

1. Place and Duration

1.1 The 39th Session of the Legal Committee was held in Montréal from 25 to 28 June 2024. **The Chairperson of the Legal Committee, Ms. Siew Huay Tan (Singapore)**, presided over the Session.

2. Opening Address

2.1 The Session was declared open by the Chairperson of the Legal Committee. **The President of the Council, Mr. Salvatore Sciacchitano**, welcomed all delegates and observers participating in person unlike the previous Session held virtually due to the pandemic. He emphasized that since its inception, the Committee has significantly contributed to developing and codifying international air law, as well as overseeing guidance materials for implementing international air law treaties and ICAO Standards and Recommended Practices. He mentioned that in recognition of the Committee's essential role since 1947, the 41st Assembly adopted Resolution A41-5 to commemorate its 75th anniversary, reaffirming the Committee's leadership in addressing emerging air law issues to strengthen the legal framework governing civil aviation.

2.2 Referring to the first item in the General Work Programme of the Legal Committee – *Review of the ICAO Rules for the Settlement of Differences*, the President stressed that the review was timely and beneficial for upholding peaceful settlement of differences as a fundamental pillar of international law. He highlighted that modernizing the Rules would ensure that the Council could discharge swiftly and effectively its dispute settlement functions as entrusted by the Chicago Convention and by certain other international air law instruments. He added that there had been a total of 12 cases over 80 years, 6 in the first 50 years and 6 in the past 8 years, with several currently pending. The President recalled that the preparation of the Rules in 1953 had been guided by four principles: keeping the rules as short, simple, practical and flexible as possible. He expressed his hope that these principles would guide the Committee's discussions, with an added element of transparency, and underscored that any revised rules would apply only to future disputes, not to those currently pending before the Council.

2.3 In relation to the second item on the Committee's General Work Programme – *International legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation*, the President noted that the first Advanced Air Mobility Symposium will be taking place from 9 to 12 September 2024 in Montréal, and will serve as a global platform for dialogue and collaboration among stakeholders to explore the potentials of new technologies, and that a new framework is necessary to support the success of advanced mobility which would be moving towards a pilotless transportation system in the future.

2.4 Regarding the third item on the Committee's General Work Programme - *Processes and procedures for States to fulfil their obligations under Article 12 of the Chicago Convention*, the President highlighted that ICAO envisions publishing guidance material for States on Article 12 and expressed confidence that the Committee will endeavor to deliver a product of great benefit to the international aviation community.

2.5 With respect to the fifth item on the Committee's General Work Programme - *Promotion of the ratification of international air law instruments*, the President highlighted the Organization's tremendous efforts over the past 18 months including the promotion of ratification of international air law instruments at annual meetings of Director Generals of Civil Aviation across nearly all ICAO regions. Referring to Assembly Resolution A41-5, which urges all Member States to promote universal participation in international air law treaties and ensure effective compliance with their provisions to enhance the rule of

law, the President encouraged all delegations to urge their respective authorities to expedite the ratification process of international air law instruments adopted under the auspices of ICAO, in particular, the two Protocols amending Articles 50 (a) and 56 of the Chicago Convention which expand the size of the Council and the Air Navigation Commission, respectively.

2.6 Noting that ICAO Member States and the Council had high expectations for the results of this Session, the President indicated that the Council would consider such results in deciding on the future course of work. The President mentioned that the celebration of the 80th anniversary of the Chicago Convention this year offers an opportunity not only to reflect on the important achievements over the past eight decades, but also to reflect together with all stakeholders on how aviation development will continue to be supported by ICAO over the next decades. In this regard, the President highlighted that the Council is in the process of approving the 2026-2050 strategic plan with rule of law as one of the strategic goals, recognizing the importance of the rules-based system on which ICAO was initially founded and which will remain robust and conducive to global cooperation throughout the period of the plan.

2.7 In concluding, the President recognized the remarkable patience, keen intellect and outstanding leadership of the Chairperson of the Legal Committee, Ms. Siew Huay Tan, who was chairing her last Session of the Committee. As the first woman to preside over the Legal Committee, she has inspired all women to pursue the highest position in the field of international air law and all those deeply committed to removing the barriers to women's full participation in this industry. The President expressed his deepest appreciation for Ms. Tan's exceptional contribution to the development of international air law, with the hope that her expertise will continue to benefit the international aviation community in the future.

2.8 The Chairperson expressed her thanks to the President for his forward-looking remarks about the work of the Legal Committee as well as for the appreciation expressed. She also took note of the Council's expectations of the Committee's work and urgent call to promote the ratification of international air law instruments and stressed that the Committee will work hard to promote the rule of law.

2.9 The **Secretary of the Legal Committee, Mr. Michael Gill**, Director of Legal Affairs and External Relations Bureau (LEB), introduced the LEB officers serving this Session of the Committee, and recalled the loss of LEB colleague Ms. Diana Brookes on 10 September 2023 and her active contribution to the work of various items on the Work Programme of the Legal Committee.

2.10 The Secretary further recalled that Ms. Brookes was an extremely committed and competent staff member who had been closely involved in the early work of the Review of the ICAO Rules for the Settlement of Differences, leaving her mark on the work that the Committee will carry out during this Session. He expressed that Ms. Brookes' passing has left a huge hole in the LEB team, which has been felt on a daily basis. The Chairperson agreed that Ms. Brookes is deeply missed.

3. **Agenda and Working Arrangements**

3.1 The Committee agreed with the provisional agenda shown in LC/39-WP/1-1. The agenda of the Session as adopted can be found at **Appendix A** to this Report.

3.2 The Secretariat presented LC/39-WP/1-2, Note on Documentation and Working Arrangements.

3.3 The working papers considered by the Committee are listed by agenda item in **Appendix B** to this Report.

3.4 The action taken by the Committee in respect of each item is reported 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 [xx] meetings, all of which were held in open session.

4.2 The Committee was ably and efficiently supported by the Secretary of the Committee, by the Deputy Secretaries, Mr. Chunyu Ding, Deputy Director of the Legal Affairs and External Relations Bureau, and Mr. Arie Jakob, Senior Legal Officer, and by the Assistant Secretaries, Mr. Christopher Petras, Mr. Andrew Opolot, Mr. Yaw Nyampong, Ms. Marla Weinstein, Ms. Erika Varga, Ms. Sofia Iglesias, Mr. Mathieu Vaugeois, Mr. Pier-Olivier Turcot, Mr. Paul Heckler, Ms. Yan Qing and Mr. Silvério Espínola. Other officials of the Organization also provided services to the Committee.

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

5.1 [xx] Member States and [xx] international organizations were represented by [xx] representatives and observers at this Session of the Legal Committee. The names of the representatives and observers appear in **Appendix 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 39th Session need not be prepared.