



Treaty Series No. 20 (1991)

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

Montreal, 24 February 1988

[The United Kingdom instrument of ratification was deposited on 15 November 1990 and the Protocol entered into force for the United Kingdom on 15 December 1990]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 1991*

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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 1971¹, 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 1, paragraph 1 *bis*, 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 the State mentioned in paragraph 1(a) of this Article."

¹Treaty Series No. 10 (1974). Cmnd. 5524.

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 ratification¹. 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 Depositories 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)².

ARTICLE VII

1. This Protocol shall, after it has entered into force, be open for accession by any non-signatory State.
2. Any State which is not a Contracting State to the Convention may accede to this Protocol if at the same time it ratifies or accedes to the Convention in accordance with Article 15 thereof.
3. Instruments of accession shall be deposited with the Depositories and accession shall take effect on the thirtieth day after the deposit.

ARTICLE VIII

1. Any Party to this Protocol may denounce it by written notification addressed to the Depositories.
2. Denunciation shall take effect six months following the date on which notification is received by the Depositories.
3. Denunciation of this Protocol shall not of itself have the effect of denunciation of the Convention.
4. Denunciation of the Convention by a Contracting State to the Convention as supplemented by this Protocol shall also have the effect of denunciation of this Protocol.

¹The Protocol entered into force on 6 August 1989.

²Treaty Series No. 8 (1953). Cmd. 8742.

ARTICLE IX

1. The Depositaries shall promptly inform all signatory and acceding States to this Protocol and all signatory and acceding States to the Convention:
 - (a) of the date of each signature and the date of deposit of each instrument of ratification of, or accession to, this Protocol, and
 - (b) of the receipt of any notification of denunciation of this Protocol and the date thereof.
2. The Depositaries shall also notify the States referred to in paragraph 1 of the date on which this Protocol enters into force in accordance with Article VI.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Protocol.

Done at Montreal on the twenty-fourth day of February of the year One Thousand Nine Hundred and Eighty-eight, in four originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

SIGNATURES, RATIFICATIONS AND ACCESSIONS

State	<i>Date of signature of original deposited with ICAO and the Governments of:</i>				<i>Date of Ratification or Accession (A) deposited with ICAO and the Governments of:</i>			
	ICAO	UK	USSR	USA	ICAO	UK	USSR	USA
	Argentina	24.02.88	24.02.88	24.02.88	24.02.88			
Australia					23.10.90(A)			
Austria	4.07.89	5.07.89	5.07.89	5.07.89	28.12.89	28.12.89	28.12.89	28.12.89
Belgium	15.03.89							
Brazil	24.02.88	24.02.88	24.02.88	24.02.88				
Bulgaria	24.02.88	24.02.88	24.02.88	24.02.88				
Byelorussian Soviet Socialist Republic	24.02.88	24.02.88	24.02.88	24.02.88	1.05.89			
Cameroon			23.11.88					
Canada	24.02.88	24.02.88	24.02.88	24.02.88				
Chile	24.02.88	24.02.88	24.02.88	24.02.88	15.08.89			
China, People's Republic of	24.02.88	24.02.88	24.02.88	24.02.88				
Congo, People's Republic			13.04.89					
Costa Rica	24.02.88	24.02.88	24.02.88	24.02.88				
Côte d'Ivoire	21.03.88							
Czechoslovakia	24.02.88	24.02.88	24.02.88	24.02.88	19.03.90			
Denmark †	24.02.88	24.02.88	24.02.88	24.02.88	23.11.89			
Egypt	24.02.88	24.02.88	24.02.88	24.02.88				
Ethiopia	24.02.88	24.02.88	24.02.88	24.02.88				
Finland			16.11.88					
France †	29.03.88				6.09.89			
Gabon	20.09.88							
Germany †	24.02.88	24.02.88	24.02.88	24.02.88				
Ghana	24.02.88	24.02.88	24.02.88	24.02.88				
Greece	18.04.88							
Hungary	24.02.88	24.02.88	24.02.88	24.02.88			7.09.88	
Iceland	24.02.88	24.02.88	24.02.88	24.02.88	9.05.90			
Indonesia	24.02.88	24.02.88	24.02.88	24.02.88				
Iraq							31.01.90(A)	
Ireland, Republic of		29.07.88						
Israel	24.02.88	24.02.88	24.02.88	24.02.88				
Italy	24.02.88	24.02.88	24.02.88	24.02.88	13.03.90			
Jamaica	24.02.88	24.02.88	24.02.88	24.02.88				
Jordan		30.09.88						
Korea, Democratic People's Republic*			11.04.89					
Korea, Republic of	24.02.88	24.02.88	24.02.88	24.02.88	27.06.90			
Kuwait †	24.02.88	24.02.88	24.02.88	24.02.88		8.03.89		
Lebanon	24.02.88	24.02.88	24.02.88	24.02.88				

State	Date of signature of original deposited with ICAO and the Governments of:				Date of Ratification or Accession (A) deposited with ICAO and the Governments of:			
	ICAO	UK	USSR	USA	ICAO	UK	USSR	USA
Liberia	24.02.88	24.02.88	24.02.88	24.02.88				
Luxembourg		18.05.89	18.05.89	18.05.89				
Malawi	24.02.88	24.02.88	24.02.88	24.02.88				
Malaysia	24.02.88	24.02.88	24.02.88	24.02.88				
Mali					31.10.90(A)			
Marshall Islands	23.06.88				30.05.89			
Mauritius				28.06.89				17.08.89
Mexico	24.02.88	24.02.88	24.02.88	24.02.88	11.10.90			
Morocco	8.07.88							
Netherlands†	13.04.88							
New Zealand	11.04.89							
Niger	24.02.88	24.02.88	24.02.88	24.02.88				
Norway	24.02.88	24.02.88	24.02.88	24.02.88	29.05.90			
Pakistan	24.02.88	24.02.88	24.02.88	24.02.88				
Peru	24.02.88	24.02.88	24.02.88	24.02.88		7.06.89		
Philippines				25.01.89				
Poland	24.02.88	24.02.88	24.02.88	24.02.88				
Portugal	24.02.88	24.02.88	24.02.88	24.02.88				
Romania	24.02.88	24.02.88	24.02.88	24.02.88				
Saint Lucia					11.06.90(A)			
Saint Vincent and the Grenadines	1.12.88							
Saudi Arabia	24.02.88	24.02.88	24.02.88	24.02.88	21.02.89			
Senegal	24.02.88	24.02.88	24.02.88	24.02.88				
Spain	2.03.89							
Sri Lanka		28.10.88						
Sweden	24.02.88	24.02.88	24.02.88	24.02.88	26.07.90			
Switzerland	24.02.88	24.02.88	24.02.88	24.02.88	9.10.90			
Togo	24.10.88							9.02.90
Turkey	24.02.88	24.02.88	24.02.88	24.02.88	7.07.89			
Ukrainian Soviet Socialist Republic	24.02.88	24.02.88	24.02.88	24.02.88				
Union of Soviet Socialist Republics	24.02.88	24.02.88	24.02.88	24.02.88	31.03.89			
United Arab Emirates	24.02.88	24.02.88	24.02.88	24.02.88				9.03.89
United Kingdom†		26.10.88				15.11.90		
United States of America	24.02.88	24.02.88	24.02.88	24.02.88				
Venezuela	24.02.88	24.02.88	24.02.88	24.02.88				
Yugoslavia	24.02.88	24.02.88	24.02.88	24.02.88		21.12.89		
Zaire	24.02.88	24.02.88	24.02.88	24.02.88				

* Not recognised by the United Kingdom.

† Reservation, Declaration or Statement.

‡ The German Democratic Republic, which ratified the Protocol on 31 January 1989, acceded to the Federal Republic of Germany on 30 October 1990.

RESERVATIONS, DECLARATIONS AND STATEMENT

DENMARK

On depositing its instrument of ratification the Government of the Kingdom of Denmark made the following reservation: "Until later decision, the Protocol will not be applied to the Faroe Islands".

FRANCE

On signing the Protocol the Government of the French Republic made the following declaration:

"The French Republic recalls the declaration made at the time of its accession to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971, when it stated that: 'In accordance with Article 14, paragraph 2, the French Republic does not consider itself bound by the provisions of paragraph 1 of that Article under which 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.'

The above declaration is applicable to 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 of 23 September 1971."

On depositing its instrument of ratification the Government of the French Republic made the following declaration:

"In depositing its Instrument of Ratification of the Protocol of 24 February 1988 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 French Republic recalls and confirms the declaration made at the time of its accession to the said Convention, when it stated that: 'In accordance with Article 14, paragraph 2, the French Republic does not consider itself bound by the provisions of paragraph 1 of that Article under which 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.'

The above declaration is applicable to 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 of 23 September 1971."

KUWAIT

The instrument of ratification of the Government of the State of Kuwait is accompanied by the following understanding:

"It is understood that the Ratification of this Protocol does not mean in any way a recognition of Israel by the Government of the State of Kuwait. Furthermore, no treaty relations will arise between the State of Kuwait and Israel."

NETHERLANDS

On signing the Protocol the Government of the Kingdom of the Netherlands made the following interpretative statement:

"The Government of the Kingdom of the Netherlands hereby declares that, in the light of the preamble, it understands the provisions laid down in Articles II and III of the Protocol to signify the following:

—only those acts which, in view of the nature of the weapons used and the place where they are committed, cause or are likely to cause incidental loss of life or serious injury among the general public or users of international civil aviation in particular, shall be classed as acts of violence within the meaning of the new paragraph 1 *bis* (a), as contained in Article II of the Protocol;

—only those acts which, in view of the damage which they cause to buildings or aircraft at the airport or their disruption of the services provided by the airport, endanger or are likely to endanger the safe operation of the airport in relation to international civil aviation, shall be classed as acts of violence within the meaning of the new paragraph 1 *bis* (b), as contained in Article II of the Protocol."

UNITED KINGDOM

On depositing its instrument of ratification the Government of the United Kingdom of Great Britain and Northern Ireland made the following declaration:

“In depositing the Instrument of Ratification of the Protocol of 24 February 1988 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 United Kingdom declares that until consultations with various territories under the territorial sovereignty of the United Kingdom are completed, the Protocol will apply in respect of the United Kingdom of Great Britain and Northern Ireland only. Consultations with the territories are in hand and are expected to be completed by the end of 1991.”

