



ICAO

INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY



Session I: ICAO's work in the legal field after the 41st ICAO Assembly

Mr. Andrew P. Opolot

Legal Officer, Legal Affairs and External
Relations Bureau, ICAO



DESCRIBE ICAO'S WORK IN THE LEGAL FIELD

The International Civil Aviation Organization (ICAO) plays an important role in the legal field by developing and enforcing international aviation laws and regulations. ICAO's legal activities involve several areas, including the development of international treaties, agreements, and conventions related to civil aviation. One of the most well-known is the Chicago Convention, which established the basic principles of international air navigation and laid the groundwork for the creation of ICAO.

ICAO also provides guidance and support to its Member States in implementing and complying with international aviation regulations, such as safety standards, security measures, and environmental protection requirements. ICAO regularly conducts audits and assessments of Member States' aviation systems to ensure compliance with international standards and identify areas for improvement.

In addition, ICAO facilitates the settlement of disputes among Member States or other aviation stakeholders through its dispute resolution mechanisms, such as the International Court of Justice or the International Civil Aviation Organization Council. Overall, ICAO's legal activities aim to promote the safe, efficient, and sustainable development of international civil aviation, and to ensure that aviation-related legal issues are addressed through a coordinated international framework.

2. Work Programme of the ICAO Legal Committee

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ICAO Rules for the Settlement of Differences



Unmanned aircraft operations



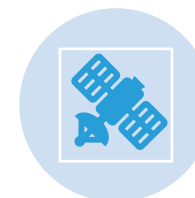
Article 12 of the Chicago Convention



Acts or offences of concern to the international aviation community not adequately covered by existing air law instruments



Ratification of air law treaties



Global satellite systems and services supporting international air navigation



Conflicts of interest

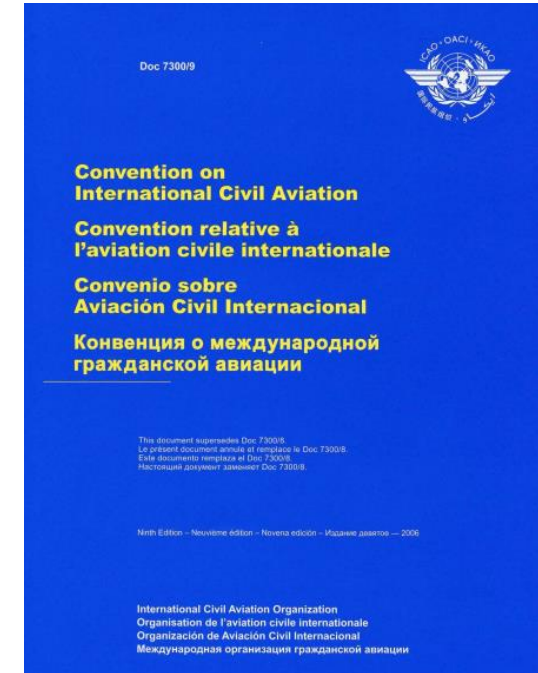


Article 21 of the Chicago Convention

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

- State is responsible for ensuring:
 - that every aircraft in its territory or registered by it wherever it might be, complies with the rules and regulations relating to the flight and maneuver of aircraft in force;
 - Establishment of regulations uniform to those established under the Convention
 - the prosecution of all persons violating those rules and regulations.

Over the high seas, the rules in force shall be those established under the Chicago Convention.





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

Members of the Article 12 Task Force

Australia; Brazil; Canada; Colombia; China; Finland; France; Ghana; Greece; Oman; Qatar; Republic of Korea; Russian Federation; Singapore; United Arab Emirates; United Kingdom and the United States as well as AFCAC, IATA and IFALPA.

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

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Implementation challenges and related legal issues

- Does the imposition of administrative sanctions amount to prosecution, within the meaning of the provision;
- Who has jurisdiction for flights over the high seas and over delegated airspace;
- Implications or limitation from adherence to the principle of *just culture* and protection of safety information in Annexes 13 and 19;
- Languages for communications between States;
- Conflict of laws : which to apply (a) if there are different laws in state of registration and the state of occurrence or (b) a difference has been filed in relation to the regulation;
- What to do if sanctions are not imposed; and
- How can regional cooperation mechanisms assist in implementation (RSOO and RAIO).

**Legal Survey on
Implementation of
Article 12
obligations by
States – Online
Survey due 31
March 2023**

What actions your State will take for violations by foreign air operators in its territory or delegated airspace or its operator in another State or international airspace

Following a rules of the air violation, has your State encountered difficulties in obtaining evidence, a response or follow up action by another State

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

Objective

Study implementation of A12 by States and identify the means and mechanisms for States to support and enhance their implementation

Deliverables

Develop a process for efficient notification and communication of alleged violations of regulations

Recommend rules, procedures and best practices for dealing with violations of air regulations

Any other relevant deliverable identified by the A12TF

Tasks

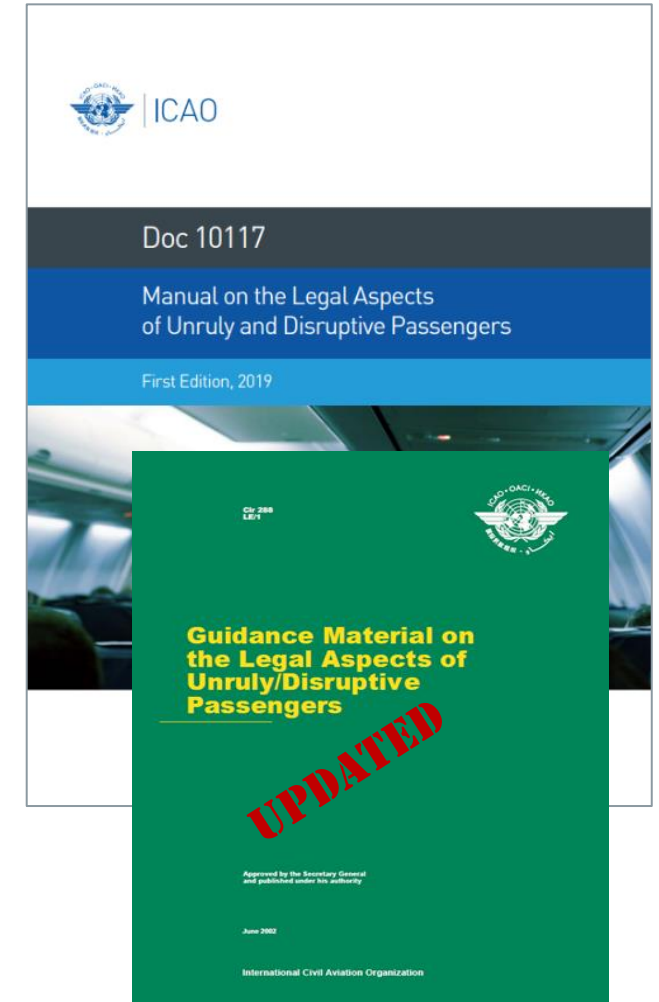
- Clarify A12 objectives and purposes**
- Review means to facilitate the implementation of A12; identify shortcomings**
- Harmonize the mechanisms by States to fulfill A12 obligations**
- Identify guidance/tools to support A12 implementation**

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

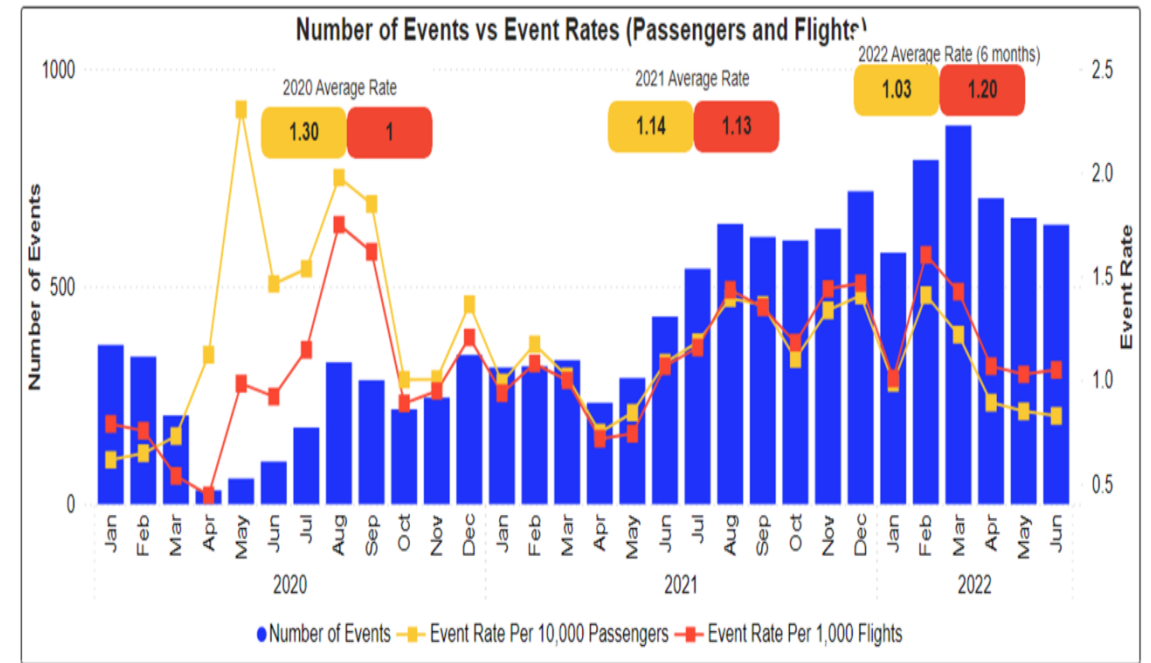
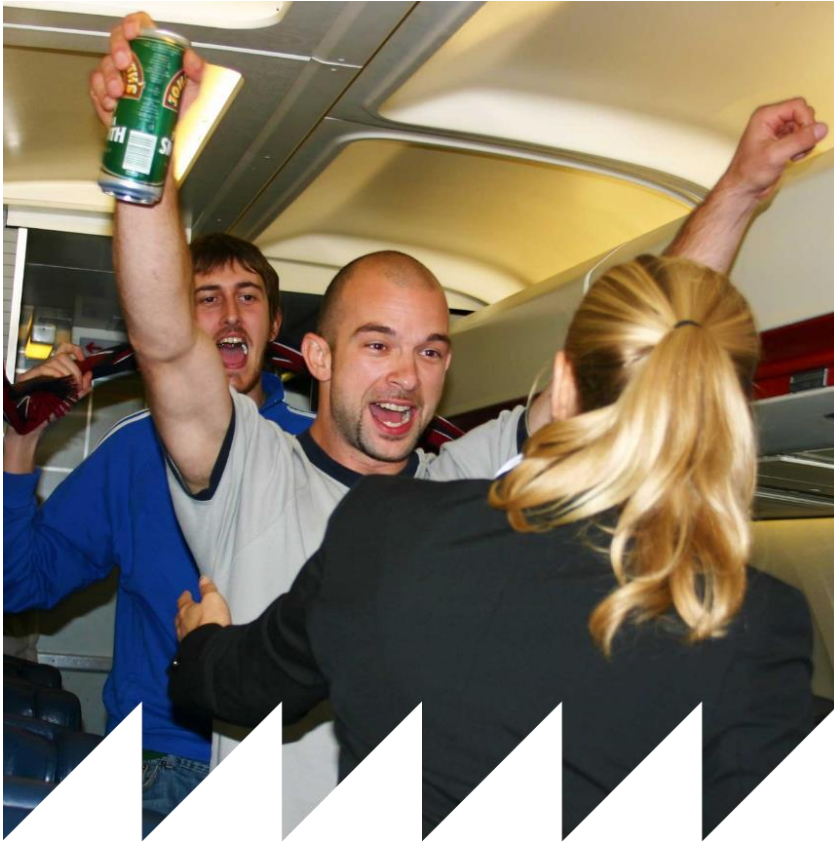
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ICAO Tools:

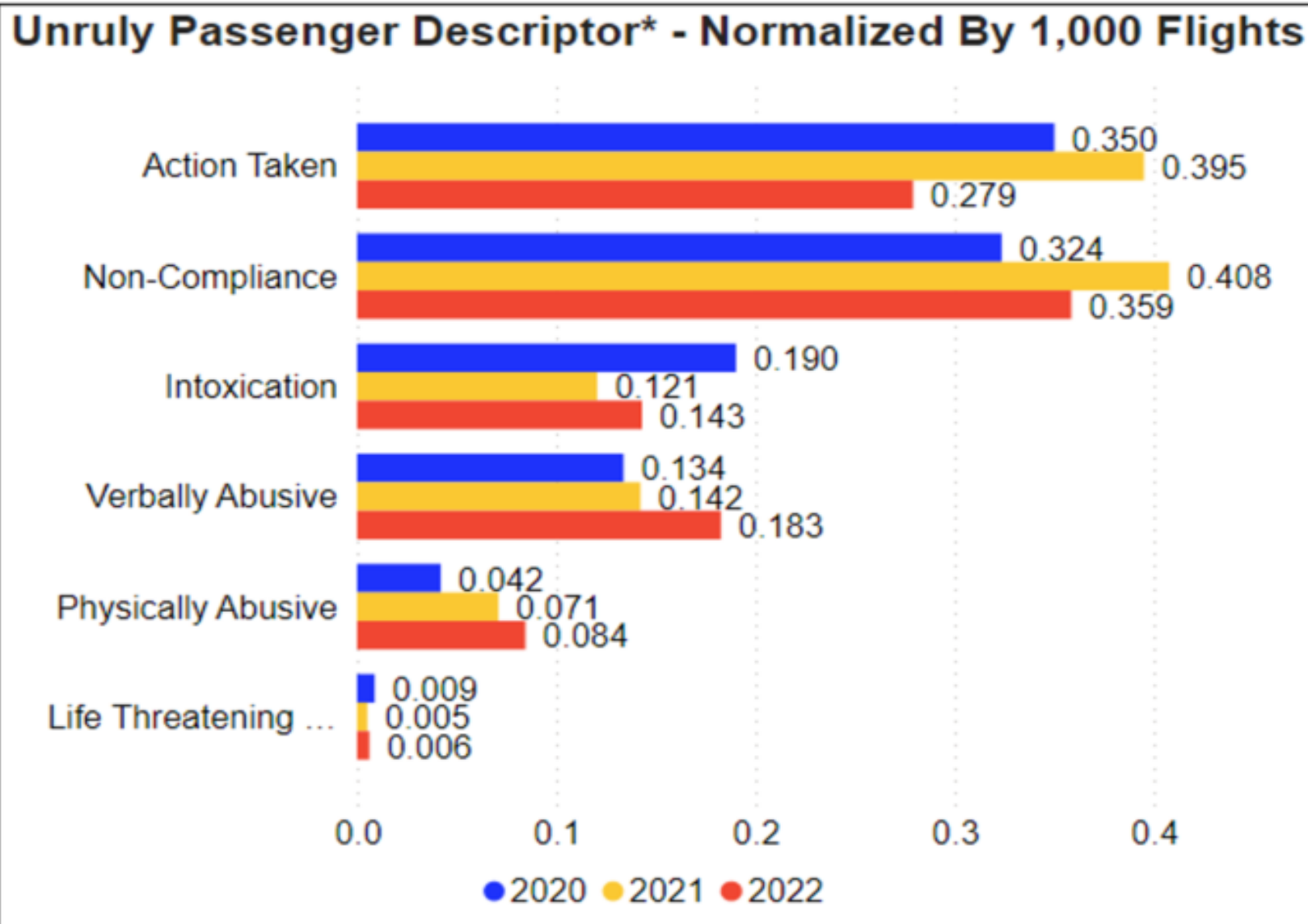
- Publication, in June 2019, of the *Manual on the Legal Aspects of Unruly and Disruptive Passengers* (Doc 10117)
- The Secretariat has monitored events and responded to inquiries relating to the MP2014 and Doc 10117, including enforcement of COVID-19 public health and safety measures on board aircraft, with input to CART.
- A41-4, Appendix E: Urges all Contracting States to enact as soon as possible national law and regulations to deal effectively with the problem of unruly and disruptive passengers, taking into account the guidance in the ICAO Manual on the Legal Aspects of Unruly and Disruptive Passengers (Doc 10117) and incorporating so far as practical the provisions in the Model Legislation.



Global Unruly Passenger reporting 2020-2022¹¹



Source: IATA



Source: IATA

KEY ACTIONS

Legal measures

- 9 -

and regulations so enacted, and for which they have jurisdiction in accordance with these laws and regulations; and

Encourages States which have not yet done so to consider introducing civil and administrative sanctions to deal with less serious acts or offences relating to unruly and disruptive behaviour on board aircraft in an expeditious and effective manner.

Model Legislation on Certain Offences Committed on Board Aircraft

Section 1: Assault and Other Acts of Interference against a Crew Member on Board an Aircraft

Any person who commits on board an aircraft any of the following acts thereby commits an offence:

- (1) physical assault or threat to commit such assault against a crew member;
- (2) verbal intimidation or threat against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;
- (3) refusal to follow a lawful instruction given by or on behalf of the aircraft commander for the

Take jurisdiction,

Ratify MP 14, Use ICAO
Doc 10117, Enact
legislation.

Promote public awareness

Annex 9

Enforce and deter

Criminal and civil proceedings,
use administrative sanctions

Annex 9: E. Unruly passengers 6.45 Each Contracting State shall, to deter and prevent unruly behaviour, promote passenger awareness of the unacceptability and possible legal consequences of unruly or disruptive behaviour in aviation facilities and on board aircraft.

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

Legal work on cybersecurity:

- Secretariat Report to LC/38 Research Subgroup on Legal Aspects study concludes that:
 - ✓ The existing international air law framework is partially adequate in addressing cyber threats against civil aviation
 - ✓ Scope of the 2010 Beijing instruments provides a sufficient basis for States to successfully prosecute individuals and entities conducting cyber-attacks
- Future steps: Supporting Cyber Security Panel (CYSECP), accelerated promotion of the 2010 Beijing Instruments; consider survey on this subject

Item 5 - Promotion of the ratification of international air law instruments

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ICAO is the Depositary of almost 40 international air law treaties

Several ICAO Assembly Resolutions promote the ratification of those treaties (such as Resolution A41-4, Appendix C)



Item 5 - Promotion of the ratification of international air law instruments

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Accelerating the promotion of ratification of six key treaties



**Montreal Convention 1999
(air carrier liability): 139 Parties,
Universal application for uniform
regime**



**Beijing Convention 2010 (security
and safety): 46 Parties, deals with
new and merging threats using
aircraft, BCN weapons, cyber attack**



**Beijing Protocol 2010 (security and
safety): 45 Parties: deals with new
forms of unlawful seizure including
by any technological means**



**Montréal Protocol 2014 (unruly and
disruptive passengers): 43 Parties ,
expands jurisdiction beyond State of
registry, and promotes enforcement**



**2016 Protocol on Art. 50 (a) of the
Chicago Convention (increase in the
size of Council): 80 ratifications, 128
needed, broader representation n
the Council**



**2016 Protocol on Art. 56 of the
Chicago Convention (increase in the
size of the ANC): 80 ratifications, 128
needed, broader representation on
the ANC**

Item 5 - Promotion of the ratification of international air law instruments

Actions taken : High level meetings with State officials

Issuance of State letters

Legal seminars and courses

Ad hoc support to States

Support from ICAO Regional Offices

Treaty Collection Website

Treaty Event

Participating in UN activities



ICAO

LEGAL AFFAIRS
AND EXTERNAL RELATIONS

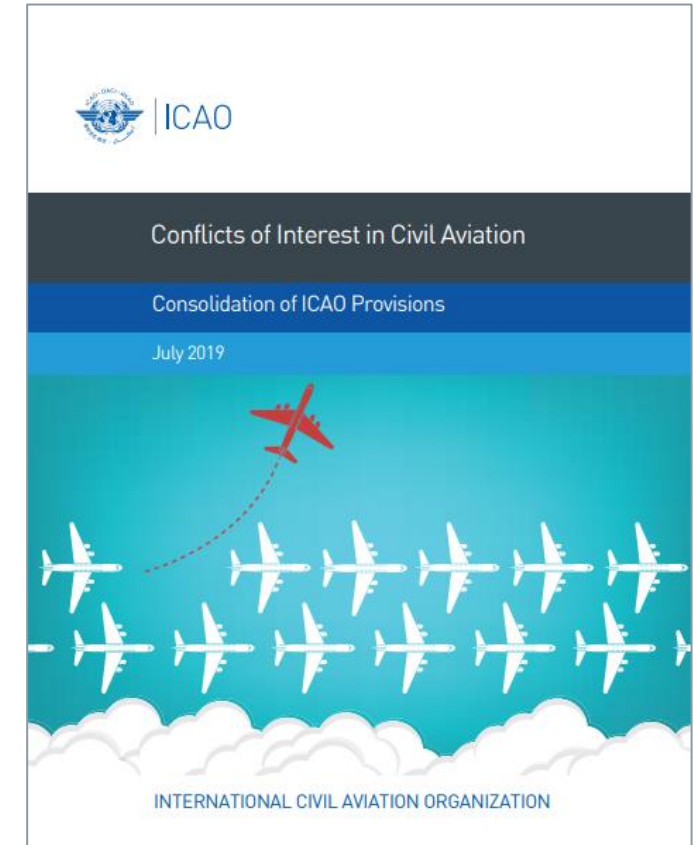
41ST ASSEMBLY TREATY EVENT

75 YEARS OF THE ICAO LEGAL COMMITTEE

BUILDING THE GLOBAL LEGAL REGIME
FOR CIVIL AVIATION

Item 7 - Consideration of guidance on conflicts of interest

- The 39th Session of the Assembly adopted Resolution A39-8 entitled “Conflict of interest in civil aviation” urging States to establish a framework on COIs that applies to civil aviation activities
- Publication in July 2019 of a compilation consisting of ICAO provisions on COI on aviation safety, security and accident and incident investigation, as well as air transport policy contained in ICAO Annexes 13, 17 and 19 and over a dozen ICAO Manuals
- The Secretariat to undertake further reviews and updates



Item 7 - Consideration of guidance on conflicts of interest

Paragraph 2.2.5

“... In those States where the State is both the regulatory authority and service provider (for example an airport operator, aircraft operator, air traffic service provider, screening authority or other service provider). In order to avoid any potential conflict of interest, there should be a clear separation of functions and responsibilities between the State regulator/oversight authority and any State-run operator or service provider. All ... procedures should be followed as though the operating agency was a non-governmental entity.”



Item 7 - Consideration of guidance on conflicts of interest

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Sample COI provision in a Civil Aviation Law

Qualifications for appointment

(2) A person shall not qualify for appointment as a DG or member of the CAA Board who-

(d) is regulated by the Authority or has an interest in an entity regulated by the Authority.

The Minister shall appoint
“persons without substantial conflict of interest with the Authority”

12.50

Direction des affaires juridiques et
des relations extérieures ;
LEB

Legal Affairs and
External Relations Bureau;
LEB

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Other Activities of the Organization in the Legal Field



CONVENTION

on the Marking of Plastic Explosives for the Purpose of Detection,
done at Montreal on 1 March 1991

CONVENTION

sur le marquage des explosifs plastiques et en feuilles aux fins de détection,
faite à Montréal le 1^{er} mars 1991

КОНВЕНЦИЯ

о маркировке пластических взрывчатых веществ в целях их обнаружения,
совершенная в Монреале 1 марта 1991 года

CONVENIO

sobre la marcación de explosivos plásticos para los fines de detección,
hecho en Montreal el 1 de marzo de 1991

اتفاقية

بشأن تمييز المتفجرات البلاستيكية بغرض كشفها
حررت في مونتريال في ١ مارس ١٩٩١



Second edition — 2007
Deuxième édition — 2007
Издание второе — 2007
Segunda edición — 2007

الطبعة الثانية — ٢٠٠٧

INTERNATIONAL CIVIL AVIATION ORGANIZATION
ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE
МЕЖДУНАРОДНАЯ ОРГАНИЗАЦИЯ ГРАЖДАНСКОЙ АВИАЦИИ
ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL

منظمة الطيران المدني الدولي

Convention on the Marking of Plastic Explosives for the Purpose of Detection

- Developments in aviation security detection technologies over the past 20 years which may put into question the relevance of the MEX Convention
- During its 227th Session (November 2022), the Council reiterated its concerns over the continued relevance and relative priority of the work of the IETC going forward, and requested LEB to explore possible legal options for amending the role, functions and working methods of the IETC
- The Council also requested that a third-party entity should be engaged to assess the role and relevance of the IETC in connection with the practical and operational activities of detection agents in aviation security

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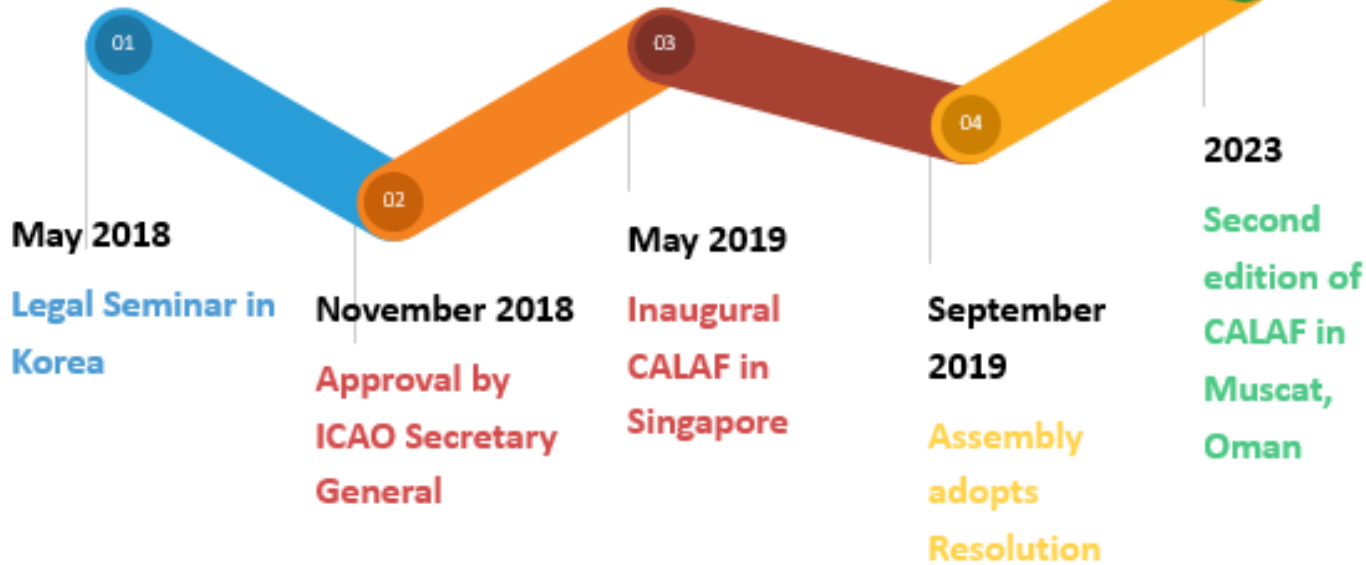
INTERNATIONAL CIVIL AVIATION ORGANIZATION
ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE
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ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL

منظمة الطيران المدني الدولي

Civil Aviation Legal Advisers Forum

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CALAF Road Map



CALAF²_{Ind}

Civil Aviation Legal Advisers Forum
منتدى المستشارين القانونيين للطيران المدني
Muscat 21-23 Feb 2023





TRAINING OBJECTIVES

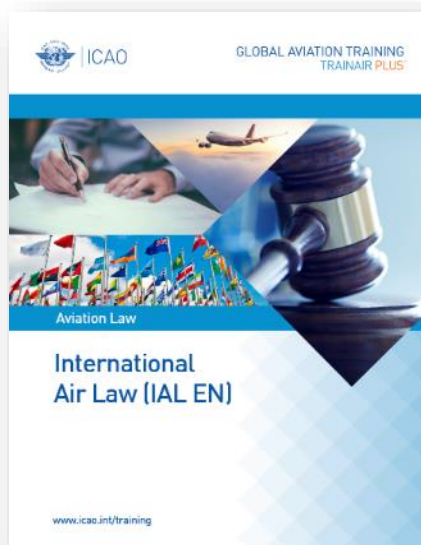
Upon completion of the course, participants will be able to accomplish the following:

- Cite the concepts and rules of
- Explain the relevance of the rules and
- Apply their knowledge and

To enable representatives of Civil Aviation Administrations, Civil Aviation Authorities, Airports and Air Navigation Service Providers to support their organization in the implementation of international air law, through application of appropriate knowledge and advocacy.

ICAO Global Aviation Training

International Air Law Course is offered in English, French and Spanish, in both face-to-face and virtual formats.



Delivered sessions: 47



Delivered sessions: 15



Delivered sessions: 5

2023 Upcoming Training Sessions*

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Course Title	Training Institution	State	From	To
Droit Aérien International (IAL FR)	L'École de Formation (EFO) of the Cameroon Civil Aviation Authority, Yaoundé	Cameroon	27-Feb	03-Mar
	International Civil Aviation Organization, Paris	France	12-Jun	16-Jun
International Air Law (IAL EN)	Air Traffic and Navigation Services (ATNS), Johannesburg	South Africa	26-Jun	30-Jun
	International Civil Aviation Organization, Paris	France	03-Jul	07-Jul
	College of Aviation and Technology, Kuwait	Kuwait	10-Jul	14-Jul
	Civil Aviation Training Centre, Bangkok	Thailand	07-Aug	11-Aug
	Hong Kong International Aviation Academy, Hong Kong	China	14-Aug	18-Aug
Derecho Aeronautico Internacional (IAL SP)	Centro Internacional de Instrucion de Aeropuertos y Servicios Auxiliares (CIIASA), México City	Mexico	5-Jun	9-Jun
	Centro Internacional de Instrucion de Aeropuertos y Servicios Auxiliares (CIIASA), México City	Mexico	9-Oct	13-Oct

* Other deliveries to take place virtually

Assistance to Supervisory Authority under the Cape Town 2001 Instruments



Reports to
Supervisory
Authority

CESAIR
Secretary

Fees and
Regulations

Guidance to
Registrar
(Aviareto)



Conclusion

- **Continuous evolvement of the Work Programme and the activities of the Organization in the legal field to address new issues, tackle emerging threats and take advantage of new opportunities.**



Thank You!