



# Aircraft Registration and the Implementation of Article 21 of the Chicago Convention

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# AIRCRAFT REGISTRATION AND THE IMPLEMENTATION OF ARTICLE 21 OF THE CHICAGO CONVENTION

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## Overview of Presentation

1. Overview of the relevant provisions of the Chicago Convention on aircraft registration
2. Ongoing work on the Implementation of Article 21 of the Chicago Convention



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## Relevant provisions of the Convention

- The concepts of *nationality* and *registration* of aircraft are addressed in Chapter III of the Chicago Convention, which comprises Articles 17 – 21.
- **Article 17:** aircraft have the nationality of the State in which they are registered.
- **Article 18:** an aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another.
- **Article 19:** the registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations.
- **Article 20:** every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

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## Legal Implications of Aircraft Registration

- Registration of an aircraft in a State renders that State (the State of Registry) responsible for certain safety oversight obligations in connection with the operation of that aircraft.
- The State of Registry must ensure that every aircraft listed on its register complies with the laws and regulations that apply to the flight of aircraft, regardless of where the aircraft may be operated (Article 12).
- In the case of aircraft engaged in international air navigation, the State of Registry is also responsible for the certification of the aircraft's
  - airworthiness (Article 30);
  - radio licensing (both for the aircraft and crew) (Article 31); and
  - crew licensing (Article 32(a)).

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## Legal Implications of Aircraft Registration

- The necessary certificates and licenses are to be issued by the State of Registry in accordance with the relevant Standards and Recommended Practices (SARPs) adopted by the ICAO Council.
- **Article 29:** each aircraft of a contracting State engaged in international air navigation shall carry on board, *inter alia*, its certificate of registration.
- The obligations of the State of Registry may be transferred to another State (usually the State of the Operator) pursuant to an arrangement concluded under Article 83 *bis* of the Chicago Convention.

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## Article 21 of the Convention

- Principal purpose: to facilitate the exchange among contracting States and ICAO of relevant information concerning the *registration, ownership and control* of aircraft.
- Two distinct obligations:
  - Each contracting State undertakes to supply to any other contracting State or to ICAO, on demand, information concerning the **registration** and **ownership** of any particular aircraft registered in that State
  - Each contracting State shall furnish reports to ICAO ... giving such pertinent data as can be made available concerning the **ownership** and **control** of aircraft registered in that State and habitually engaged in international air navigation.

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## Work Programme of the Legal Committee

- During its 39th Session, the ICAO Assembly endorsed a unanimous recommendation of the Legal Commission to include the item “*Implementation of Article 21 of the Chicago Convention*” in the Work Programme of the Legal Committee.
- This decision of the Assembly was based on its consideration of a working paper presented by France and supported by all delegations who took the floor.
- The working paper urged the Assembly to call upon Member States to apply Article 21 of the Chicago Convention by taking the necessary internal measures to be able to supply information related to the ownership of aircraft they have registered.
- The paper further urged the Assembly to request the Council to conduct a study on the compliance of data provided by Member States either to other Member States or to ICAO with the Article 21 requirement on ownership.

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## Action by the ICAO Secretariat

- An online survey was launched in June 2017 to determine the extent to which States comprehend their obligations arising from Article 21 of the Chicago Convention and the measures they have established domestically to fulfill those obligations.
- 59 States completed the survey before the deadline of 25 August 2017.
- The results of the survey indicated:
  - A wide divergence in the meanings ascribed to the concepts of “*ownership*” and “*control*” of aircraft from one State to the other;
  - A general lack of interest on the part of States to provide to ICAO through the Aircraft Registry System (ARS) reports containing such pertinent data concerning the ownership and control of their registered aircraft habitually engaged in international air navigation.

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## Establishment and work of the A21TF

- The Secretary General established a Task Force on the Implementation of Article 21 in June 2017 with a mandate to:
  - assist the Secretariat in clarifying the nature, scope and import of the obligations assumed by States under Article 21; and
  - also consider the development of ICAO rules, guidance or recommendations aimed at assisting Member States in an effort to enhance their implementation of the obligations under Article 21.
- The A21TF has since held two meetings and will present a report on the progress of its work to the 37<sup>th</sup> Session of the Legal Committee.
- The A21TF has also established a sub-group to assist the Secretariat in developing the Aircraft Registry Network (ARN)

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