



WORKING PAPER

LEGAL COMMITTEE – 38th SESSION

(Virtual Meeting, 22 to 25 March 2022)

Agenda Item 3: Review of the General Work Programme of the Legal Committee

REVIEW OF THE GENERAL WORK PROGRAMME OF THE LEGAL COMMITTEE

(Presented by the Secretariat)

1. INTRODUCTION

1.1 According to the Constitution of the Legal Committee (Resolution A7-5) and Rule 8 of the *Rules of Procedure of the Legal Committee* (Doc 7669-139/6), the Legal Committee establishes and maintains, subject to the approval of the Council, a general programme of work which includes subjects proposed by the Committee itself; in addition it shall also include any subjects proposed by the Assembly or the Council.

2. DEVELOPMENTS IN THE WORK PROGRAMME FOLLOWING THE 37TH SESSION OF THE LEGAL COMMITTEE

2.1 Following the conclusion of the 37th Session of the Legal Committee (Montréal, 4 to 7 September 2018) and subsequent approval by the Council on 7 November 2018 (C-DEC 215/5), the General Work Programme of the Legal Committee had been established as follows:

- 1) International legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation;
- 2) Review of the ICAO Rules for the Settlement of Differences;
- 3) Consideration of guidance on conflicts of interest;
- 4) Consideration of the adequacy of existing international air law instruments in addressing cyber threats against civil aviation;
- 5) Acts or offences of concern to the international aviation community and not covered by existing air law instruments;
- 6) Promotion of the ratification of international air law instruments;
- 7) Implementation of Article 21 of the Chicago Convention; and
- 8) Study of international legal issues relating to global navigation satellite systems (GNSS).

3. ASSEMBLY – 40TH SESSION

3.1 On the basis of Working Paper A40-WP/101, presented by Brazil and United States concerning Article 12 of the Chicago Convention and the need for a communication mechanism and guidelines to help States to fulfil their enforcement obligations under Article 12 and thereby enhance safety, the Assembly (24 September to 4 October 2019) decided to add the subject “Processes and procedures for

States to fulfil their obligations under Article 12 of the Chicago Convention” as a new item to the General Work Programme of the Legal Committee. .

3.2 With respect to the item ”Consideration of adequacy of existing international air law instruments in addressing cyber threats against civil aviation”, the Secretariat reported on LEB’s support on the work being undertaken by the Secretariat Study Group on Cybersecurity (SSGC), through its Research Subgroup on Legal Aspects (RSGLEG). The Assembly accepted the Secretariat’s proposal to merge previous items 4 and 5 of the Work Programme into a single item to read: “Acts or offences of concern to the international aviation community, including cyber threats, that may not be adequately covered by existing air law instruments”.

3.3 As regards item no. 8, the Assembly agreed, as had been requested by the Council, to broaden the scope beyond global navigation satellite systems (GNSS), to concern itself with “Study of international legal issues relating to global satellite systems and services supporting international air navigation services”.

3.4 As a result, the Work Programme had been established in order of priority as follows:

- 1) International legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation;
- 2) Review of the ICAO Rules for the Settlement of Differences;
- 3) Processes and procedures for States to fulfil their obligations under 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) Consideration of guidance on conflicts of interest;
- 6) Promotion of the ratification of international air law instruments;
- 7) Implementation of Article 21 of the Chicago Convention; and
- 8) Study of international legal issues relating to global satellite systems and services supporting international air navigation services.

4. SUBSEQUENT ACTION BY THE COUNCIL

4.1 At its seventh meeting of the 218th Session (27 November 2019), the Council confirmed the Legal Committee’s Work Programme as set out in paragraph 3.4 above.

4.2 In accordance with the foregoing decision, the General Work Programme of the Legal Committee stands to date as follows:

- 1) International legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation;
- 2) Review of the ICAO Rules for the Settlement of Differences;
- 3) Processes and procedures for States to fulfil their obligations under 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) Consideration of guidance on conflicts of interest;
- 6) Promotion of the ratification of international air law instruments;
- 7) Implementation of Article 21 of the Chicago Convention; and
- 8) Study of international legal issues relating to global satellite systems and services supporting international air navigation services.

5. **ACTION BY THE COMMITTEE**

5.1 The Legal Committee is invited to consider this working paper and take any action it deems necessary.

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