

THE 11th AIR LAW CONFERENCE AEROHELP



Modernization of the Chicago Convention: Changing paradigms

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- I. Modernization of the Chicago Convention**
- II. Modifications, revisions, updates, additions**

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Modernization is always an issue in modern civil aviation.

Successful steps:

- Warsaw Convention (1929) and its amendments modernized and prevail besides the new **Montreal Convention** (1999);
- Rome Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (1952) modernized by the **General Risk Convention** (2009);
- Tokyo Convention (1963) modernized by the **Montreal Protocol** (2014) to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft;
- **Beijing Convention** on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010) replaces the Montreal Convention (1971) and its supplementary Protocol (1988);
- **Beijing Protocol** Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010) which supplements The Hague Convention (1970).

BUT the modernisation of the **Chicago Convention** and its system remains on the level of ideas, thoughts.

Chicago system adopted on 7 December 1944 is as follows:

- The Interim Agreement on International Civil Aviation;
- The **Convention on International Civil Aviation** (Chicago Convention);
- The **International Air Services Transit Agreement**;
- The **International Air Transport Agreement**;
- The **Annex** containing twelve technical standards; and
- 12 Recommendations and Decisions of the Final Act.

Chicago Convention criticized

Merely **NOT** *amended* substantively

- New norm-texts have been drawn up: **Article 3 bis** (1984) and **Article 83 bis** (1980).
- Increase in the number of the *members of the Council*;
- Changes in *official languages*;
- Changes in the *voting procedures* etc.

„Any proposed amendment to the Convention shall be approved by a *two-thirds vote* of the Assembly” [94. Article *a*)].

The amendment of the Chicago Convention is admissible, if the purpose of the amendment complies with either or both of the following conditions:

- the established practice proves the *necessity* of the amendment; (and /or)
- the amendment is provably *expected* or *useful*.

The amendment is necessary as new issues, challenges have arisen

- **Criminal acts against civil aviation (security);**
- **Environmental protection;**
- **Application of space technology for Air Traffic Management;**
- **Growing need for technical cooperation and assistance;**
- **Electronic data processing;**
- **ICAO Secretariat working method and weight;**
- **The new comprehensive audit system has been introduced;**
- **Passenger rights;**
- **Documentations; etc.**

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UNIFICATION

- More cooperation, less politics are required.
- More flexibility, less "status quo".
- More unity, less non-ratifications.
- More uniform application, less enforcement difficulties.



Where is the intention to modernize the Convention?



Thank you very much for your kind attention!