International Civil Aviation Organization

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WORKING PAPER

LEGAL COMMITTEE – 40TH SESSION

(Montréal, 26 – 30 October 2026)

Agenda Item 2: Consideration of the General Work Programme of the Legal Committee

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

(Presented by the Latin American Association of Aeronautical and Space Law – **ALADA**)

1. INTRODUCTION

1.1 The incorporation of Remotely Piloted Aircraft Systems (RPAS) into international operations entails the application, to a new operational modality, of a legal regime conceived prior to their development. The absence of a pilot on board does not exclude these aircraft from the international aviation legal system, but it introduces particularities that should be considered when they are used for the international carriage of cargo.

1.2 Article 8 of the Convention on International Civil Aviation (Chicago, 1944 – the "Chicago Convention), addresses aircraft capable of being flown without a pilot and subjects their operation over the territory of another State to special authorization. On this basis, the international framework applicable to RPAS has progressively developed with a view to enabling their integration into international civil aviation while preserving the principles governing air navigation.

1.3 This Working Paper examines the international carriage of cargo by RPAS from this perspective and, in particular, the application of the Convention for the Unification of Certain Rules for International Carriage by Air (Montreal, 1999 – the "Montreal Convention" and the particularities that this mode of transport may present within the existing conventional regime.

2. ANALYSIS

2.1 Article 8 of the Chicago Convention provides that no aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a Contracting State without special authorization by that State and in accordance with the terms of such authorization. The international operation of an RPA is therefore subject to the legal regime governing air navigation and to the authority of the State whose airspace it intends to use.

[1] English, Arabic, Chinese, French, Russian and Spanish versions provided by the Latin American Association of Air and Space Law (ALADA)

2.2 The international framework applicable to these operations has continued to develop through the progressive incorporation of specific provisions for RPAS. In 2024, the ICAO Council adopted Part IV of Annex 6, dedicated to international operations of remotely piloted aircraft systems, a framework that has continued to evolve in 2026. In parallel, the Secretariat Study Group on Legal Issues related to Pilotless Aircraft (SSG-LIPA) has continued its examination of the application and interpretation of international instruments in relation to operations involving pilotless aircraft.

2.3 When an international RPAS operation involves the carriage of cargo, the determination of the legal regime applicable to the carriage must be considered in addition to the issues inherent in air navigation. LC/36-WP/2-4 examined the international liability regimes applicable to RPAS operations and, in particular, the Montreal Convention, considering that Article 1 thereof does not distinguish according to whether international carriage is performed by an aircraft with a pilot on board or by a remotely piloted aircraft.

2.4 This approach makes it possible to bring the international carriage of cargo by RPAS within the regime of the Montreal Convention, which contains, inter alia, provisions relating to documentation of carriage and liability for destruction, loss, damage or delay of cargo. The absence of a pilot on board does not, in itself, determine the need for an autonomous regime.

2.5 On this basis, ALADA considers it appropriate to advance in determining criteria that take into account the particularities of the international carriage of cargo by RPAS, including evidentiary issues, the application of the concept of custody of cargo, and the different configurations for the provision of services.

3. CONCLUSIONS

3.1 International operations by RPAS fall within the legal framework of international civil aviation, which recognizes the particular nature of pilotless aircraft and preserves the authority of States with respect to operations conducted in their airspace.

3.2 When such operations involve the international carriage of cargo, the Montreal Convention provides the applicable legal regime. The evolution of this mode of transport makes it appropriate to further examine its particularities and the criteria necessary for its proper application.

4. ACTION BY THE COMMITTEE

4.1 The Legal Committee is invited to:

a) take note of the considerations set out in this Working Paper; and

b) consider the desirability, within the framework of the ongoing work, of further examining the application of the Montreal Convention to the international carriage of cargo by RPAS and the criteria that would make it possible to address the particularities of this mode of transport.

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