



WORKING PAPER

LEGAL COMMITTEE – 40TH SESSION

(Montréal, 26 – 30 October 2026)

Agenda Item 6: Any other business

**DEVELOPMENT OF A UNIFORM PROCEDURE FOR THE
IDENTIFICATION, DETERMINATION AND REPORTING OF
INFRACTIONS UNDER ARTICLE 54 (j) AND (k)
OF THE CHICAGO CONVENTION**

(Presented by Islamic Republic of Iran)

1. INTRODUCTION

1.1 Article 54 of the *Convention on International Civil Aviation* (Chicago, 1944 – the “Chicago Convention”) establishes a set of mandatory functions to be performed by the Council of the International Civil Aviation Organization (ICAO). Among these, paragraphs (j) and (k) have particular importance in ensuring compliance with obligations arising under the Chicago Convention. Under paragraph (j), the Council is required to report to Contracting States any infraction of the Convention, as well as any failure to carry out the recommendations or determinations of the Council. Paragraph (k) mandates the Council to report to the Assembly any infraction of the Chicago Convention where a Contracting State has failed to take appropriate action within a reasonable time after notice of the infraction.

1.2 At present, matters concerning an alleged infraction are considered and determined by the Council in accordance with the general procedures governing the conduct of business and decision-making of the Council, as set out in the *ICAO Rules of Procedure for the Council* (Doc 7559/11) (the “Rules of Procedure”). These general procedures provide the applicable framework for the Council’s consideration and decision-making in such matters.

1.3 The Chicago Convention, however, does not provide a comprehensive and operational definition of the term “infraction” or specific procedural provisions governing its identification, examination and determination, or the subsequent reporting and follow-up of such matters under Article 54 paragraphs (j) and (k). The Council has accordingly addressed matters concerning infractions on a case-by-case basis within the general procedural framework applicable to its work.

2. DEVELOPMENT OF A PROCEDURE

2.1 Given the particular nature of an infraction determination and the legal and practical consequences that the identification and reporting of an infraction may have for the State concerned, such matters should be subject to a specific and uniform procedure of a quasi-judicial nature. Such a procedure would ensure that allegations of an infraction are examined and determined through an objective, consistent and impartial process, with appropriate procedural safeguards for the State concerned.

2.2 The development of such a procedure would provide greater clarity, consistency and predictability in the exercise of the Council's functions under Article 54 paragraphs (j) and (k), while ensuring that comparable cases are considered on the basis of common and identifiable criteria. It would also provide greater assurance to Contracting States that any determination of an infraction is reached through a fair and impartial process.

2.3 Such a procedure would not alter the powers entrusted to the Council by the Chicago Convention or establish a new avenue for dispute settlement. Nor would it judicialize the implementation of Article 54 of the said Convention. Rather, it would complement the general procedural framework established by the Rules of Procedure by providing appropriate procedural safeguards for the exercise of functions expressly entrusted to the Council under Article 54, paragraphs (j) and (k) of the Chicago Convention.

3. CONCLUSION

3.1 Article 54 paragraphs (j) and (k) establish important functions of the ICAO Council concerning infractions of the Convention and failures to carry out Council recommendations or determinations. While such matters are currently considered and determined under the general procedures set out in the Rules of Procedure, the particular nature and potential consequences of an infraction determination justify the development of a specific and uniform procedure.

3.2 Such a procedure would enhance consistency, predictability and impartiality in the exercise of the Council's functions under Article 54, while preserving the Council's existing authority and the general procedural framework applicable to its work.

4. ACTION BY THE COMMITTEE

4.1 The Legal Committee is invited to undertake the necessary legal and technical work to develop a document setting out a uniform procedure for the identification, determination and reporting of infractions under Article 54 paragraphs (j) and (k) of the Chicago Convention.

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