

Civil Aviation (Offenders on International Aircraft)

No. 17 of 1970

An Act relating to a Convention on Offences and certain other Acts committed on board Aircraft.

[Assented to 12 June 1970]

WHEREAS a Convention entitled “ Convention on Offences and certain other Acts committed on board Aircraft ” (being the Convention a copy of the English text of which is set out in the Schedule to this Act) was opened for signature in Tokyo on the fourteenth day of September, One thousand nine hundred and sixty-three: Preamble.

AND WHEREAS it is desirable that Australia accede to the Convention and that, for that purpose, provision be made for giving effect to the Convention:

BE it therefore enacted by the Queen’s Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Civil Aviation (Offenders on International Aircraft) Act 1970*. Short title.

2.—(1.) Sections 1, 2 and 5 of this Act shall come into operation on the day on which this Act receives the Royal Assent. Commencement.

(2.) The remaining sections of this Act shall come into operation on a date to be fixed by Proclamation, not being earlier than the date on which the accession of Australia to the Tokyo Convention takes effect.

Definitions.

3. In this Act, unless the contrary intention appears—

“ authorized person ” means—

- (a) a person appointed by the Minister, by instrument in writing, to be an authorized person for the purposes of the provision in which the expression occurs; or
- (b) a person included in a class of persons appointed by the Minister, by instrument in writing, to be authorized persons for the purposes of the provision in which the expression occurs;

“ Magistrate ” means—

- (a) a person who holds office as a Chief, Stipendiary, Police, Resident or Special Magistrate of a Territory of the Commonwealth; or
- (b) a person who holds office as a Chief, Stipendiary, Police, Resident or Special Magistrate of a State and in respect of whom an arrangement in force under section 18 of this Act is applicable;

“ the Migration Act ” means the *Migration Act* 1958–1966;

“ the Tokyo Convention ” means the Convention a copy of the English text of which is set out in the Schedule to this Act.

Extension to Territories.

4. This Act extends to every Territory of the Commonwealth

Approval of accession by Australia.

5. Approval is given to accession by Australia to the Tokyo Convention.

Certain provisions of the Tokyo Convention to have force of law.

6.—(1.) The provisions of Chapter III. of the Tokyo Convention have the force of law by virtue of this section and, as so having the force of law—

- (a) have extra-territorial operation; and
- (b) extend to all persons, whether Australian citizens or not, and whether resident in the Commonwealth or a Territory of the Commonwealth or not.

(2.) The provisions of paragraph 1 of Article 16 of the Tokyo Convention have the force of law by virtue of this section.

(3.) The provisions of Chapter I. of the Tokyo Convention, in so far as those provisions affect the application or interpretation of Chapter III. or paragraph 1 of Article 16 of the Tokyo Convention, have the force of law by virtue of this section.

(4.) For the purposes of a provision of the Tokyo Convention as having the force of law by virtue of this section, an aircraft the subject of

a notice given to the International Civil Aviation Organization in accordance with Article 18 of the Tokyo Convention shall be deemed to be registered in the State designated in the notice as the State which is to be considered as the State of registration of the aircraft.

(5.) For the purposes of section 38 of the *Judiciary Act* 1903–1969, a matter arising under a provision of the Tokyo Convention as having the force of law by virtue of this section shall be deemed not to be a matter arising directly under a treaty.

7.—(1.) An authorized person may accept delivery of a person delivered in accordance with paragraph 1 of Article 9 of the Tokyo Convention.

Authorized person may accept delivery of person in accordance with the Convention.

(2.) Where an authorized person accepts delivery of a person under the last preceding sub-section, the authorized person shall cause him to be brought before a Magistrate, as soon as practicable, to be dealt with in accordance with section 13 of this Act and shall cause the person to be held in custody until he can be so brought before a Magistrate.

8.—(1.) Where, in pursuance of paragraph 1 of Article 11 of the Tokyo Convention, Australia is required to take all appropriate measures to restore control of an aircraft to its lawful commander or to preserve his control of the aircraft, an authorized person may take such action, and, in particular, may use such force and assistance, as he considers necessary to comply with the requirement.

Restoration of aircraft to lawful commander.

(2.) Where an authorized person has reasonable grounds to suspect that a person has committed, or has attempted to commit, an act referred to in paragraph 1 of Article 11 of the Tokyo Convention, the authorized person may cause that person to be taken into custody.

(3.) Where a person is so taken into custody, the authorized person shall cause him to be brought before a Magistrate, as soon as practicable, to be dealt with in accordance with section 13 of this Act and shall cause the person to be held in custody until he can be so brought before a Magistrate.

9. If a person who is in custody under this Act in a State or Territory of the Commonwealth escapes from that custody, he may be apprehended in the same manner as a person accused of an offence against the law in force in the State or Territory may be apprehended upon an escape from lawful custody, and may be returned to the custody from which he escaped.

Person who escapes may be apprehended.

10.—(1.) The Minister or an authorized person may, by notice in writing, authorize a Magistrate to hold an inquiry for the purposes of paragraph 4 of Article 13 of the Tokyo Convention.

Holding of inquiry under paragraph 4 of Article 13.

(2.) Upon receipt of the notice, the Magistrate shall—

(a) take the evidence of each witness appearing before him to give evidence in the inquiry in like manner as if the witness were giving

evidence on a charge against a person for an indictable offence against the law in force in the State or Territory of which he is a magistrate;

- (b) cause a record, in writing, to be made of the evidence and certify at the end of the record that the evidence was taken by him; and
- (c) cause the record so certified to be sent to the Attorney-General.

(3.) The evidence of such a witness may be taken in the presence or absence of the person (if any) in custody in connexion with the circumstances that led to the holding of the inquiry, and the certificate by the Magistrate under the last preceding sub-section shall state whether a person was so in custody and, if so, whether that person was present or absent when the evidence was taken.

(4.) The evidence shall not be taken in the absence of the person (if any) in custody in connexion with the circumstances that led to the holding of the inquiry unless the Magistrate is satisfied that there is good reason why that person cannot be present or should not be permitted to be present or that that person has declined to be present.

Application
of the
Migration Act.

11. Where a person—

- (a) has been disembarked in Australia in accordance with paragraph 1 of Article 8 of the Tokyo Convention;
- (b) has been delivered in Australia in accordance with paragraph 1 of Article 9 of the Tokyo Convention; or
- (c) has been taken into custody in Australia under sub-section (2.) of section 8 of this Act,

and Australia is, under the Tokyo Convention, entitled to exercise in relation to the person the powers of a State of landing under paragraph 1 of Article 14, the person shall be deemed, for the purposes of the Migration Act (other than Division 4 of Part II.), to be an immigrant who entered Australia at the time of his disembarkation or delivery or his being taken into custody.

This Act not
to limit
Migration
Act, &c.

12. Nothing in this Act limits the application of the Migration Act or of a law of a Territory (being a Territory not forming part of the Commonwealth) that relates to the deportation of persons from the Territory.

Proceedings
before a
Magistrate.

13.—(1.) Where—

- (a) a person—
 - (i) is brought before a Magistrate in accordance with section 7 or section 8 of this Act or on the expiration of a period of remand fixed under the next succeeding sub-section or in pursuance of a warrant issued under the next succeeding section; or
 - (ii) having been remanded on bail in accordance with the next succeeding sub-section, appears before a Magistrate at the time and place mentioned in the recognizance entered into by him on being granted bail; and

(b) there is produced to the Magistrate—

- (i) a warrant for the apprehension of the person for the purposes of criminal or extradition proceedings in connexion with an offence in relation to his conduct on board the aircraft or in connexion with any other offence; or
- (ii) a deportation order in respect of the person in force under the Migration Act or, if the proceedings before the Magistrate are in a Territory of the Commonwealth not forming part of the Commonwealth, in force under a law of that Territory,

the Magistrate shall make such order as is appropriate to facilitate the execution of the warrant or the carrying out of the deportation order, as the case may be, referred to in paragraph (b) of this sub-section.

(2.) Where, in the circumstances referred to in paragraph (a) of the last preceding sub-section, a warrant or deportation order referred to in paragraph (b) of that sub-section is not produced to the Magistrate, the Magistrate shall—

- (a) if he is satisfied that further time is reasonably required for determining whether criminal or extradition proceedings should be instituted, or a deportation order should be made, against the person—remand, or further remand, the person, whether in custody or on bail, for a period not exceeding seven days; or
- (b) if he is not so satisfied—order that the person be released from custody.

(3.) Where a Magistrate remands, or further remands, a person in custody under the last preceding sub-section, the person shall, at the expiration of the period of remand or further remand, be brought before that Magistrate or another Magistrate.

14. If a person who has been remanded on bail under sub-section (2.) of the last preceding section does not appear before a Magistrate at the time and place mentioned in the recognizance entered into by him on being granted bail, the Magistrate may adjourn the proceedings and may issue a warrant for the apprehension of the person and for bringing him before a Magistrate.

Issue of
warrant for
non-appearance.

15.—(1.) This section applies to proceedings under—

- (a) section 13 of this Act;
- (b) the *Crimes (Aircraft) Act 1963*;
- (c) the *Extradition (Commonwealth Countries) Act 1966–1968*; or
- (d) the *Extradition (Foreign States) Act 1966–1968*.

Certain
documents may
be admitted
in evidence.

(2.) A document certified by the Attorney-General to be a record of evidence sent to him under sub-section (2.) of section 10 of this Act is admissible in evidence in proceedings to which this section applies and, when admitted, the evidence recorded in it is evidence in the proceedings.

(3.) In proceedings under the *Crimes (Aircraft) Act* 1963, the magistrate or court hearing the proceedings shall not admit in evidence a document referred to in the last preceding sub-section, or a part of such a document, unless it appears to the magistrate or court that, having regard to all the circumstances, it would be contrary to the interests of justice not to do so.

Release of
person
remanded in
custody.

16.—(1.) Where a person remanded under sub-section (2.) of section 13 of this Act is in custody at the expiration of two months after—

- (a) the date of the order of remand by virtue of which his period of custody on remand commenced; or
- (b) if an application for a writ of *habeas corpus* has been made by the person—the date of the decision of the court to which the application was made or, where an appeal has been brought from that decision to another court, the date of the decision of the other court,

whichever is the later, the Supreme Court of the State or Territory of the Commonwealth in which the person is held in custody, upon application made to it by the person and upon proof that reasonable notice of the making of the application has been given to the Attorney-General, shall, unless reasonable cause is shown for the delay, order that the person be released from custody.

(2.) The Supreme Court of each State is invested with federal jurisdiction, and jurisdiction is conferred upon the Supreme Court of each Territory of the Commonwealth, to hear and determine applications under this section.

(3.) The jurisdiction of a court for the purposes of this section may be exercised by the court constituted by a single judge.

Conditions of
custody on
remand.

17. The laws of a State or Territory of the Commonwealth with respect to—

- (a) the conditions under which persons charged with offences against the law of that State or Territory are held in custody on remand;
- (b) the treatment of such persons while so held in custody; and
- (c) the transfer of such persons from one prison or other place of confinement to another,

apply, so far as they are capable of application, in relation to persons who are held in custody on remand, in accordance with an order under sub-section (2.) of section 13 of this Act, in the prisons or other places of confinement of the State or Territory.

Arrangement
with the
Governor of
a State.

18.—(1.) The Governor-General may arrange with the Governor of a State for the performance by all or any of the persons who, from time to time, hold office as Chief, Stipendiary, Police, Resident or Special Magistrates of that State of the functions of a Magistrate under this Act.

(2.) A copy of each arrangement made under this section shall be published in the *Gazette*.

19.—(1.) The Minister may, by instrument published in the *Gazette*, from time to time, declare—

Evidence of
certain
matters.

- (a) that a country specified in the declaration is a country that has ratified or acceded to the Tokyo Convention and that that ratification or accession took effect on a date specified in the declaration; or
- (b) that a country specified in the declaration has denounced the Tokyo Convention and that that denunciation took effect on a date specified in the declaration.

(2.) Subject to the next succeeding sub-section, an instrument by which a declaration referred to in paragraph (a) of the last preceding sub-section is made is evidence of the matters declared and is evidence that the country specified in the declaration has not denounced the Tokyo Convention.

(3.) An instrument by which a declaration referred to in paragraph (b) of sub-section (1.) of this section is made is evidence of the matters declared.

20. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act or the Tokyo Convention and, in particular, making provision for or in relation to—

Regulations.

- (a) the summoning of witnesses, the production of documents, the taking of evidence on oath or affirmation, and the payment of expenses of witnesses, in proceedings before Magistrates under this Act or any other matter of practice or procedure in connexion with such proceedings;
- (b) the protection and immunity of Magistrates, barristers and solicitors and witnesses in connexion with such proceedings; and
- (c) penalties not exceeding a fine of Two hundred dollars for offences against the regulations.

THE SCHEDULE

Section 3.

CONVENTION

ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED
ON BOARD AIRCRAFT

THE STATES Parties to this Convention

HAVE AGREED as follows:

Chapter I—Scope of the Convention

Article 1

1. This Convention shall apply in respect of:
 - a) offences against penal law;
 - b) acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board.
2. Except as provided in Chapter III, this Convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a Contracting State, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State.
3. For the purposes of this Convention, an aircraft is considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.
4. This Convention shall not apply to aircraft used in military, customs or police services.

Article 2

Without prejudice to the provisions of Article 4 and except when the safety of the aircraft or of persons or property on board so requires, no provision of this Convention shall be interpreted as authorizing or requiring any action in respect of offences against penal laws of a political nature or those based on racial or religious discrimination.

Chapter II—Jurisdiction

Article 3

1. The State of registration of the aircraft is competent to exercise jurisdiction over offences and acts committed on board.
2. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction as the State of registration over offences committed on board aircraft registered in such State.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 4

A Contracting State which is not the State of registration may not interfere with an aircraft in flight in order to exercise its criminal jurisdiction over an offence committed on board except in the following cases:

- a) the offence has effect on the territory of such State;
- b) the offence has been committed by or against a national or permanent resident of such State;
- c) the offence is against the security of such State;
- d) the offence consists of a breach of any rules or regulations relating to the flight or manoeuvre of aircraft in force in such State;
- e) the exercise of jurisdiction is necessary to ensure the observance of any obligation of such State under a multilateral international agreement.

THE SCHEDULE—*continued***Chapter III—Powers of the aircraft commander****Article 5**

1. The provisions of this Chapter shall not apply to offences and acts committed or about to be committed by a person on board an aircraft in flight in the airspace of the State of registration or over the high seas or any other area outside the territory of any State unless the last point of take-off or the next point of intended landing is situated in a State other than that of registration, or the aircraft subsequently flies in the airspace of a State other than that of registration with such person still on board.

2. Notwithstanding the provisions of Article 1, paragraph 3, an aircraft shall for the purposes of this Chapter, be considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the provisions of this Chapter shall continue to apply with respect to offences and acts committed on board until competent authorities of a State take over the responsibility for the aircraft and for the persons and property on board.

Article 6

1. The aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act contemplated in Article 1, paragraph 1, impose upon such person reasonable measures including restraint which are necessary:

- a) to protect the safety of the aircraft, or of persons or property therein; or
- b) to maintain good order and discipline on board; or
- c) to enable him to deliver such person to competent authorities or to disembark him in accordance with the provisions of this Chapter.

2. The aircraft commander may require or authorize the assistance of other crew members and may request or authorize, but not require, the assistance of passengers to restrain any person whom he is entitled to restrain. Any crew member or passenger may also take reasonable preventive measures without such authorization when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

Article 7

1. Measures of restraint imposed upon a person in accordance with Article 6 shall not be continued beyond any point at which the aircraft lands unless:

- a) such point is in the territory of a non-Contracting State and its authorities refuse to permit disembarkation of that person or those measures have been imposed in accordance with Article 6, paragraph 1 c) in order to enable his delivery to competent authorities;
- b) the aircraft makes a forced landing and the aircraft commander is unable to deliver that person to competent authorities; or
- c) that person agrees to onward carriage under restraint.

2. The aircraft commander shall as soon as practicable, and if possible before landing in the territory of a State with a person on board who has been placed under restraint in accordance with the provisions of Article 6, notify the authorities of such State of the fact that a person on board is under restraint and of the reasons for such restraint.

Article 8

1. The aircraft commander may, in so far as it is necessary for the purpose of subparagraph a) or b) of paragraph 1 of Article 6, disembark in the territory of any State in which the aircraft lands any person who he has reasonable grounds to believe has committed, or is about to commit, on board the aircraft an act contemplated in Article 1, paragraph 1 b).

2. The aircraft commander shall report to the authorities of the State in which he disembarks any person pursuant to this Article, the fact of, and the reasons for, such disembarkation.

THE SCHEDULE—*continued***Article 9**

1. The aircraft commander may deliver to the competent authorities of any Contracting State in the territory of which the aircraft lands any person who he has reasonable grounds to believe has committed on board the aircraft an act which, in his opinion, is a serious offence according to the penal law of the State of registration of the aircraft.
2. The aircraft commander shall as soon as practicable and if possible before landing in the territory of a Contracting State with a person on board whom the aircraft commander intends to deliver in accordance with the preceding paragraph, notify the authorities of such State of his intention to deliver such person and the reasons therefor.
3. The aircraft commander shall furnish the authorities to whom any suspected offender is delivered in accordance with the provisions of this Article with evidence and information which, under the law of the State of registration of the aircraft, are lawfully in his possession.

Article 10

For actions taken in accordance with this Convention, neither the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.

Chapter IV—Unlawful Seizure of Aircraft**Article 11**

1. When a person on board has unlawfully committed by force or threat thereof an act of interference, seizure, or other wrongful exercise of control of an aircraft in flight or when such an act is about to be committed, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.
2. In the cases contemplated in the preceding paragraph, the Contracting State in which the aircraft lands shall permit its passengers and crew to continue their journey as soon as practicable, and shall return the aircraft and its cargo to the persons lawfully entitled to possession.

Chapter V—Powers and Duties of States**Article 12**

Any Contracting State shall allow the commander of an aircraft registered in another Contracting State to disembark any person pursuant to Article 8, paragraph 1.

Article 13

1. Any Contracting State shall take delivery of any person whom the aircraft commander delivers pursuant to Article 9, paragraph 1.
2. Upon being satisfied that the circumstances so warrant, any Contracting State shall take custody or other measures to ensure the presence of any person suspected of an act contemplated in Article 11, paragraph 1 and of any person of whom it has taken delivery. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is reasonably necessary to enable any criminal or extradition proceedings to be instituted.
3. Any person in custody pursuant to the previous paragraph shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.
4. Any Contracting State, to which a person is delivered pursuant to Article 9, paragraph 1, or in whose territory an aircraft lands following the commission of an act contemplated in Article 11, paragraph 1, shall immediately make a preliminary enquiry into the facts.
5. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft and the State of nationality of the detained person and, if it considers it advisable, any other interested State of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 4 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

THE SCHEDULE—*continued***Article 14**

1. When any person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and when such person cannot or does not desire to continue his journey and the State of landing refuses to admit him, that State may, if the person in question is not a national or permanent resident of that State, return him to the territory of the State of which he is a national or permanent resident or to the territory of the State in which he began his journey by air.

2. Neither disembarkation, nor delivery, nor the taking of custody or other measures contemplated in Article 13, paragraph 2, nor return of the person concerned, shall be considered as admission to the territory of the Contracting State concerned for the purpose of its law relating to entry or admission of persons and nothing in this Convention shall affect the law of a Contracting State relating to the expulsion of persons from its territory.

Article 15

1. Without prejudice to Article 14, any person who has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and who desires to continue his journey shall be at liberty as soon as practicable to proceed to any destination of his choice unless his presence is required by the law of the State of landing for the purpose of extradition or criminal proceedings.

2. Without prejudice to its law as to entry and admission to, and extradition and expulsion from its territory, a Contracting State in whose territory a person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1 or has disembarked and is suspected of having committed an act contemplated in Article 11, paragraph 1, shall accord to such person treatment which is no less favourable for his protection and security than that accorded to nationals of such Contracting State in like circumstances.

Chapter VI—Other Provisions**Article 16**

1. Offences committed on aircraft registered in a Contracting State shall be treated, for the purpose of extradition, as if they had been committed not only in the place in which they have occurred but also in the territory of the State of registration of the aircraft.

2. Without prejudice to the provisions of the preceding paragraph, nothing in this Convention shall be deemed to create an obligation to grant extradition.

Article 17

In taking any measures for investigation or arrest or otherwise exercising jurisdiction in connection with any offence committed on board an aircraft the Contracting States shall pay due regard to the safety and other interests of air navigation and shall so act as to avoid unnecessary delay of the aircraft, passengers, crew or cargo.

Article 18

If Contracting States establish joint air transport operating organizations or international operating agencies, which operate aircraft not registered in any one State those States shall, according to the circumstances of the case, designate the State among them which, for the purposes of this Convention, shall be considered as the State of registration and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

Chapter VII—Final Clauses**Article 19**

Until the date on which this Convention comes into force in accordance with the provisions of Article 21, it shall remain open for signature on behalf of any State which at that date is a Member of the United Nations or of any of the Specialized Agencies.

THE SCHEDULE—*continued*

Article 20

1. This Convention shall be subject to ratification by the signatory States in accordance with their constitutional procedures.
2. The instruments of ratification shall be deposited with the International Civil Aviation Organization.

Article 21

1. As soon as twelve of the signatory States have deposited their instruments of ratification of this Convention, it shall come into force between them on the ninetieth day after the date of the deposit of the twelfth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.
2. As soon as this convention comes into force, it shall be registered with the Secretary-General of the United Nations by the International Civil Aviation Organization.

Article 22

1. This Convention shall, after it has come into force, be open for accession by any State Member of the United Nations or of any of the Specialized Agencies.
2. The accession of a State shall be effected by the deposit of an instrument of accession with the International Civil Aviation Organization and shall take effect on the ninetieth day after the date of such deposit.

Article 23

1. Any Contracting State may denounce this Convention by notification addressed to the International Civil Aviation Organization.
2. Denunciation shall take effect six months after the date of receipt by the International Civil Aviation Organization of the notification of denunciation.

Article 24

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.
3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the International Civil Aviation Organization.

Article 25

Except as provided in Article 24 no reservation may be made to this Convention.

Article 26

The International Civil Aviation Organization shall give notice to all States Members of the United Nations or of any of the Specialized Agencies:

- a) of any signature of this Convention and the date thereof;
- b) of the deposit of any instrument of ratification or accession and the date thereof;
- c) of the date on which this Convention comes into force in accordance with Article 21, paragraph 1;

THE SCHEDULE—*continued*

- d) of the receipt of any notification of denunciation and the date thereof; and
- e) of the receipt of any declaration or notification made under Article 24 and the date thereof.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having been duly authorized, have signed this Convention.

DONE at Tokyo on the fourteenth day of September One thousand Nine Hundred and Sixty-three in three authentic texts drawn up in the English, French and Spanish languages.

This Convention shall be deposited with the International Civil Aviation Organization with which, in accordance with Article 19, it shall remain open for signature and the said Organization shall send certified copies thereof to all States Members of the United Nations or of any Specialized Agency.

[Here follow the signatures of the Plenipotentiaries of the signatory States]
