

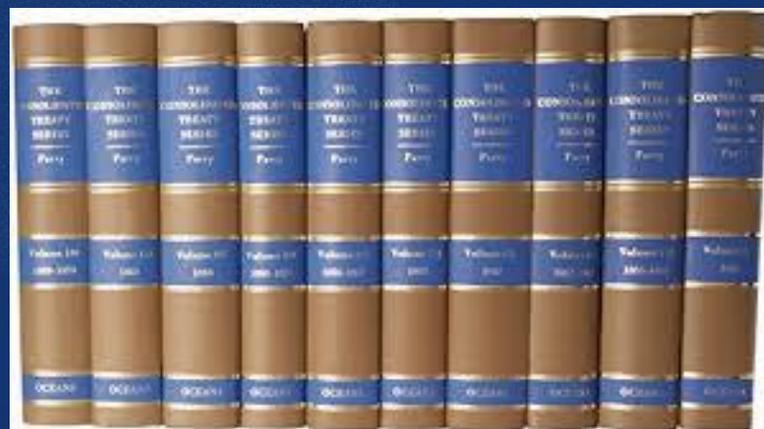


Air Law Treaty Workshop

Introducing Key Air Law Treaties

Alice Serpa Braga Della Nina

Presentation Overview



National level

- Ratification
- National laws and regulations
- Implementation

International level

ICAO's work in the legal field

- LEB
- Council's functions
- Legal Committee

ICAO Policies in the Legal Field

- Resolution A42-5: Consolidated Statement of Continuing ICAO Policies in the Legal Field
- Strategic Plan 2026-2050. Strategic Goal:
International civil aviation convention and other treaties, laws and regulations address all challenges

Legal Committee

CONSTITUTION OF THE LEGAL COMMITTEE

(As approved by the First Assembly, May 23, 1947)

- I. The Legal Committee (hereinafter called the "Committee") is a permanent Committee of the Organization constituted by the Assembly
- II. The objects of the Committee shall be:-
- a) to study and prepare draft conventions in connection with international air law with a view to their adoption by the greatest possible number of States;
 - b) to provide, if so requested, by or through the Council or the Assembly, advice on legal matters of special importance to the Organization, including public and private air law, and the interpretation and amendment of the Convention, and
 - c) to collaborate with other international organizations charged with the unification and codification of international law.
- III.
- a) Membership - Each Contracting State may appoint one or more qualified members on the Committee.
 - b) Votes - Each Contracting State so represented shall have one vote in meetings of the Committee.
 - c) Secretariat - The Secretariat of the Committee shall be provided by the Organization.
 - d) Meetings - The committee and its Sub-Committees shall arrange their own meetings, subject to the approval of the Council of the Organization.
 - e) Officers and Rules of Procedure - The Committee shall elect its own officers and shall fix its own rules of procedure; and shall, subject to the approval of the Council, determine the extent of participation (without the right to vote) of non-contracting States and international organizations in meetings of the Committee
- IV. Every draft convention (and report thereon) prepared by the Committee in exercise of its functions under paragraph II (a) shall be transmitted to the Contracting States through the Council. They may also be transmitted to other international organizations concerned. Advice and reports concerning matters referred to in paragraph II (b) shall be transmitted to the body of the Organization seeking advice.



Work Programme of the Legal Committee

1) PROCESSES AND PROCEDURES FOR STATES TO FULFIL THEIR OBLIGATIONS UNDER ARTICLE 12 OF THE CHICAGO CONVENTION



40th Session of the Assembly
Task Force: April, 2021

Implementation issues: lack of timely and efficient
communication between aviation authorities

Scoping Subgroup
Tools Subgroup

Work Programme of the Legal Committee

2) REVIEW OF THE ROLE OF THE INTERNATIONAL EXPLOSIVES TECHNICAL COMMISSION UNDER THE *CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION*

- 39th Session Legal Committee

Council recognized that the IETC had fulfilled its original mandate.

LC to evaluate courses of action: (a) to amend the Convention to redefine IETC's role and functions; or (b) to terminate the IETC

- May, 2025: Appointment of the Rapporteur
- September, 2025: A42, Legal Commission

Work Programme of the Legal Committee

3) INTERNATIONAL LEGAL ASPECTS OF UNMANNED (PILOTLESS) AIRCRAFT OPERATIONS AND INTEGRATION INTO CIVIL AVIATION



Secretariat Study Group on Legal Issues Related to Pilotless Aircraft

Chicago Convention Subgroup
Liability and Security Subgroup

Cross-Bureau cooperation

Work Programme of the Legal Committee

4) PROMOTION OF THE RATIFICATION OF INTERNATIONAL AIR LAW INSTRUMENTS;

5) ACTS OR OFFENCES OF CONCERN TO THE INTERNATIONAL AVIATION COMMUNITY, INCLUDING CYBER THREATS, THAT MAY NOT BE ADEQUATELY COVERED BY EXISTING AIR LAW INSTRUMENTS;

6) STUDY OF INTERNATIONAL LEGAL ISSUES RELATING TO GLOBAL SATELLITE SYSTEMS AND SERVICES SUPPORTING INTERNATIONAL AIR NAVIGATION SERVICES;

Work Programme of the Legal Committee

7) INTERNATIONAL CARRIAGE BY AIR AND DATA PROTECTION LAWS;



- IATA
- 39th Session of the Legal Committee
- Secretariat Study Group on Interactions between International Air Carriage and Data Protection Laws (SSG-DPL)
- State Survey

Work Programme of the Legal Committee

8) LEGAL REVIEW OF THE ANALYSIS COMPLETED BY THE AIR TRANSPORT REGULATION PANEL (ATRP) OF THE APPLICATION OF ARTICLE 15 OF THE CHICAGO CONVENTION

42nd Session of the Assembly

Secretariat Study Group to Review the Draft Documents on Article 15: November, 2025.

- a) Draft Guidance Material on Article 15 of the Chicago Convention; and
- b) Draft State Letter to Contracting States Clarifying Obligations under Article 15

(Air Transport Regulation Panel in collaboration with Airport Economic Panel and Air Navigation Services Economic Panel)



Flowers for Africa
Kapwani Kiwanga

THANK YOU!
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