PROTOCOL RELATING TO AN AMENDMENT TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

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Note: The Philippine instrument of ratification was deposited with the ICAO, November 17, 1952. The Protocol entered into force, March 20, 1951 and with respect to the Philippines, November 17, 1952.

Reference: This Protocol is also published in I DFA TS No. 3, p. 53.

THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, HAVING been convened at Montreal by the Interim Council of the Provisional, International Civil Aviation Organization, and having met in its First Session on May 6th 1947, and

HAVING considered it advisable to amend the Convention on International Civil Aviation done at Chicago on December 7th 1944,

APPROVED on the thirteenth day of May of the year one thousand nine hundred and forty-seven, in accordance with the provisions of Article 94 (a) of the Convention on International Civil Aviation done at Chicago on December 7th 1944, the following proposed amendment to the said Convention which shall be numbered as "Article 93 bis":

"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 its 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 Intertional 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 of the United Nations shall, upon the request of the latter, be suspended from the rights and privileges of membership in this Organization",

SPECIFIED on the sixteenth day of May of the year one thousand nine hundred and forty-seven, pursuant to the provisions of the said Article 94(a) of the said Convention, that the above mentioned amendment shall come into force when ratified by twenty-eight Contracting States, and

INSTRUCTED at the same date the Secretary General of the International Civil Aviation Organization to draw up

a Protocol embodying this proposed amendment and to the following effect, which Protocol shall be signed by the President and the Secretary General of the First Assembly.

The present Protocol shall be subject to ratification by any State which has ratified or adhered to the said Convention. The instruments of ratification shall be transmitted to the Secretary General of the International Civil Aviation Organization for deposit in the archives of the Organization; the Secretary General of the Organization shall immediately notify all Contracting States of the date of deposit of each ratification;

The aforesaid proposed amendment of the Convention shall come into force, in respect of the States which have ratified this Protocol, on the date on which the twenty-eighth instrument of ratification is deposited. The Secretary General of the Organization shall immediately notify all the States parties to or signatories of the said Convention of the date on which the proposed amendment comes into force;

The aforesaid proposed amendment shall come into force in respect of each State ratifying after that date upon deposit of its instrument of ratification in the archives of the Organization.

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

DONE at Montreal on the twenty-seventh day of May of the year one thousand nine hundred and forty-seven in a single document in the English, French 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 or signatories of the Convention on International Civil Aviation done at Chicago on December 7th 1944.

(Sgd.) ARTHUR S. DRAKEFORD

President of the First Assembly

(Sgd.) ALBERT ROPER

Secretary General of the First Assembly

Parties to the Protocol as of December 31, 1965:

Afghanistan Federal Republic of Germany

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