

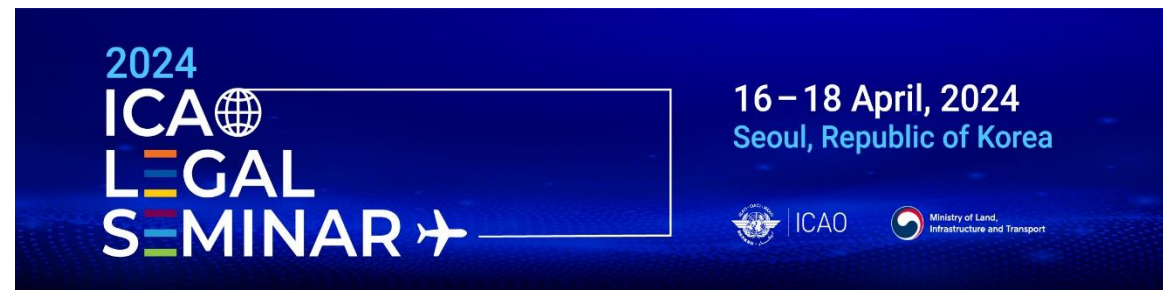


SAFE SKIES.
**SUSTAINABLE
FUTURE.**



Progress on the outcomes of the 41st ICAO Assembly and preparation for the 39th Session of the Legal Committee

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Director, Legal Affairs and External Relations
Bureau, ICAO



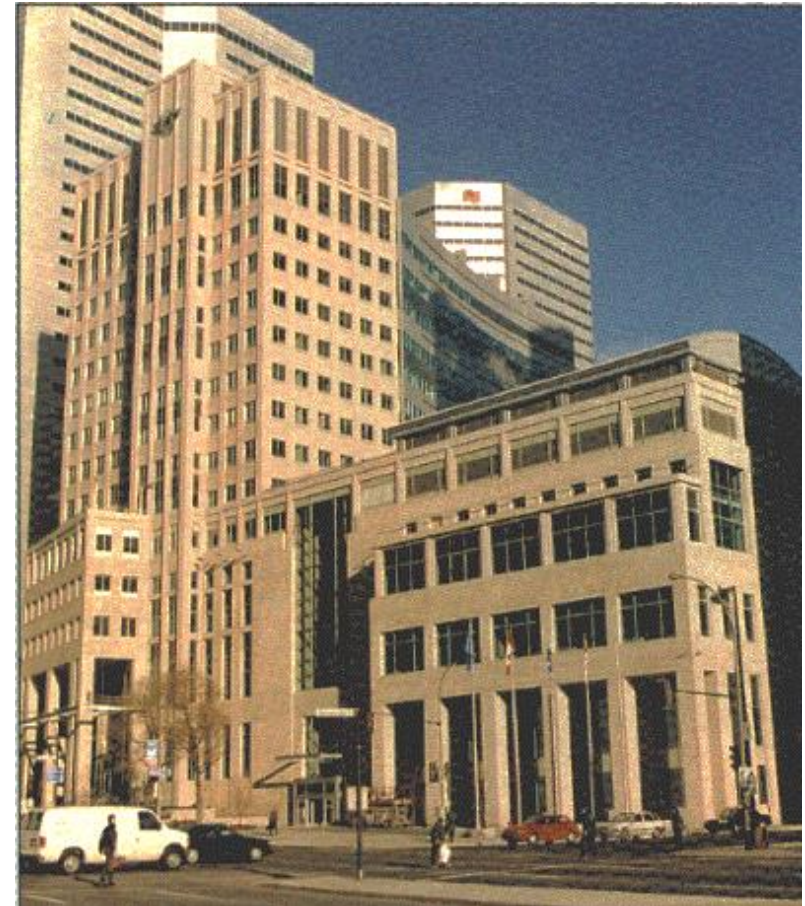
Presentation Overview

1. Introduction
2. ICAO Policies in the Legal Field
3. The Legal Committee of ICAO and its Work Programme
4. Settlement of disputes by the Council of ICAO

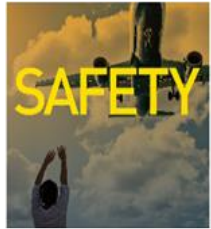


1. Introduction

- ICAO is a UN Specialized Agency
- ICAO is established by the *Convention on International Civil Aviation*, signed at Chicago on 7 December 1944
- Universal application: 193 Member States
- Safe, orderly development of civil aviation
- 80th anniversary of the adoption of the Chicago Convention



ICAO's Strategic Objectives



Enhance global civil aviation safety.



Increase the capacity and improve the efficiency of the global civil aviation system.



Enhance civil aviation security and facilitation.



Foster the development of a sound and economically-viable civil aviation system.



Minimize the adverse environmental effects of civil aviation activities.

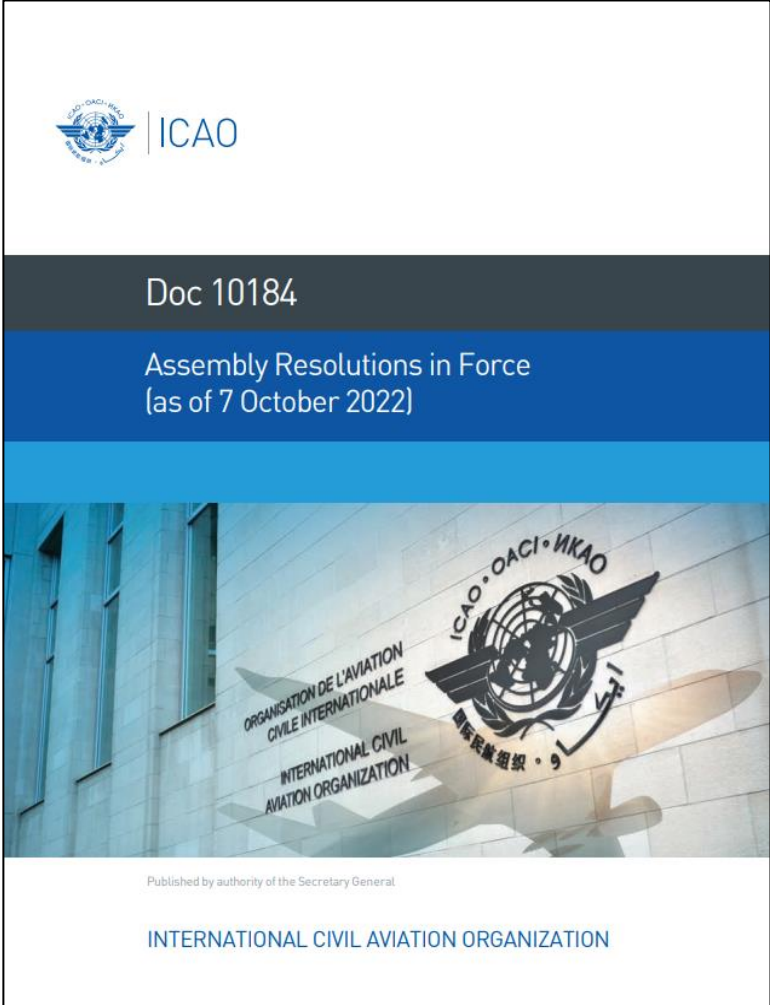
2. ICAO Policies in the Legal Field

**Resolution A41-4:
Consolidated Statement of
ICAO Policies in the Legal Field**

**Ratification of ICAO
international instruments
(Appendix C)**

**The teaching of air law
(Appendix D)**

**Enhancing the capacity and
effectiveness of States to
implement air law treaties
and update national laws and
regulations (Appendix G)**



3. The ICAO Legal Committee

- Established in 1947 by the First Session of the ICAO Assembly and open to all Member States
- Main duties and functions:
 - to make recommendations on matters relating to public international air law
 - to study problems relating to private air law affecting international civil aviation
 - to prepare drafts of international air law treaties



3. The Work Programme of the Legal Committee

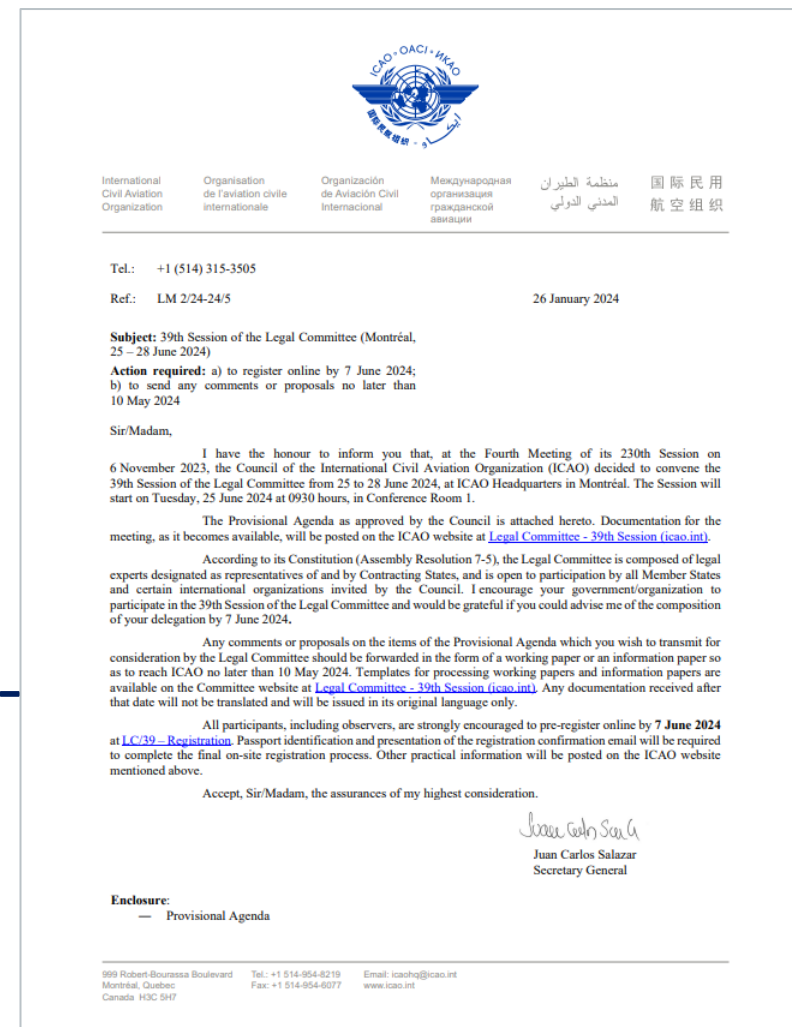
- 1) Review of the ICAO Rules for the Settlement of Differences;
- 2) International legal aspects of pilotless aircraft operations;
- 3) Implementation of Article 12 of the Chicago Convention;
- 4) Acts or offences of concern to the international aviation community, including cyber threats, that may not be adequately covered by existing air law instruments;
- 5) Promotion of the ratification of international air law instruments;
- 6) Study of international legal issues relating to global satellite systems and services supporting international air navigation services;
- 7) Consideration of guidance on conflicts of interest; and
- 8) Implementation of Article 21 of the Chicago Convention.

3. The ICAO Legal Committee

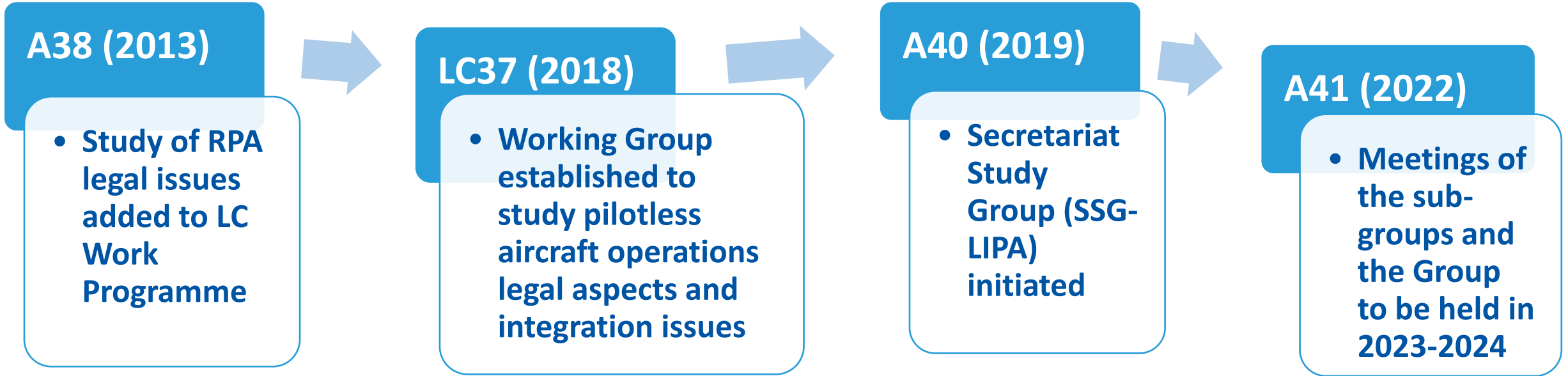
LC/39: 25 to 28 June 2024 (Montréal)

- Agenda

- Consideration of the General Work Programme of the Legal Committee
- Review of the General Work Programme of the Legal Committee
- Election of the Chairperson and Vice-Chairpersons who will serve for LC/40, LC/41



Item 2 – International legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation

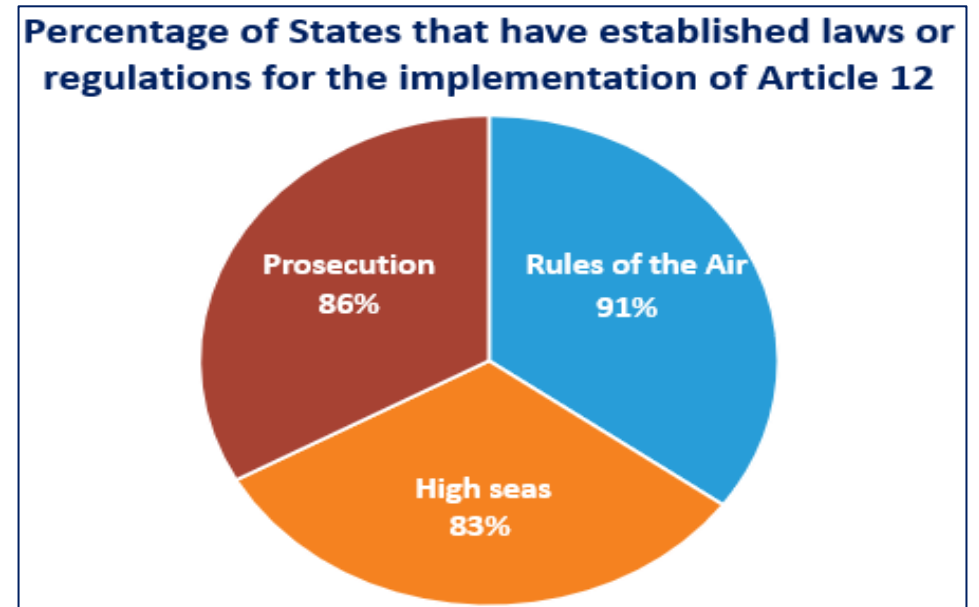


Item 3 - Processes and procedures for States to fulfil their obligations under Art. 12 of the Chicago Convention

- Under Art. 12, the State of Registry is responsible for ensuring: that the aircraft complies with the rules and regulations relating to the flight and manoeuvre of aircraft in force wherever such aircraft may be; and the prosecution of all persons violating those rules and regulations.
- Establishment of the Article 12 Task Force in April 2021
 - Participation by experts from 18 States (Australia, Brazil, Canada, Colombia, China, Finland, France, Ghana, Greece, Jordan, Oman, Qatar, Republic of Korea, Russian Federation, Singapore, United Arab Emirates, United Kingdom and the United States) and 3 IOs (AFCAC, IATA and IFALPA).
- Key deliverable: to develop a process to use for the efficient notification and communication of alleged violations of regulations

Progress made by the Article 12 Task Force

- Establishment by the A12 TF of a Scoping Group (SSG) and a Tools Group (TSG)
- Issuance of a survey on the implementation of Article 12 by States



Item 4 - Acts or offences of concern to the international aviation community, including cyber threats, that may not be adequately covered by existing air law instruments

Key tasks:

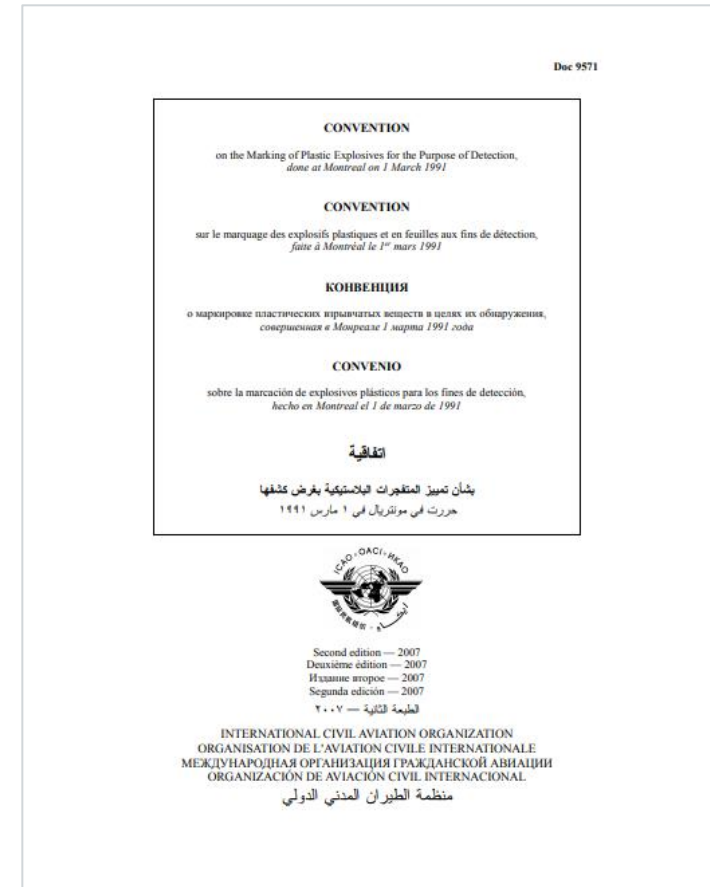
- Secretariat monitored events and responded to inquiries relating to the MP2014 and the *Manual on the Legal Aspects of Unruly and Disruptive Passengers* (Doc 10117), with regard to their application to the implementation and enforcement of COVID-19 public health and safety measures on board aircraft
- A41-4, Appendix E contains model legislation on unruly and disruptive passengers
- 10-year anniversary of the adoption of MP2014
- Promotion of the Beijing 2010 instruments to address the application of provisions relating to cyber-attacks against civil aviation



3. The ICAO Legal Committee

MEX Convention

- Request by C 231/2 (March 2024) to task the LC to undertake an evaluation on potential solutions to amend the MEX Convention in order to redefine the role and functions of the IETC



3. The ICAO Legal Committee

Data protection and international carriage by air

- Joint ICAO-IATA Seminar held in September 2023
- Highlighted the complexity of existing national data protection laws as well as the importance of protecting personal data when transferred across jurisdictions



4. Settlement of Disputes by the Council of ICAO

- Dispute settlement function entrusted to the Council under Article 84 of the Chicago Convention
- Consideration by the Council involves submission of written documents by the parties and oral hearings
- Proceedings are governed by the ICAO *Rules for the Settlement of Differences*
- A decision of the Council is appealable to the ICJ or an arbitral tribunal
- Recent cases:
 - *Australia and the Netherlands and the Russian Federation (2022)*
 - *Russian Federation and 37 Member States (2023)*
 - *Canada, Sweden, Ukraine and UK and Iran (2024)*



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Conclusion

Thank You

