

## नेपाल राजपत्र

श्री ५ को सरकारद्वारा प्रकाशित

खण्ड४५)काठमाडौँ,फागुन १४ गते २०५२ साल (अतिरिक्ताङ्क ४६ (घ

### भाग ५

श्री ५ को सरकार

### कानून तथा न्याय मन्त्रालयको सूचना

अन्तर्राष्ट्रिय नागरिक उड्डयन सम्बन्धी महासन्धि (Convention on International Civil Aviation) मा संशोधन गर्न व्यवस्था भएको १५ जून १९५४,१६ अक्टोवर १९७४, ३० सेप्टेम्वर १९७७, ६ अक्टोवर १९८० र ६ अक्टोवर १९८९ मा मन्ट्रियलमा हस्ताक्षर गरिएका प्रलेखहरू (Protocols) लाई प्रतिनिधि सभाको मिति २०५२ षौष १६ गतेको बैठकको निर्णय अनुसार नेपालले अनुमोदन गरेकोले नेपाल सन्धि ऐन, २०४७ को दफा १२ को प्रयोजनका लागि सम्बन्धित प्रलेखका प्रतिहरू प्रकाशन गरिएको छ ।

#### PROTOCOL\*

## RELATING TO CERTAIN AMENDMENTS TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

Signed at Montreal, on 14 June 1954

THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION,

HAVING MET in its Eighth Session, at Montreal, on the first day of June, 1954, and

HAVING CONSIDERED it desirable to amend the Convention on International Civil Aviation done at Chicago on the seventh day of December, 1944,

APPROVED, on the fourteenth day of June of the year one thousand nine hundred and fifty-four, in accordance with the provisions of Article 94 (a) of the Convention aforesaid, the following proposed amendments to the said Convention:

In Article 48 (a), substitute for the word "annually" the expression "not less than once in three years";

In Article 49 (e), substitute for the expression "an annual budget" the expression "annual budgets"; and

In Article 61, substitute for the expressions "an annual budget" and "vote the budget" the expressions "annual budgets" and "vote the budgets",

SPECIFIED, pursuant to the provisions of the said Article 94 (a) of the said Convention, forty-two as the number of Contracting States upon whose ratification the proposed amendments aforesaid shall come into force, and

<sup>\*</sup> Relating to Articles 48 (a), 49 (e) and 61

RESOLVED that the Secretary General of the International Civil Aviation Organization draw up a protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendments above mentioned and the matters hereinafter appearing.

CONSEQUENTLY, pursuant to the aforesaid action of the Assembly,

This Protocol shall be signed by the President of the Assembly and its Secretary General;

This Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation;

The instruments of ratification shall be deposited with the International Civil Aviation Organization;

This Protocol shall come into force among the States which have ratified it on the date on which the forty-second instrument of ratification is so deposited;

The Secretary General shall immediately notify all Contracting States of the deposit of each ratification of this Protocol;

The Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which this Protocol comes into force;

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

IN FAITH WHEREOF, the President and the Secretary General of the Eighth Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

DONE at Montreal on the fourteenth day of June of the year one thousand nine hundred and fifty-four in a single document in the English, French and Spanish Languages, each of which shall be of equal authenticity. 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 or signatories to the Convention on International Civil Aviation done at Chicago on the seventh day of December, 1944.

to Senetary Consell that my well in all your states

Assembly, sign this Protoco

#### PROTOCOL

relating to an amendment to Article 50 (a)

of the Convention on International Civil Aviation Signed at Motreal, on 16 October 1974

# THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

HAVING MET in its Twenty-first Session, at Montreal on 14 October 1974.

HAVING NOTED that it is the general desire of contracting States to enlarge the membership of the Council

HAVING CONSIDERED it proper to provide for three additional seats in the Council, and accordingly to <u>incrase</u> the membership from thirty to thirty-three, in order to permit an increase in the representation of States elected in the second, and particularly the third, part of the election, and

HAVING CONSIDERED it necessary to amend, for the purpose aforesaid, the Convetion on International Civil Aviation done at Chicage on the seventh day of December 1944,

(1) APPROVED, in accordance with the provisions of Article 94 (a) of the Convention aforesaid, the following proposed amendment to the said Convention.

In Article 50 (a) of the Convention the second sentence shall be amended by replacing "thirty" by "thirth-three".

- (2) SPECIFIED, pursuant to the provisions of the said Article 94 (a) of the said Convention, eighty-six as the number of contracting States upon whose ratification the proposed amendment aforesaid shall come into foce, and
- (3) RESOLVED that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafier appearing:
- (a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
- (b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.
- (c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- (d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the eighty-sixth 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 immediately 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 Twenty-first Session of the Assmbly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

DONE at Montreal on the sixteenth day of October of the year one thousand nine hundred and seventy-four, in a single document in the English, French and Spanish languages, each of which shall be of equal authenticity. This Protocol shall remnain 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 1994.

#### **PROTOCOLE**

portant amendement

de l'Article 50(a)

de la Convention relative a

I'Aviation civile internationale

Signe' a Montreal

le 16 October 1974

# L'ASSEMBLEE DE L'ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE

SETANT REUNIE a Montreal, le 14 October 1974, pour tenir sa vingt et unleme session.

AYANT PRIS ACTE du desir general manifeste par les Etats contractants d'augmenter le nombre de members du Conseil,

AYANT ESTIME, approprie de pourvoir le Conseil de trois sieges supplementaires et de porter ainsi de trente a trente-trois le nombre total de ses membres, afin de permettre d'augmenter la representation des Etats elus au titre de la deuxieme et, plus particulierement, de la troisieme partie de l'election.

AYANT ESTIME necessaire d'amender a cette fin la Convention relative a l'Aviation civile internationale etablie a Chicago le 7 decembre 1944.

1) APPROUVE, conformement aux dispositions de l'alinea a) de l'Article 94 de la Convention precitee, le projet d'amendement a ladite Convention dont le texte suit:

Amender la deuxieme phrase de l'alinea a) de l'Article 50 de la Convention en y remplacant "trente" par "trente-trois".

- 2) FIXE a quatre-vingt-six le nombre d'Etats contractants dont la ratification est necessaire a l'entree en vigueur dudit amendement, conformement aux dispositions de l'alinea a) de l'Article 94 de ladite Convention, et
- 3) DECIDE que le Secretaire general de l' Organisation de l'Aviation civile internationale etablira en langues française, anglaise et espagnole, chacune faisant egalement foi, un Protocole concernant l'amendement precite et comprenant les dispositions ci-dessous:
- a) Le Protocole sera signe pat le President et le Secretaire general de l'Assemblee.
- b) II sera soumis a la ratification de tout Etat contractant qui a ratifie la Convention relative a l'Aviation civile internationale ou y a adhere.
- c) Les instruments de ratification seront deposes aupres de l'Organisation de l'Aviation civile internationale.
- d) Le Protocole entrera en vigueur le jour du depot du quatre-vingt-sixieme instrument de ratification a l'egard des Etats qui i'auront ratifie.
- e) Le Secretaire general notifiera immediatement a tous les Etats contractants la date du depot de chaque instrument de ratification du Protocole.
- f) Le Secretaire general notifiera immediatement a tous les Etats parties a ladite Convention la date a laquelle ledit Protocole entrera en vigueur.
- g) Le Protocole entrera en vigueur, a l'egard de tout Etat contractant qui l'aura ratifie apres la date precitee, des que cet

Etat aura depose son instrument de ratification aupres de l' Organisation de l'Aviation civile internationale.

EN CONSEQUENCE, conformement a la decision susmentionnee de l'Assemblee.

Le present Protocole a etc etabli par le Secretaire general de l'Organisation;

EN FOI DE QUOI, le President et le Secretaire general de la vingt et unieme session de l'Assemblee de Organisation de l'Aviation civile internationale, autorises a eet effet par l'Assemblee, signent le present Protocole.

FAIT a Montreal le seize octobre de l'an mil neuf cent soixante-quatorze, en un seul exemplaire redige en langues française, anglaise et expagnole, chacune faisant egalement foi. Le present Protocole restera depose dans les archives de l'Organisation de l'Aviation civile internationale et le Secretaire general de l'Organisation en transmettra des copies conformes a tous les Etats parties a la Convention relative a l'Aviation civile internationale faite a Chicago le sept decembre 1944.

#### **PROTOCOLO**

relativo a una enmienda
al Articulo 50 a)
del Convenio sobre
Aviacion Civil Internacional
Firmado en octubre de 1974
LA ASAMBLEA

## DE LA ORGANIZACION DE AVIACION CIVIL INTERNACIONAL

HABIENDOSE REUNIDO en su vigesimo-primer periodo de sesiones en Montreal el 14 de octubre de 1974.

HABIENDO TOMADO NOTA del deseo general de los Estados contratantes de aumentar el numero de miembros del Consejo,

HABIENDO CONSIDERADO que es procedente crear tres puestos mas en el Consejoy, en consecuencia, que el numero de puestos se aumente de treinta a treinta y tres, a fin de pemitir que se incremente la representacion de los Estados que se eligen en la segunda, y en particular, en la lercera parte de la eleccion, y

HABIENDO CONSIDERADO que, a tal fin, es necesario modificar el Convenio sobre Aviacion Civil Internacional, hecho en Chicago el 7 de diciembre de 1944.

1) APRUEBA, de conformidad con lo dispuesto en el parrafo a) del Articulo 94 del mencionado Convenio, la

sigulente propuesta de enmienda a dicho Convenio:

Que en el parrafo a) del Articulo 50 del Convenio, se enmiende la segunda trase sustituyendo "treinta" por "treinta tres".

- 2) FIJA, de acuerdo con lo dispuesto en el parrafo a) del Articulo 94 del mencionado Convenio, en ochenta y seis el numero de Estados contratantes cuya ratificación es necesaria para que dicha enmienda entre en vigor:
- 3) DECIDE que el Secretario General de la Organizacion de Aviacion Civil Internacional redacte un Protocolo en los idiomas espanol, frances c ingles, cada uno de los cuales tendra la misma autenticidad, que contenga la propuesta de enmienda anteriormente mencionada, asi como las disposiciones que se indican a continuacion:
- a) El Protocolo sera firmado por el Presidente y el Secretario General de la Asamblea.
- b) El Protocolo quedara avierto a la ratificacion de todos los Estados que hayan ratificado el mencionado Convenio sobre Aviacion Civil Internacional o se hayan adherido al mismo.
- c) Los instrumentos de ratificacion se depositaran en la Organizacion de Aviacion Civil Internacional.
- d) El Protocolo entrara en vigor, con respecto a los Estados que lo hayan ratificado, en la fecha en que se deposite el octogesimosexto instrumento de ratificacion.
- e) El Secretario General comunicara inmediatamente a todos los Estados contratantes la fecha de deposito de cada una de las ratificaciones del Protocolo.
- f) El Secretario General notificara inmediatamente la fecha de entrada en vigor del Protocolo a todos los Estados partes

en dicho Convenio.

g) El Protocolo entrara en vigor, respecto a todo Estado contratante que lo ratifique despues de la fecha mencionada, a partir del momento en que se deposite su instrumento de ratificación en la Organización de Aviación Civil Internacional.

POR LO TANTO, de acuerdo con la mencionada decision de la Asamblea,

El presente Protocolo ha sido redactado por el Secretario General de la Organizacion;

EN TESTIMONIO DE LOCUAL, el presidente y el Secretario General del xxi perfodo de sesiones de la Asamblea de la Organizacion de Aviacion Civil Internacional, debidamente autorizados por la Asamblea, firman el presente Protocolo.

HECHO en Montreal el diez y seis de octubre del ano mil novecientos setenta y cuatro, en un documento unico redactado en los idiomas espanol, frances e ingles, cada uno de los cuales tendra la misma autenticidad, El presente Protocolo quedara depositado en los archivos de la Organizacion de Aviacion Civil Internacional y el Secretario General de la Organizacion transmitira copias certificadas conformes del mismo a todos los Estados partes en el Convenio sobre Aviacion Civil Internacional hecho en Chicago el siete de diciembre de 1944.

#### **PROTOCOL**

relating to an amendment to the

Convention on International Civil Aviation

Signed at Montreal on 30 September 1977

## THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

HAVING MET in its Twenty-second Session at Montreal on 30 Septmber 1977,

HAVING NOTED Resolution A 21-13 on the authentic Russian text of the Convention on International Civil Aviation,

HAVING NOTED that it is the general desire of Contracting States to make a provision that the Convention aforesaid exist in authentic Russian text,

HAVING CONSIDERED it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,

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

Replace the present text of the final paragraph of the Convention by:

"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.",

- 2) SPECIFIES, pursuant to the provisions of the said Article 94 (a) of the said Convention, ninety-four as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and
- 3) 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 abovementioned and the matter hereinafter appearing.

CONSEQUENTLY, pursuant to the aforesaid action of the Assembly,

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

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

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

The Protocol shall come into force in respect of the States which have ratified it on the date on which the ninety-fourth instrument of ratification is so deposited.

The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.

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

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.

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

DONE at Montreal on the thirtieth day of September of the year one thousand nine hundred and seventy-seven, in a single document in the English, French, Russian, and Spanish languages, each of which shall be of equal authenticity. 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.

K. O. Rattray Y.Lambert President of the 22nd Session Secretary General of the Assembly

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#### **PROTOCOL**

relating to an amendment to the Convention on International Civil Aviation Signed at Montreal on 6 October 1980

## THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

HAVING MET in its Twenty-third Session at Montreal on 6 October 1980,

- HAVING NOTED Resolutions A21-22 and A 22-28 on lease, charter and interchange of aircraft in international operations,
- HAVING NOTED the draft amendment to the Convention on International Civil Aviation prepared by the 23rd Session of the Legal Committee,
- HAVING NOTED that it is the general desire of Contracting
  States to make a provision for the transfer of certain
  functions and duties from the State of registry to the State
  of the operator of the aircraft in the case of lease, charter or
  interchange or any similar arrangements with respect to
  such aircraft,
- HAVING CONSIDERED it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,
  - 1. APPROVES in accordance with the provisions of Article 94 (a) of the Convention aforesaid, the following proposed amendment to the said Convention:

Insert after Article 83 the following new Article 83 bis:

#### "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."
- 2. SPECIFIES, pursuant to the provisions of the said Article 94 (a) of the said Convention, ninety-eight as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

- 3. RESOLVES that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French, Russian and Spanish, languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:
  - a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
  - b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.
  - c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
  - d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the ninety-eighth 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 immediately 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-third Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

DONE at Montreal on the sixth day of October of the year one thousand nine hundred and eighty, in a single document in the English, French, Russian, and Spanish languages, each of which shall be of equal authenticity. 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.

R.S.Nyaga President of the 23rd Session of the Assembly Yves Lambert Secretary General

#### PROTOCOL

relating to an amendment
to Article 56
of the Convention
on International Civil Avition
Signed at Montreal on 6 October 1989

THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

HAVING MET in its Twenty-seventh Session at Montreal on 6 October 1989,

HAVING NOTED that it is the general desire of Contracting States to enlarge the membership of the Air Navigation Commission,

HAVING CONSIDERED it proper to increase the membership of that body from fifteen to nineteen, and

HAVING CONSIDERED it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944.

- 1. APPROVES, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:
  - "In Article 56 of the Convention the expession 'fifteen members' shall be replaced by 'nineteen members'."
- 2. SPECIFIES, pursuant to the provisions of the said Article 94(a) of the said Convention, one hundred and eight as the number of Contracting States upon whose ratification the aforesaid amendment shall come into force; and
- 3. RESOLVES that the Secretary General of the International Civil Aviation Organization ahall draw up a Protocol, in the English, French, Russian, and Spanish

languages, each of which shall be of equal authenticity embodying the amendment above-mentioned and the matters hereinafter appearing:

- a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
- b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.
- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The Protocol shall come into force in respect of the States that have ratified it on the date on which the one hundred and eighth 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 immediately 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 Assmbly,

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-seventh Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

DONE at Montreal on the sixth day of October of the year one thousand nine hundred and eighty-nine, 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.

A.Alegria
President of the twenty Seventh Session
of the Assembly

S.S Sidhu Secretary General

> आज्ञाले, विश्व मंगल आत्रेय उप-सचिव

