



**Opening Address by
the Council President of the
International Civil Aviation Organization (ICAO)
Mr. Salvatore Sciacchitano,
to the 39th Session of the ICAO Legal Committee**

(Montréal, 25 June 2024)

Distinguished Delegates and Observers,

It is my pleasure to welcome you to the 39th Session of the ICAO Legal Committee.

Since its inception, the Committee has significantly contributed to developing and codifying international air law. It has prepared drafts for 24 instruments and studies on air law topics.

To celebrate the Committee's 75th anniversary, the 41st Assembly adopted Resolution A41-5 recognizing its essential role since 1947. The Resolution reiterates the Committee's need to continue leading studies of emerging air law issues. This will strengthen the legal framework governing civil aviation.

The Committee has always been at the forefront of air law developments and I will address important issues at this Session.

In fact, much of this Session will focus on the Working Group's report proposing revised Rules for the Settlement of Differences.

The current Rules were adopted in 1957 and amended once, in 1975, in order to introduce Russian as a working language. Reviewing them now is timely and beneficial for upholding peaceful settlement of differences as a fundamental pillar of international law.

Modernizing the Rules will ensure that the Council can swiftly and effectively discharge dispute settlement functions entrusted to it by the Chicago Convention and other international air law treaties.

Ideally disputes between States would not occur. However, ICAO has seen 12 cases over 80 years, 6 in the first 50 years and, quite astonishingly, 6 in the past 8 years alone, with some currently pending before the Council.

The fact that the Council has or is considering the same number of cases in 8 years as it had in 50 years not only presents a significant workload for the Organization's governing body but more than that, it makes the review of the existing Rules so imperative. And while any revised set of rules would not apply to any of the disputes currently pending before the Council, it could serve to facilitate this important function of the Council in any future disputes brought before it.

During your deliberations, the Committee will be invited to consider a draft set of Rules which have been prepared by the Working Group.

In this regard, I wish to recall a statement made to the Council in 1953 by the Chairperson of the Working Group tasked to draft the first set of the ICAO Rules for the Settlement of Differences.

At the time of presenting a report to the Council, the Chairperson mentioned that the Working Group in preparing the Rules, had been guided by four principles which are that the rules should be as short as possible, as simple as possible, as practical as possible and as flexible as possible.

It is my hope that these principles will guide you in your discussions.

A second item on the Committee's General Work Programme concerns the international legal aspects of unmanned aircraft operations and integration into civil aviation. I understand that work on this item has progressed since the last Session of the Legal Committee through meetings of the Secretariat Study Group on Legal Issues related to Pilotless Aircraft and its subgroups.

Indirectly related to this, I wish to mention here that ICAO is organizing the first ever advanced air mobility symposium from 9 to 12 September 2024, at ICAO Headquarters in Montréal. This symposium is a global platform for fostering dialogue and collaboration among stakeholders – from inside and outside the core aviation ecosystem - to explore the potential of these technologies.

Another important area you will be reviewing over the next four days are the processes and procedures for States to fulfil their obligations under Article 12 of the Chicago Convention. In this regard, the Committee will be provided with a progress report on the work that has been accomplished under that item. This work includes the issuance of a survey on the implementation of Article 12. ICAO envisions the publication of guidance material for States on Article 12, and I am confident that the Committee will aim for a product of great benefit to the international aviation community.

I also wish to acknowledge the tremendous efforts and actions that have been undertaken over the past 18 months by the Organization on the promotion of ratification of international air law instruments. This has included the presentation of working papers on the promotion of ratification of international air law instruments at the annual meetings of Director Generals of Civil Aviation in almost all ICAO regions.

It is my hope that these efforts will eventually culminate in the universal participation in international air law treaties.

Assembly Resolution A41-5 urges all Member States to promote the universal participation in the international air law treaties and effective compliance with their provisions with a view to enhance the rule of law.

I am therefore taking this opportunity to ask all Delegates to urge your respective authorities to hasten the ratification process for all treaties adopted under the auspices of ICAO.

In particular, I encourage you to consider ratifying the two Protocols amending Articles 50(a) and 56 of the Chicago Convention most urgently. These Protocols were adopted at the 39th Session of the Assembly in October 2016 and provide for an increase in the sizes of the ICAO Council and the Air Navigation Commission, respectively.

I have highlighted just some of the many items on your work programme. As you can see, you have a full Agenda for a 4-day Session. ICAO Member States and the Council have high expectations for the outcomes of your deliberations. The ICAO Council will be considering your results and deciding on the future course of work.

I would be remiss if I would not mention that ICAO is celebrating its 80th anniversary.

This celebration offers the opportunity to reflect on the important achievements over the last eight decades, critical to the current economic, social development of our world.

However, ICAO intends to take this opportunity not to reflect solely on the excellent achievements of the past, but also, and in my view more importantly, to reflect together with all stakeholders on how aviation development will continue to be supported by ICAO over the next decades.

For this reason, on the occasion of the celebrations of the 80th Anniversary of the Chicago Convention, the Council is in the process of approving the 2026-2050 ICAO Strategic Plan. This new Plan will include the rule of law as one of its strategic goals. The objective is to recognize the importance of the rules-based system on which ICAO is founded in ensuring that the Organization remains robust, relevant and conducive to global cooperation throughout the period of this plan.

Madame Chairperson, dear Siew Huay, this will be the last Session of the Committee to be chaired by you.

I believe I speak for everyone when recognizing on this occasion your remarkable patience, keen intellect, and outstanding leadership during your tenure. You have been presiding over the Legal Committee in very challenging times brought by the COVID-19 pandemic. Despite these difficulties, you have ensured the continuous progression of the work of the Legal Committee.

In addition, I wish to highlight that you were the first woman to be elected as Chairperson of the Legal Committee. You serve as a source of inspiration for all women who wish to aspire to the highest position in the field of international air law, and to all of us who are deeply committed to ending the barriers to women's full participation in our sector. Over the years, you have made an exceptional contribution to the development of international air law and it is my hope that, even after the end of your tenure, the international aviation community could continue to benefit from your expertise.

In closing, I wish you, Madame Chairperson, and the rest of your colleagues present with us here today, every success. I also assure you of ICAO's effective support in the fulfilment of your tasks.

Thank you.

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