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ICAO 4th Civil Aviation Legal Advisers Forum

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Hosted by



The Chicago Convention, AI, and State Responsibility

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AI is already part of aviation.

Aircraft systems. ATM. Maintenance. Safety data. Passenger processing.

The question is not whether AI is coming into aviation.

It is already here.

Are our legal and regulatory frameworks keeping up with the decisions
AI is helping humans make?

The world is moving... Governments are not waiting for international frameworks... some examples:

UAE

50% of government operations on agentic AI within two years to monitor, analyse, decide, execute.

EU AI Act

High-risk AI requires human oversight by a competent, authorised person. Oversight must be genuine, not nominal.

Albania

AI “Diella” appointed as Cabinet Minister. Constitutional question raised: must a minister be human?

Singapore

World’s first agentic AI governance framework. Human approval checkpoints. Explicit warnings against automation bias.

United States/FAA

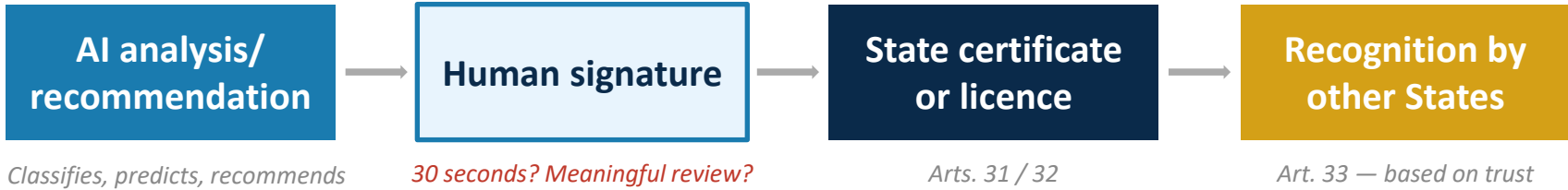
Human judgment required in safety-critical decisions. Technology can inform; it cannot decide.

The question

Can, and should, our legal frameworks require meaningful human oversight, not just human sign-off?

State Responsibility under the Chicago Convention

When AI supports a certification or licensing decision:



Recognition depends on the issuing or validating State being able to explain and stand behind the result.

If AI makes the effective determination, what exactly did the State decide?



Repeated stall warning

**228 people died.
No survivors.**

The pilots were there. They were in the loop. The problem was not absence — it was that human presence no longer meant meaningful control.

That is the risk for AI governance: not that the human is removed, but that oversight becomes a ritual.

Presence Is Not Oversight

"In the loop"

A CAA official who reviews an AI-generated airworthiness determination in 30 seconds is "in the loop."

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Genuine oversight

A CAA official who independently assesses the case, applies their own judgment, and can defend the outcome is also "in the loop."

Human presence is not the same as human control.
Human signature is not the same as accountable judgment.

The Chicago Convention does not tell us how to distinguish those two kinds of review.





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Three questions the law has not answered

1

The Convention

If AI makes the effective determination, where is the State's judgment?

2

Domestic Law

AI cannot hold statutory authority or bear legal responsibility.

Can an official rely on AI without substituting it for their own decision?

3

Human Oversight

No framework defines what genuine oversight requires.

If the AI cannot explain its reasoning, is oversight even possible at all?

The issue is not whether AI assists. The issue is who legally decides.



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What should the aviation community be asking?

For States

- What does genuine human oversight actually mean before AI is deployed in certification or licensing?
- What must the responsible official be able to understand, verify, and document, and can they do so today?
- Are existing legal frameworks sufficient to hold officials accountable when AI informs a safety decision?

For ICAO

- How should AI be addressed within existing frameworks for certification, surveillance, and oversight?
- Do USOAP audit questions need to evolve, and how do we distinguish genuine human judgment from a name on a file?
- What new guidance is needed, and how quickly must it develop to keep pace with AI deployment?

For Legal Advisors in This Room

- What legal requirements are needed so that AI systems can be understood, challenged, and overridden?
- If a CAA cannot understand or question a system, can it meaningfully oversee it, and what is our legal obligation?
- Who bears legal responsibility when an AI-assisted decision leads to a safety failure?