession with the Depositary, provided that no fewer than five such States have declared pursuant to paragraph 2 of this Article that they are producer States. Should thirty-five such instruments be deposited prior to the deposit of their instruments by five producer States,

this Convention shall enter into force on the sixtieth day following the date of deposit of the instrument of ratification, acceptance, approval or accession of the fifth producer State.

4. For other States, this Convention shall enter into force sixty days following the date of deposit of their instruments of ratification, acceptance, approval or accession.

5. As soon as this Convention comes into force, it shall be registered by the Depository pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

ARTICLE XIV

The Depository shall promptly notify all signatories and States Parties of:

1. each signature of this Convention and date thereof;
2. each deposit of an instrument of ratification, acceptance, approval or accession and date thereof, giving special reference to whether the State has identified itself as a producer State;
3. the date of entry into force of this Convention;
4. the date of entry into force of any amendment to this Convention or its Technical Annex;
5. any denunciation made under Article XV; and
6. any declaration made under paragraph 2 of Article XI.

ARTICLE XV

1. Any State Party may denounce this Convention by written notification to the Depository.
2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the Depository.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Convention.

DONE at Montreal, this first day of March, one thousand nine hundred and ninety-one, in one original, drawn up in five authentic texts in the English, French, Russian, Spanish and Arabic languages.

TECHNICAL ANNEX

PART I

Description of Explosives

1. The explosives referred to in paragraph 1 of Article I of this Convention are those that:

- a) are formulated with one or more high explosives which in their pure form have a vapour pressure less than 10⁻⁴ Pa at a temperature of 25 °C;
- b) are formulated with a binder material; and
- c) are, as a mixture, malleable or flexible at normal room temperature.

II. The following explosives, even though meeting the description of explosives in paragraph I of this Part, shall not be considered to be explosives as long as they continue to be held or used for the purposes specified below or remain incorporated as there specified, namely those explosives that:

- a) are manufactured, or held, in limited quantities solely or use in duly authorized research, development or testing of new or modified explosives;
- b) are manufactured, or held, in limited quantities solely or use in duly authorized training in explosives detection and/or development or testing of explosives detection equipment;

- c) are manufactured, or held, in limited quantities solely for duly authorized forensic science purposes; or
- d) are destined to be and are incorporated as an integral part of duly authorized military devices in the territory of the producer State within three years after the coming into force of this Convention in respect of that State. Such devices produced in this period of three years shall be deemed to be duly authorized military devices within paragraph 4 of Article IV of this Convention.

III. In this Part:

“duly authorized” in paragraph II a), b) and c) means permitted according to the laws and regulations of the State Party concerned; and

“high explosives” include but are not restricted to cyclotetramethylenetetranitramine (HMX), pentaerythritol tetranitrate (PETN) and cyclotrimethylenetetranitramine (RDX).

PART 2 Detection Agents

A detection agent is any one of those substances set out in the following Table. Detection agents described in this Table are intended to be used to enhance the detectability of explosives by vapour detection means. In each case, the introduction of a detection agent into an explosive shall be done in such a manner as to achieve homogeneous distribution in the finished product. The minimum concentration of a detection agent in the finished product at the time of manufacture shall be as shown in the said Table.

Table

Name of detection agent	Molecular Formula	Molecular weight	Minimum concentration
Ethylene glycol dinitrate (EGDN)	C ₂ H ₄ (NO ₃) ₂	152	0.2% by mass
2, 3-Dimethyl-2,3-dinitrobutane (DMNB)	C ₆ H ₁₂ (NO ₂) ₂	176	1.0% by mass
Para-Mononitrotoluene (p-MNT)	C ₇ H ₇ NO ₂	137	0.5% by mass

Any explosive which, as a result of its normal formulation, contains any of the designated detection agents at or above the required minimum concentration level shall be deemed to be marked.

Doc 8966

О БОРЬБЕ С НЕЗАКОННЫМИ АКТАМИ, НАПРАВЛЕННЫМИ
ПРОТИВ БЕЗОПАСНОСТИ ГРАЖДАНСКОЙ АВИАЦИИ

Подписана в Монреале 23 сентября 1971 года

CONVENIO

PARA LA REPRESIÓN DE ACTOS ILÍCITOS
CONTRA LA SEGURIDAD DE LA AVIACIÓN CIVIL

Firmado en Montreal el 23 de septiembre de 1971



1971

INTERNATIONAL CIVIL AVIATION ORGANIZATION
ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE
ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL

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2000

C O N V E N T I O N**FOR THE SUPPRESSION OF UNLAWFUL ACTS
AGAINST THE SAFETY OF CIVIL AVIATION**

THE STATES PARTIES TO THIS CONVENTION

CONSIDERING that unlawful acts against the safety of civil aviation
Jeopardize the safety of persons and property,
seriously effect the operation of air services, and
undermine the confidence of the peoples of the
world in the safety of civil aviation:

CONSIDERING that the occurrence of such acts is a matter of grave
concern;

CONSIDERING that, for the purpose of deterring such sets, there is an
urgent need to provide appropriate measures for punishment of offenders;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. Any person commits an offence If be unlawfully and intentionally;
 - (a) performs an act of violence against a person on board, an aircraft in flight if that act is likely to endanger the safety of that aircraft; or
 - (b) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or
 - (c) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or

- (d) destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight; or
 - (e) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.
2. Any person also commits an offence if he:
- (a) attempts to commit any of the offences mentioned in paragraph 1 of this Article; or
 - (b) is an accomplice of a person who commits or attempts to commit any such offence.

ARTICLE 2

For the purposes of this Convention;

- (a) an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board;
- (b) an aircraft is considered to be in service from the beginning of the pre-flight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight as defined in paragraph (a) of this Article.

ARTICLE 3

Each Contracting State undertakes to make the offences mentioned in Article 1 punishable by severe penalties.

ARTICLE 4

1. This Convention shall not apply to aircraft used in military, customs or police services.
2. In the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall apply, irrespective of whether the aircraft is engaged in an international or domestic flight, only if:
 - (a) the place of take-off or landing, actual or intended, of the aircraft is situated outside the territory of the State of registration of that aircraft; or
 - (b) the offence is committed in the territory of a State other than the State of registration of the aircraft.
3. Notwithstanding paragraph 2 of this Article, in the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall also apply if the offender or the alleged offender is found in the territory of a State other than the State of registration of the aircraft.
4. With respect to the States mentioned in Article 9 and in the cases mentioned in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall not apply if the places referred to in subparagraph (a) of paragraph 2 of this Article are situated within the territory of the same State where that State is one of those referred to in Article 9, unless the offence is committed or the offender or alleged offender is found in the territory of a State other than that State.
5. In the cases contemplated in subparagraph (d) of paragraph 1 of Article 1, this Convention shall apply only if the air navigation facilities are used in international air navigation.
6. The provisions of paragraphs 2, 3, 4 and 5 of this Article shall also apply in the cases contemplated in paragraph 2 of Article 1.

ARTICLE 5

1. Each Contracting State shall take such measures as may be necessary to establish its Jurisdiction over the offences in the following cases:

- (a) when the offence is committed in the territory of that State;
- (b) when the offence is committed against or on board an aircraft registered in that State;
- (c) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;
- (d) when the offence is committed against or on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences mentioned in Article 1, paragraph 1 (a), (b) and (c), and In Article 1, paragraph 2, in so far as that paragraph relates to those offences, in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal Jurisdiction exercised in accordance with national law.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.
3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.
4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the States mentioned in Article p, paragraph 1, the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

The Contracting State In the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

ARTICLE 8

1. The offences shall be deemed to be included as extraditable offences in any extradition treaty existing between Contracting States. Contracting States undertake to include the offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 5, paragraph 1 (b), (c) and (d).

ARTICLE 9

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organisation which shall communicate the notice to all States Parties to this Convention.

ARTICLE 10

1. Contracting States shall, in accordance with international and national law, endeavour to take all practicable measures for the purpose of preventing the offences mentioned in Article 1.

2. When, due to the commission of one of the offences mentioned in Article 1, a flight has been delayed or interrupted, any Contracting State in whose territory the aircraft or passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 11

1. Contracting States shall afford one another the greatest

measure of assistance in connection with criminal proceedings brought in respect of the offences. The law of the State requested shall apply in all cases. 2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 12

2. Any Contracting State having reason to believe that one of the offences mentioned in Article 1 will be committed shall, in accordance with its national law, furnish any relevant information in its possession to those States which it believes would be the States mentioned in Article 5, paragraph 1.

ARTICLE 13

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization, as promptly as possible any relevant information in its possession concerning;

- (a) the circumstances of the offence;
- (b) the action taken pursuant to Article 10, paragraph 2;
- (c) the measures taken in relation to the offender or the alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 14

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.
3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depository Governments.

ARTICLE 15

1. This Convention shall be open for signature at Montreal on 23 September 1971, by States participating in the International Conference on Air Law held at Montreal from 8 to 23 September 1971 (hereinafter referred to as the Montreal Conference). After 10 October 1971, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.
2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depository Governments.
3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in the Montreal Conference.
4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.
5. The Depository Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944)

ARTICLE 16

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Convention.

DONE at Montreal, this twenty-third day of September, one thousand nine hundred and seventy-one, In three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

International Convention for the Suppression
of Terrorist bombings

The States Parties to this Convention.

Having in mind the purposes and principles of the Charter of the united Nations concerning the maintenance of international peace and security and the promotion of good-neighbourliness and friendly relations and cooperation among States,

Deeply concerned about the worldwide escalation of acts of terrorism in all its forms and manifestations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations of 24 October 1995,

Recalling also the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994, in which, inter alia, “the States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States”,

Noting that the Declaration also encouraged States “to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter”,

Recalling further General Assembly resolution 51/210 of 17 December 1996 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, annexed thereto,

Noting also that terrorist attacks by means of explosives or other lethal devices have become increasingly widespread,

Noting further that existing multilateral legal provisions do not adequately address these attacks,

Being convinced of the urgent need to enhance international cooperation between States in devising and adopting effective and practical measures for the prevention of such acts of terrorism, and for the prosecution and punishment of their perpetrators,

Considering that the occurrence of such acts is a matter of grave concern to the international community as a whole,

Noting that the activities of military forces of States are governed by rules of international law outside the framework of this Convention and that the exclusion of certain actions from the coverage of this Convention does not condone or make lawful otherwise unlawful acts, or preclude prosecution under other laws,

Have agreed as follows:

ARTICLE 1

For the purposes of this Convention:

1. “State or government facility” includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.
2. “Infrastructure facility” means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel or communications.
3. “Explosive or other lethal device” means:

(a) An explosive or incendiary weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage; or

(b) A weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or Impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material.

4. “Military forces of a State” means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security, and persons acting in support of those armed forces who are under their formal command, control and responsibility.

5. “Place of public use” means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public.

6. “Public transportation system” means all facilities, conveyances and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo.

ARTICLE 2

1. Any person commits an offence within the meaning of this Convention If that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility:

- (a) With the intent to cause death or serious bodily injury; or
 - (b) With the intent to cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss.
2. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1.
3. Any person also commits an offence if that person:
- (a) Participates as an accomplice in an offence as set forth in paragraph 1 or 2; or
 - (b) organizes or directs others to commit an offence as set forth in paragraph 1 or 2; or
 - (c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1 or 2 by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

ARTICLE 3

This Convention shall not apply where the offence is committed within a single state, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other State has a basis under article 6, paragraph 1, or article 6, paragraph 2, of this Convention to exercise jurisdiction, except that the provisions of articles 10 to 15 shall, as appropriate, apply in those cases.

ARTICLE 4

Each State Party shall adopt such measures as may be necessary:

(a) To establish as criminal offences under its domestic law the offences set forth in article 2 of this Convention;

(b) To make those offences punishable by appropriate penalties which take into account the grave nature of those offences.

ARTICLE 5

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

ARTICLE 6

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

(a) The offence is committed in the territory of that State; or

(b) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or

(c) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State; or

(b) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or

(c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or

(d) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or

(e) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established in accordance with paragraph 2 under its domestic law. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

ARTICLE 7

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence as set forth in article 2 may be present in its territory, the State Party concerned shall take such measures as may be necessary under its domestic law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 are being taken shall be entitled to:

(a) Communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(b) Be visited by a representative of that State;

(c) Be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 6, subparagraph 1 (c) or 2 (c), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 6, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that such person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 8

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 6 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to Its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1.

ARTICLE 9

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2

as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 6, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between State Parties to the extent that they are incompatible with this Convention.

ARTICLE 10

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

ARTICLE 11

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

ARTICLE 12

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

ARTICLE 13

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent; and

(b) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of this article:

(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he was transferred for time spent in the custody of the State to which he was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with this article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

ARTICLE 14

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international law of human rights.

ARTICLE 15

States Parties shall cooperate in the prevention of the offences set forth in article 2, particularly:

(a) By taking all practicable measures, including, if necessary, adapting their domestic legislation, to prevent and counter preparations in their respective territories for the commission of those offences within or outside their territories, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or engage in the perpetration of offences as set forth in article 2;

(b) By exchanging accurate and verified information in accordance with their national law, and coordinating administrative and other measures taken as appropriate to prevent the commission of offences as set forth in article 2;

(c) where appropriate, through research and development regarding methods of detection of explosives and other harmful substances that can cause death or bodily injury, consultations on the development of standards for marking explosives in order to identify their origin in post-blast investigations, exchange of information on preventive measures, cooperation and transfer of technology, equipment and related materials.

ARTICLE 16

The State Party where the alleged offender is prosecuted shall, in accordance with its domestic law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

ARTICLE 17

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

ARTICLE 18

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its domestic law.

ARTICLE 19

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.
2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the

activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

ARTICLE 20

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

ARTICLE 21

1. This Convention shall be open for signature by all States from 12 January 1998 until 31 December 1999 at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 22

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

ARTICLE 23

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

ARTICLE 24

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on 12 January 1996.
