

ARTICLE 3BIS

PROTOCOL

relating to an amendment to the Convention on International Civil Aviation

**Signed at Montreal on 10 May 1984
[Article 3bis]**

THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

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

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

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

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

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

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

- recognize that every State has complete and exclusive sovereignty over the airspace above its territory,

- undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft, and

- agree not to use civil aviation for any purpose inconsistent with the aims of the Convention,

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

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

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

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

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

"Article 3 bis

(a) The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations.

(b) The contracting States recognize that every State, in the exercise of its sovereignty, is entitled to require the landing at some designated airport of a civil aircraft flying above its territory without authority or if there are reasonable grounds to conclude that it is being used for any purpose inconsistent with the aims of this Convention; it may also give such aircraft any other instructions to put an end to such violations. For this purpose, the contracting States may resort to any appropriate means consistent with relevant rules of international law, including the relevant provisions of this Convention, specifically paragraph (a) of this Article. Each contracting State agrees to publish its regulations in force regarding the interception of civil aircraft.

(c) Every civil aircraft shall comply with an order given in conformity with paragraph (b) of this Article. To this end each contracting State shall establish all necessary provisions in its national laws or regulations to make such compliance mandatory for any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State. Each contracting State shall make any violation of such applicable laws or regulations punishable by severe penalties and shall submit the case to its competent authorities in accordance with its laws or regulations.

(d) Each contracting State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of this Convention. This provision shall not affect paragraph (a) or derogate from paragraphs (b) and (c) of this Article."

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

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

(a) The Protocol shall be signed by the President of the Assembly and its Secretary General.

(b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.

(c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

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(d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the one hundred and second instrument of ratification is so deposited.

(e) The Secretary General shall immediately notify all contracting States of the date of deposit of each ratification of the Protocol.

(f) The Secretary General shall notify all States parties to the said Convention of the date on which the Protocol comes into force.

(g) With respect to any contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

CONSEQUENTLY, pursuant to the aforesaid action of the Assembly,
This Protocol has been drawn up by the Secretary General of the Organization.

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

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

Assad Kotaite
*President of the 25th Session
(Extraordinary) of the Assembly*

Yves Lambert
Secretary General