



## **LEGAL COMMITTEE – 33RD SESSION**

(Montréal, 21 April – 2 May 2008)

### **Agenda Item 8: Report on work done at the Session**

#### **DRAFT REPORT ON THE WORK OF THE LEGAL COMMITTEE DURING ITS 33RD SESSION**

0. The attached material comprises the draft Report of the Legal Committee on the Organization of the Meeting.
0. Subsequent material comprising the draft Report of the Legal Committee will be issued as subdivisions of LC/33-WP/8.

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## 1. Place and Duration

1.1 The 33rd Session of the Legal Committee was held at Montréal from 21 April to 2 May 2008. The Chairman of the Legal Committee, Mr. Gilles Lauzon (Canada), presided over the Session.

## 2. Opening addresses

2.1 The meeting was declared open by **the Chairman of the Legal Committee. The President of the Council**, Mr. Roberto Kobeh González, welcomed all delegates and observers. Referring to the proud history of the Committee, he mentioned that it had prepared most innovatively and successfully a number of international air law conventions for the benefit of the global aviation community. It was against this backdrop of high expectation that this Session of the Committee met, principally to consider the subject “Compensation for damage caused by aircraft to third parties arising from acts of unlawful interference or from general risks”.

2.2 He further recalled that this subject had been in the Work Programme of the Legal Committee since 2000. When a draft convention was considered by the 32nd Session of the Committee in March 2004, the Committee concluded that further work was needed. Subsequently, in May 2004, the Council decided to establish a Special Group to further advance the work. The Special Group held six meetings and concluded that the draft convention from the 32nd Session of the Committee should be split into two separate conventions, one dealing with general or safety-related risks, and the other with terrorism-related risks. The Group focused on the dual principles of protection for victims and that for the civil aviation sector. The Group concluded that a supplementary compensation mechanism would be necessary to meet these two goals as regards the terrorism-related risks. Consequently, the Group developed two draft conventions, with the provisions on the supplementary compensation mechanism being an integral part of the convention covering the terrorism risks.

2.3 The President took this opportunity to thank and congratulate Mr. Henrik Kjellin (Sweden) for his chairmanship in the Special Group. He also expressed his gratitude to the two Rapporteurs, Messrs. Michael Jennison (United States) and Aníbal Mutti (Argentina). Noting that this would be the last session chaired by Mr. Gilles Lauzon, the President thanked him for his remarkable patience, intellect and leadership during his tenure as Chairman of the Committee.

2.4 The President informed the meeting that, when the Council decided on 7 December 2007 to convene this session, it also decided that the same priority should be accorded by the Committee to each of the two draft conventions. Acknowledging the complexities raised by this subject and the difficulties in reaching consensus on many fundamental issues, he placed great confidence in the Legal Committee in the fulfilment of its tasks. Following this Session, the Council would consider the results and decide on the future course of work. If one or both of the draft instruments are deemed sufficiently mature, the next step would be for the Council to convene a Diplomatic Conference to finalize the text or texts.

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2.5 The Chairman expressed his thanks to the President for his kind remarks. He trusted that he would receive further cooperation from all participants at this Session, with a view to producing a draft instrument or instruments which is/are ratifiable.

### 3. **Agenda and Working Arrangements**

3.1 The Committee adopted the provisional agenda shown in LC/33-WP/1 without change as its agenda of the Session, which is presented in **Attachment A** to this Report.

3.2 The working papers considered by the Committee are listed by agenda items in **Attachment B** to this Report.

3.3 The action taken by the Committee in respect of each item is reported on separately in the Report. The material is arranged according to the numerical sequence of the agenda items considered by the Committee.

### 4. **Meetings**

4.1 The Committee held . . . . . meetings, all of which were held in open sessions.

4.2 The Secretary of the Committee was Mr. D. Wibaux, Director of the Legal Bureau of ICAO. The Deputy Secretary was Mr. S.A.A. Espínola, Principal Legal Officer. Mr. J.V. Augustin, Senior Legal Officer, Messrs. B. Verhaegen, J. Huang, A. Jakob, Legal Officers, and Ms. M. Weinstein, Legal Adviser, were Assistant Secretaries. Other officials of the Organization also provided services to the Committee.

### 5. **Representation of States and International Organizations**

5.1 [ ] Contracting States and [ ] international organizations were represented by [ ] representatives and observers at this Session of the Legal Committee. The names of the representatives and observers appear in **Attachment C** to this Report.

### 6. **Records of Proceedings**

6.1 The Committee **decided** that in application of Rule 45 of its Rules of Procedure, the minutes of the 33rd Session need not be prepared.