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ICAO

ASSEMBLY
FORTY-SECOND SESSION

Montréal, 23 September–3 October 2025

# LEGAL COMMISSION

REPORT

*Approved by the Plenary of the Assembly*
*and published by authority of the Secretary General*

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**ASSEMBLY — 42ND SESSION**

**MONTRÉAL, 23 SEPTEMBER TO 3 OCTOBER 2025**

**REPORT OF THE LEGAL COMMISSION**

**TABLE OF CONTENTS**


| | | Page |
|---|---|---|
| **General** | ..... | 1 |
| **Agenda and Working Arrangements** | ..... | 1 |
| **Report on the Agenda** | | |
| Agenda Item 28: | Work Programme of the Organization in the Legal Field and Consolidated Statement of Continuing ICAO Policies in the Legal Field ..... | 2 |
| Agenda Item 29: | Other issues to be considered by the Legal Commission ..... | 16 |
| **Appendix** | List of Working Papers Considered by the Legal Commission ..... | 20 |
| **List of Resolutions** | | |
| Resolution 28/1: (Renumbered A42-5) | Consolidated Statement of Continuing ICAO Policies in the legal field ..... | 7 |
| Resolution 29/1: (Renumbered A42-1) | Honouring 80 Years of the Chicago Convention: The Legacy of the Work in the Legal Field ..... | 17 |

# REPORT OF THE LEGAL COMMISSION TO THE ASSEMBLY

## General

1. The Legal Commission held two meetings on 25 and 29 September 2025. Dr. Jae Woon Lee (Republic of Korea) was elected by the Plenary as Chairperson of the Commission.

2. The Commission, during its first meeting, elected Dr. Griselda Delia Capaldo (Argentina) and Ms. Machteld Cambridge (The Netherlands) as its First and Second Vice-Chairpersons, respectively.

3. The meeting of the Commission was held in open session.

4. Representatives from 108 Member States and 5 observer Delegations attended the meeting of the Commission.

5. The Secretary of the Commission was Mr. Michael Gill, Director of the Legal Affairs and External Relations Bureau. Mr. Chunyu Ding, Deputy Director, acted as the Deputy Secretary. The Assistant Secretaries were Mr. Benoit Verhaegen, Senior External Relations and Legal Officer, Mr. Arie Jakob, Senior Legal Officer, Mr. Christopher Petras, Mr. Andrew Opolot, Dr. Yaw Nyampong, Ms. Erika Varga, Legal Officers as well as Mr. Mathieu Vaugeois and Ms. Mariyam Akram, Associate Legal Officers; and Dr. Qing Yan, Junior Professional Officer.

## Agenda and Working Arrangements

6. Agenda items 28 and 29 referred to the Commission by the Plenary were considered, as follows:

Item 28: Work Programme of the Organization in the legal field and Consolidated Statement of Continuing ICAO policies in the legal field.

Item 29: Other issues to be considered by the Legal Commission.

7. The documents and working papers considered by the Commission are listed by agenda items in the Appendix to the Report.

8. The action by the Commission in respect of each item is reported on separately in the paragraphs which follow. The material is arranged according to the numerical sequence of the agenda items considered by the Commission.

## Agenda Item 28: Work Programme of the Organization in the Legal Field and Consolidated Statement of Continuing ICAO Policies in the Legal Field

### Work Programme of the Organization in the Legal Field

28.1 The Commission considered this item on the basis of A42-WP/8 (presented by the Council), A42-WP/9 (presented by the Council), A42-WP/55 (presented by the Council), A42-WP/300 (presented by Kazakhstan), A42-WP/399 (presented by China), A42-WP/519 Revision No. 1 (presented by China), A42-WP/538 (presented by the United Republic of Tanzania), A42-WP/606 Revision No. 1 (presented by Republic of Korea), and A42-WP/634 (presented by The Bahamas).

28.2 A42-WP/9, presented by the Council, informed the Assembly on the legal work of the organization and highlighted the ongoing activities of the Legal Affairs and External Relations Bureau (LEB), particularly its support to the Council and Standing Committees. One Delegation highlighted the potential resource constraints on LEB if additional items were added to the Legal Committee Work Programme. Delegations that took the floor expressed support and appreciation for the work of LEB, as well as the work of the Legal Committee and its working groups and task forces.

28.3 With respect to Item 1 titled "Processes and procedures for States to fulfil their obligations under Article 12 of the Chicago Convention", D/LEB outlined that since the 41st Session of the Assembly (Montréal, 27 September – 7 October 2022), the work on this item has progressed with meetings of the Article 12 Task Force (A12 TF) and its Sub-Groups. The Task Force reviewed a legal survey on the implementation of Article 12 and initiated the development of a web-based tool to facilitate the exchange of information among States. The Commission was also informed that in June 2025, the A12 TF interacted with the ICAO Air Navigation Commission on what constitutes the rules for the flight and manoeuvre of aircraft. Further meetings of the Sub-Groups will conclude with a plenary meeting early in the coming year before reporting to the next Session of the Legal Committee.

28.4 One Delegation reiterated the importance of concluding the work on this item in view of the next Session of the Legal Committee. The Delegation further stressed that the legal survey distributed to all Contracting States and selected international organizations demonstrated the strong interest of States for the development of a tool for information exchange and timely action.

28.5 In summing up, the Chairperson concluded that the Commission noted the progress made by the A12 TF since the 41st Session of the Assembly and the pending work. The Commission further noted the intention of the Task Force to present a final Report on this item at the next Session of the Legal Committee.

28.6 The Commission was informed that at its 39th Session (Montréal, 25 – 28 June 2025), the Legal Committee decided to include the item "Review of the Role of the International Explosives Technical Commission under the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*" on its General Work Programme. To facilitate progress on this item in a flexible and expedient manner, a Rapporteur[1] was appointed in May 2025 to review the role of the International Explosives Technical Commission (IETC) established by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, done at Montreal on 1 March 1991 (MEX Convention), with a view to identifying potential

[1] Dr. Alejandro José Piera Valdés.

solutions to redefining its mandate or alternatively if it should be terminated on the basis that it has fulfilled its mandate.

28.7 To assist the Commission in its deliberations, the Rapporteur was invited by the Chairperson to brief the Commission on the status and highlights of the Preliminary Report which had been made available on the ICAO Assembly 42nd Session Website. The Rapporteur outlined some of the main challenges of the MEX Convention, notably the absence of a built-in mechanism for amendments. Furthermore, redefining the role of the IETC or terminating it requires a highly technical and specialized assessment beyond the scope of legal expertise alone. The Rapporteur identified four possible options for addressing the role of the IETC: adoption of a Council decision to terminate the IETC, the convening of a Conference of States Parties to the MEX Convention, a formal amendment of the MEX Convention through ICAO's traditional treaty-making procedure or seeking an interpretative Resolution by the Assembly.

28.8 The Chairperson of the Legal Committee commended the robustness of the Rapporteur's Preliminary Report and proposed the establishment of a group of the Friends of the Chairperson or similar study-group to review the Rapporteur's Report when finalized with a view to reporting at the next Session of the Legal Committee.

28.9 Many Delegations expressed their appreciation for the Rapporteur's work and supported the Legal Committee Chairperson's proposal to advance the work on this item. One Delegation noted that two of the options concerning the termination of the IETC rely on interpretive creativity and are not expressly provided for in the MEX Convention. The Delegation also opined that the ICAO treaty amendment process may not be more protracted than convening a conference of parties. Further, the Delegation highlighted that the Rapporteur's Report had stated that before exercising any of the options, it would be prudent for the Council to obtain authoritative and technically substantiated conclusions that the continuation of the IETC's functions is no longer justified, and to consider the practical consequences of termination of the IETC. Amending the MEX Convention to provide for flexibility of the IETC's functions and the powers of the Council in relation to the IETC might be considered.

28.10 In summing up, the Chairperson commended the Rapporteur for the quality of the work and noted the Commission's acknowledgement of both the status update and the arrangements proposed by the Chairperson of the Legal Committee for progressing work on this item. The Commission further acknowledged the need to adopt the most flexible and expedient solution to advance the review of the IETC's role.

28.11 With respect to item 3 "International legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation", the Republic of Kazakhstan presented A42-WP/300, which draws attention to the harmonization of aviation liability laws in the area of autonomous flight arising from the emergence of AI-operated and unmanned commercial air transport and proposes the establishment of a Legal Study Group on Autonomous Aviation Liability under the ICAO Legal Committee. The Secretariat expressed its appreciation for the working paper and, noting that the significant questions raised therein could be covered by the existing item on the Work Programme relative to unmanned (pilotless) aircraft, proposed that the working paper be referred to and addressed by the Secretariat Study Group on Legal Issues related to Pilotless Aircraft (SSG-LIPA).

28.12 Many Delegations that took the floor welcomed A42-WP/300 and the vast majority affirmed the importance of the matters addressed in the working paper and expressed support for the subject being considered within the framework of the Secretariat's ongoing legal work relative to pilotless aircraft being carried out by the SSG-LIPA. One Delegation proposed that these subjects should also be discussed at the next Civil Aviation Legal Advisers Forum (CALAF/4). One Delegation raised the issue of

considering penal air law treaties in addition to civil liability. However, one other Delegation expressed the view that it is too soon to assume that autonomous flight will benefit from the harmonization of aviation liability laws and that this technology and relevant national liability regimes need time to mature before the question of whether international harmonization is the right solution can be answered.

28.13 In summarizing the discussions, the Chairperson highlighted the States' recognition of the relevance of the issues raised by A42-WP/300 and affirmed that there appeared to be broad support among the Delegations that took the floor to refer the paper to the existing Secretariat Study Group for further consideration.

28.14 With respect to Item 4 of the Work Programme of the Legal Committee, "Promotion of the ratification of international air law instruments", A42-WP/55, presented by the Council, reported on the ongoing work of the Secretariat in the promotion of international air law instruments since the 41st Session of the Assembly. The Secretariat also updated the Commission on the results of the Third ICAO Treaty Event, resulting in 16 depositary actions and reported that 9 additional ratifications are required for the entry into force of the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 50(a)]* and the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 56]*, both signed at Montréal on 6 October 2016.

28.15 A42-WP/399, presented by China, provided an overview of the historical evolution and ratification progress of the 1995 *Protocol Relating to an Amendment to the Convention on International Civil Aviation (Final Paragraph, Arabic Text)*, the 1995 *Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation,* the 1998 *Protocol Relating to an Amendment to the Convention on International Civil Aviation (Final Paragraph, Chinese Tex*t), and the 1998 *Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation.* The paper urges States to ratify these Protocols to bring into force the authentic Arabic and Chinese texts of the Chicago Convention, emphasizing the equality of the six official languages of the UN system and ICAO. A42-WP/519 Revision No. 1, also presented by China describes various relevant international air law instruments adopted under the auspices of ICAO and the ratification process and progress of China with respect to those instruments, and calls upon States that have not yet ratified these law instruments, in particular the Arabic and Chinese language Protocols amending the Chicago Convention, to expedite their ratification process.

28.16 All Delegations that took the floor commended and expressed support for the efforts made by the Organization and LEB in the promotion of ratification of international air law treaties and underscored the significance of this work. It was also recognized that the promotion of ratification advances the rule of law and aligns with ICAO's Strategic Goals. The importance of securing the entry into force of the 2016 Protocol amending Article 50 (a) of the Chicago Convention as soon as possible was highlighted by one Delegation. Another Delegation recommended that States that have ratified international air law treaties should make available their implementing legislation and related resource persons to assist other States as needed.

28.17 While supporting the overarching aim of promoting unification through multilateral treaty frameworks, one Delegation expressed its reservations on the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*, done at Montréal on 4 April 2014, citing its concerns with limits on in-flight security officers' authority as a significant impediment to ratification.

28.18 The Chairperson concluded that the Legal Commission supports the action items contained in A42-WP/55, A42-WP/399 as well as WP/519 Revision No. 1 and recognized the importance of continued efforts to promote the ratification of international air law instruments.

28.19 With respect to Item 5 on the Legal Committee Work Programme "Acts or offences of concern to the international aviation community, including cyber threats, that may not be adequately covered by existing air law instruments", the Commission noted the timing of launching the legal survey on the implementation by States of international air law instruments in national legal frameworks on cyber security which is to be reviewed to consider whether the survey can be part of a broader multidisciplinary survey on cybersecurity.

28.20 With respect to item 6 "Study of international legal issues relating to global satellite systems and services supporting international air navigation", the Commission took note of the Secretariat's proposal to undertake a survey of all ICAO Member States and selected international organizations with a view to assessing their needs with respect to this item.

28.21 With respect to item 7 "International carriage by air and data protection laws", the Commission noted the work undertaken in this area. In particular, the Commission took note of the establishment of the Secretariat Study Group on Interactions between International Air Carriage and Data Protection Laws (SSG-DPL), which has held two meetings to date and has underlined the importance of coordinating with the already established PNR Task Force. The Commission further noted that a targeted survey had been circulated with the objective of mapping the types of data collected, processed and transferred under national laws, as well as identifying the principal challenges in this field.

28.22 With respect to item 8 "Review of the ICAO Rules for the Settlement of Differences", A42-WP/9 outlined that following the completion of the work of the Working Group for the Review of the ICAO Rules for the Settlement of Differences (WG-RRSD), and further to the recommendation of the 39th Session of the Legal Committee, the Council approved, on 4 November 2024, a set of revisions to the *Rules for the Settlement of Differences* (Doc 7782) as well as a non-exhaustive list of subjects that could potentially be addressed by the Council in practice directions or guidelines. Given that work on this item is now substantially completed, the Secretariat invited the Commission to consider whether or not the item should be removed from the Work Programme of the Legal Committee.

28.23 Two Delegations expressed support for the proposal to remove the item from the Work Programme of the Legal Committee noting that the work on this item has been substantially completed. One Delegation suggested that the item should be retained on the Work Programme considering the growing number of disputes currently pending before the Council under Article 84 of the Chicago Convention. The Chairperson then requested States that did not agree with removing the item on the Work Programme of the Legal Committee to take the floor, to which there was no response. In summing up, the Chairperson concluded that a majority of the Delegations supported the proposal to remove the item from the Work Programme of the Legal Committee considering that work on this item is now substantially completed, culminating with the adoption by the Council of a revised set of *Rules for the Settlement of Differences* on 4 November 2024.

28.24 The Commission considered a proposal by one Delegation to include in the Legal Committee's Work Programme a legal review of the analysis completed by the Air Transport Regulation Panel (ATRP) of the application of Article 15 of the Chicago Convention. It was noted that the ATRP's analysis consists of draft guidance and a related State letter, which now requires review by legal experts in accordance with the Assembly decision during its 41st Session. Several Delegations emphasized the importance of prioritizing this review and completing it expeditiously, preferably during 2026, with various Delegations supporting the prudence of subjecting the draft State letter and related guidance material to legal expert review. The Secretariat recalled that the work involved questions of legal interpretation of the Chicago Convention and could not be undertaken by LEB alone, considering that the mandate of the Legal Committee included interpreting the provisions of the Chicago Convention. It was noted that the target date

for completion was 2026, although some flexibility in scheduling might be needed depending on the dates identified for the next session of the Legal Committee. The Chairperson observed that the new item could replace the substantially completed item relating to the Review of the Rules for Settlement of Differences without affecting its urgency and expeditious handling. In summing up, the Chairperson concluded that the Commission supported the addition to the Work Programme of a legal review of the analysis completed by the ATRP of the application of Article 15, with consensus on the need for priority and timely completion and accepted his proposal for its inclusion as item No. 8 on the Work Programme of the Legal Committee.

28.25 The Commission noted the information papers A42-WP/538, A42-WP/606 Revision No. 1 and A42-WP/634, presented by the United Republic of Tanzania, the Republic of Korea and The Bahamas respectively, containing arrangements for the Third Edition of the ICAO International Air Law Workshop in Dar es Salaam (4 to 6 November 2025), the ICAO Legal Seminar in the Republic of Korea (2027), and the Fourth Edition of the ICAO Civil Aviation Legal Advisers Forum (CALAF/4) in The Bahamas (27 to 29 May 2026). The Commission expressed gratitude to the United Republic of Tanzania, the Republic of Korea and The Bahamas for hosting the events and encouraged all Member States to participate.

**Consolidated Statement of Continuing ICAO Policies in the Legal Field**

28.26 Working Paper A42-WP/8 invited the Commission to endorse proposed amendments to Assembly Resolution A41-4, in the form of modifications to Appendices A, C, D and G, as well as the addition of a new Appendix H. Referring to its working paper A42-WP/256 Revision No. 1, one Delegation proposed amendments to Appendix A on account of the contents of that paper. Noting that the working paper was already submitted for consideration by the Executive Committee, it was agreed that the matter should only be addressed by one subsidiary body. Another Delegation proposed using the term “fostering” instead of “foster” in the penultimate paragraph of Appendix A. On this point, it was agreed to consider editorial suggestions at the time when the Report of the Commission would be reviewed.

28.27 Following the consideration of this item, the Commission agreed to recommend to the Plenary to adopt the following Resolution:

**Resolution 28/1: Consolidated Statement of Continuing ICAO Policies in the Legal Field**

*Whereas* it is considered desirable to consolidate Assembly resolutions on the Organization's policies in the legal field in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized:

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies in the legal field, up to date as these policies exist at the close of the 42nd Session of the Assembly;

2. *Resolves* to continue to adopt at each ordinary session a consolidated statement of continuing ICAO policies in the legal field; and

3. *Declares* that this resolution supersedes Resolution A41-4.

## APPENDIX A

## General Policy

*Whereas* international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security;

*Whereas* it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;

*Whereas* universal acceptance of international air law instruments and compliance by Member States of their obligations under those instruments will contribute to the enhancement of the international air law framework; and

*Whereas* it is imperative that the legal framework for international civil aviation remains responsive,
robust and fit for purpose by addressing new and emerging needs, opportunities and challenges:

*The Assembly:*

*Reaffirms* the important role of law in the avoidance and resolution of conflicts and disputes among the nations and peoples of the world and, in particular, in the achievement by the Organization of its aims and objectives;

*Recognizes* that the enhancement of the international air law framework can be achieved through the universal acceptance and implementation by Member States of international air law treaties;

*Recognizes* that keeping pace with new developments that impact international air law through the analysis and consideration of new and emerging needs, opportunities and challenges can

contribute to foster a more responsive and adaptable legal framework for the aviation sector which would ensure that the Organization remains at the forefront of new developments in international civil aviation; and

*Invites* all Member States to continue to support the Organization's activities in the legal field with voluntary contributions in the form of human and financial resources beyond those budgeted for under the regular programme.

## APPENDIX B

### Procedure for approval of draft conventions on international air law

*The Assembly resolves:*

That the following constitutes the procedure for the approval of draft conventions:

1. Any draft convention which the Legal Committee considers as ready for presentation to the States as a final draft shall be transmitted to the Council, together with a report thereon.

2. The Council may take such action as it deems fit, including the circulation of the draft to the Contracting States and to such other States and International Organizations as it may determine.

3. In circulating the draft convention, the Council may add comments and afford States and organizations an opportunity to submit comments to the Organization within a period of not less than four months.

4. Such draft convention shall be considered, with a view to its approval, by a conference which may be convened in conjunction with a session of the Assembly. The opening date of the conference shall be not less than six months after the date of transmission of the draft as provided in paragraphs 2 and 3 above. The Council may invite to such a conference any non-Contracting State whose participation it considers desirable, and shall decide whether such participation carries the right to vote. The Council may also invite international organizations to be represented at the conference by observers.

## APPENDIX C

### Ratification of ICAO international instruments

*The Assembly:*

*Recalling* its Resolution A41-4, Appendix C relating to the ratification of the Protocols of Amendment to the Chicago Convention and of the private air law and other instruments which have been developed and adopted under the auspices of the Organization;

*Noting* with concern the continuing slow progress of ratification of the aforementioned Protocols of Amendment, including in particular those amending Articles 50 (a) and 56 adopted in 2016, and the final paragraphs (relating to the Arabic and Chinese texts, adopted, respectively, in 1995 and 1998);

*Also noting* that while a substantial number of States are party to the Protocols introducing Articles 3 *bis* and 83 *bis* of the Chicago Convention, there is still a need to further progress the ratification of those Protocols;

*Recognizing* the importance of these amendments to international civil aviation, in particular to the viability of the Chicago Convention, and the consequent urgent need to accelerate the entry into force of those amendments not yet in force;

*Recognizing* the need to accelerate the ratification and entry into force of the international air law instruments developed and adopted under the auspices of the Organization;

*Conscious* of the fact that only a universal participation in these Protocols of Amendment and other international air law instruments would secure and enhance the benefits of unification of the international rules which they embody:

*Urges* all Contracting States which so far have not done so to ratify those Amendments to the Chicago Convention which are not yet in force, i.e. those amending the final paragraph to add Arabic and Chinese to the authentic texts of the Convention adopted, respectively, in 1995 and 1998, and those amendments to Articles 50 (a) and 56 adopted in 2016, as soon as possible;

*Urges* all Contracting States which have not yet done so to ratify the Protocols introducing Articles 3 *bis* and 83 *bis* of the Chicago Convention;

*Urges* all Contracting States which so far have not done so to ratify the other international air law instruments, in particular the Montreal Convention of 1999, the Cape Town Convention and Aircraft Protocol of 2001, the two Montréal Conventions of 2009, the Beijing Convention and the Beijing Protocol of 2010, the Montréal Protocol of 2014 and the Protocols on the Authentic Quinquelingual Text (1995) and the Authentic Six-Language Text (1998) of the Chicago Convention, as soon as possible;

*Urges* States which have ratified the instruments in question to provide to the Secretary General copies of the text and documents they have used in the process of ratification and implementation of such instruments and which may serve as an example assisting other States in the same process; and

*Directs* the Secretary General to take all practical measures within the Organization's means in cooperation with States to provide assistance, if requested, to States encountering difficulties in the process of ratification and implementation of the air law instruments, including the organization of and the participation in workshops or seminars to further the process of ratification of the international air law instruments.

## APPENDIX D

### The teaching of air law

*The Assembly:*

*Considering* the undoubted importance for the Organization and the States of the specialized teaching of air law and the desirability of fostering knowledge of this important subject; and

*Welcoming* the introduction of ICAO courses in the field of air law with the objective to enable representatives of Civil Aviation Administrations, airports and air navigation service providers to support their organizations in the implementation of air law;

*Directs* the Council and the Secretary General to take all possible action to promote the teaching and the dissemination of knowledge of air law around the world;

*Urges* the States to adopt appropriate measures which would further the achievement of the above objective; and

*Calls upon* Contracting States and interested parties to contribute to the Assad Kotaite Graduate and Postdoctoral Fellowship Fund.

## APPENDIX E

### Adoption of national legislation on certain offences committed on board aircraft (unruly and disruptive passengers)

*The Assembly:*

*Recognizing* that, under the Preamble and Article 44 of the *Convention on International Civil Aviation,* one of the aims and objectives of the Organization is to foster the planning and development of international air transport so as to meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

*Noting* the increase of the number and gravity of reported incidents involving unruly and disruptive passengers on board aircraft;

*Considering* the implications of these incidents for the safety of the aircraft and the passengers and crew on board these aircraft;

*Mindful* of the fact that the existing international law as well as national law and regulations in many States are not fully adequate to deal effectively with this problem;

*Recognizing* the special environment of aircraft in flight and inherent risks connected therewith, as well as the need to adopt adequate measures of national law for the purpose of enabling States to prosecute criminal acts and offences constituting unruly and disruptive behaviour on board aircraft;

*Encouraging* the adoption of national legal rules enabling States to exercise jurisdiction in appropriate cases to prosecute criminal acts and offences constituting unruly and disruptive behaviour on board aircraft registered in other States;

*Noting* that States at the International Conference on Air Law held in Montréal adopted on 4 April 2014 a *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* and that the Conference decided not to include a list of offences and other acts within the Protocol but recommended that ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* published in 2002 be updated; and

*Noting further* the publication of ICAO Doc 10117 - *Manual on the Legal Aspects of Unruly and Disruptive Passengers,* which incorporates changes consequential to the adoption of the Montréal Protocol of 2014 and contains a list of offences and acts most likely to be committed on board aircraft by unruly and disruptive passengers.

*Therefore:*

*Urges* all Contracting States to enact as soon as possible national law and regulations to deal effectively with the problem of unruly and disruptive passengers, taking into account the guidance in the ICAO *Manual on the Legal Aspects of Unruly and Disruptive Passengers* (Doc 10117) and incorporating so far as practical the provisions in the Model Legislation set out below;

*Calls on* all Contracting States to submit to their competent authorities, for consideration of prosecution or application of administrative or any other forms of legal proceedings, all persons whom they have a reasonable ground to consider as having committed any of the offences and acts set out in the national laws and regulations so enacted, and for which they have jurisdiction in accordance with these laws and regulations; and

*Encourages* States which have not yet done so to consider introducing civil and administrative sanctions to deal with less serious acts or offences relating to unruly and disruptive behaviour on board aircraft in an expeditious and effective manner.

## Model Legislation on Certain Offences Committed on Board Aircraft

### Section 1: Assault and Other Acts of Interference against a Crew Member on Board an Aircraft

Any person who commits on board an aircraft any of the following acts thereby commits an offence:

(1) physical assault or threat to commit such assault against a crew member;

(2) verbal intimidation or threat against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;

(3) refusal to follow a lawful instruction given by or on behalf of the aircraft commander for the purpose of:

(a) protecting the safety of the aircraft or of persons or property therein; or

(b) maintaining good order and discipline on board.

**Section 2: Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board an Aircraft**

(1) Any person who commits on board an aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.

(2) Any person who commits on board an aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:

(a) assault, intimidation or threat, whether physical or verbal, against another person;

(b) intentionally causing damage to, or destruction of, property;

(c) consuming alcoholic beverages or drugs resulting in intoxication.

**Section 3: Other Offences Committed on Board an Aircraft**

Any person who commits on board an aircraft any of the following acts thereby commits an offence:

(1) smoking in a lavatory, or smoking elsewhere when such act is prohibited;

(2) tampering with a smoke detector or any other safety-related device on board the aircraft;

(3) operating a portable electronic device when such act is prohibited.

## APPENDIX F

### A Practical Way Forward on Legal and Institutional Aspects of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems

*Whereas* the global implementation of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) systems, which, *inter alia*, is intended to provide safety-critical services for aircraft navigation, has made substantial progress since its inception at the 10th Air Navigation Conference in 1991 and received enthusiastic endorsement at the 11th Air Navigation Conference in 2003;

*Whereas* the existing legal framework for CNS/ATM systems, namely the Chicago Convention, its Annexes, Assembly Resolutions (especially including the Charter of GNSS Rights and Obligations), associated ICAO guidance (especially including the Statement of ICAO Policy on CNS/ATM Systems Implementation and Operation), regional navigation plans, and exchanges of letters between ICAO and the States operating satellite navigation constellations has enabled the technical implementation achieved thus far;

*Whereas* ICAO has devoted substantial resources to the study of the legal and institutional aspects of CNS/ATM systems in the ICAO Assembly, the Council, the Legal Committee, and a Panel of Legal and Technical Experts and a Study Group, building a detailed record and developing an understanding of the issues, challenges, and concerns facing the global community;

*Whereas* there is a need to also consider regional initiatives to develop measures addressing any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention; and

*Whereas* the 13th Air Navigation Conference in 2018 reviewed the status of existing and future technologies enabling the global air navigation system:

*The Assembly:*

1. *Recognizes* the importance of Item No. 6 of the General Work Programme of the Legal Committee "Study of international legal issues relating to global satellite systems and services supporting international air navigation services", and resolutions or decisions by the Assembly and the Council relating to it;

2. *Reaffirms* that there is no need to amend the Chicago Convention for the implementation of CNS/ATM systems;

3. *Invites* Contracting States to also consider using regional organizations to develop mechanisms necessary to address any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention, and public international law;

4. *Encourages* the facilitation of technical assistance in implementation of CNS/ATM systems by ICAO, regional organizations and industry;

5. *Invites* Contracting States, other multilateral agencies and private financiers to consider development of additional sources of funding for assistance to States and regional groups in implementation of CNS/ATM;

6. *Directs* the Secretary General to monitor and, where appropriate, assist in the development of contractual frameworks to which parties may accede, *inter alia*, on the basis of the structure and model proposed by the Members of the European Civil Aviation Conference and the other regional civil aviation commissions, and on international law;

7. *Invites* the Contracting States to transmit regional initiatives to the Council; and

8. *Directs* the Council to register such regional initiatives, to consider their value and to make them public as soon as possible (in accordance with Articles 54, 55 and 83 of the Chicago Convention).

## APPENDIX G

### Enhancing the capacity and effectiveness of States to implement air law treaties and update national laws and regulations

*Recalling* the important role of law (especially air law) for the achievement by ICAO of its aims and objectives and for ICAO, Member States and the aviation industry to respond effectively to new and emerging opportunities, challenges and threats to the development of international civil aviation;

*Recognizing* that Member States must ensure that appropriate legislation and regulations are formulated to implement, and are applied in accordance with, the Chicago Convention, relevant air law instruments and ICAO provisions;

*Affirming* the important role that civil aviation legal advisers and air law practitioners play in supporting their States and Organizations to implement air law treaties, to formulate and update national laws and regulations to give effect to national policies and regulatory requirements, and to contribute to adherence to the rule of law;

*Considering* that legal advisers must continuously update and enhance their competencies, capabilities and capacities to effectively carry out their responsibilities; and

*Welcoming* the Civil Aviation Legal Advisers Forum initiative organized by ICAO and hosted by Member States, which enables legal advisers, particularly those serving in Organizations that regulate civil aviation, to share and exchange views on current issues of interest to the international aviation community and on strengthening their support for their Organizations and States:

*The Assembly:*

1. *Encourages* Member States that have not already done so to establish positions of dedicated in-house legal advisers for their civil aviation administrations;

2. *Encourages* Member States to make use of ICAO seminars and workshops, ICAO courses in the field of air law and other similar events for the continuous training and development of their legal advisers and to consider hosting from time to time such events in their States and regions;

3. *Invites* Member States to support the Civil Aviation Legal Advisers Forum initiative and to consider hosting subsequent editions of the Forum as well as encourage and facilitate their legal advisers to participate in and to contribute to the Forum;

4. *Requests* the Secretary General to assist Member States in achieving and maintaining the appropriate competency of civil aviation legal advisers including through developing a competency framework for strengthening their role; and

5. *Urges* Member States to support ICAO's work in the legal field by encouraging the active participation of their legal advisers in the work of the Legal Committee, subcommittees and task forces, panels, working groups, and similar bodies established to examine air law issues and develop legal solutions.

## APPENDIX H

### Registration with ICAO of Aeronautical Agreements and Arrangements

*Whereas* Article 83 of the Chicago Convention provides that Contracting States shall register their aeronautical agreements and arrangements with the Council;

*Whereas* the registration of aeronautical agreements and arrangements is governed by the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements* (ICAO Doc 6685) which are adopted by the Council and updated from time to time; and

*Whereas* ICAO has launched in 2020 the Website of Aeronautical Agreements and Arrangements (WAGMAR) which facilitates the self-registration by Contracting States of aeronautical agreements and arrangements:

*The Assembly*:

1. *Calls upon* Contracting States to submit to the Council for registration their aeronautical agreements and arrangements pursuant to Article 83 of the Chicago Convention; and

2. *Invites* Contracting States to make use of the WAGMAR platform for the registration of their aeronautical agreements and arrangements.

## Agenda Item 29: Other issues to be considered by the Legal Commission

29.1 The Commission considered A42-WP/90, presented by South Africa, which recalled previous Assembly Resolutions relating to the implementation of CNS/ATM systems including Global Navigation Satellite Systems (GNSS) and the importance of developing guidance for the development and implementation of a global legal regime for GNSS. While noting the evolution of ATM systems since the Resolutions were adopted, the paper highlighted developments necessitating continuous monitoring of the aviation operating landscape, such as the potential impacts posed by the re-entry of space objects affecting international air navigation and higher altitude operations (HAO). A42-WP/90 proposed the assignment of key work packages to relevant ICAO Panels, Committees and Working Groups and suggested that the Legal Committee be tasked to create a risk matrix on aspects considered and deemed addressed under the Chicago Convention and related SARPs/PANS for consideration by States. At the invitation of the Chairperson, the Secretariat expressed the view that the elements of A42-WP/90 pertaining to re-entry of space objects and higher altitude operations were not related to the existing item on the Work Programme but were the subject of different technical work streams as confirmed by the 14th Air Navigation Conference. The Chairperson therefore sought clarification as to whether A42-WP/90 was intended to add a new item to the Work Programme. The Delegation of South Africa clarified that A42-WP/90 did not seek to add a new item to the Work Programme of the Legal Committee.

29.2 Several Delegations who took the floor expressed support for A42-WP/90 emphasizing the importance of understanding the risks and gaps in coverage arising from the existing legal regime. One Delegation wished to further strengthen the proposal by recommending that the Legal Committee should establish a dedicated study group on legal aspects of emerging space-based technology. Other Delegations who took the floor did not support A42-WP/90 or the actions proposed therein, noting the additional workload that it would impose on the Secretariat and cautioning that detailed technical work which has been ongoing in other fora should not be duplicated. While observing that the Legal Committee was not the appropriate forum for addressing the issues raised in A42-WP/90, one Delegation considered that continued collaboration between ICAO and the United Nations Office for Outer Space Affairs (UNOOSA) provided a more suitable forum for addressing matters related to the safe and sustainable use of outer space. In that Delegation's view there is no need for the Legal Committee to be tasked to develop new frameworks at this time. Several other Delegations who did not support the action proposed in A42-WP/90 underlined that the issues raised therein should not be conflated with the existing item on the Work Programme of the Legal Committee relating to "Study of international legal issues relating to global satellite systems and services supporting international air navigation services", and that any legal consideration should follow a clearer technical understanding.

29.3 Considering the divergent views expressed by Delegations, the Chairperson of the Commission concluded that as there was no clear majority either in favour of or against the actions proposed in A42-WP/90, the matter should be left to the Legal Committee to determine whether the elements covered by A42-WP/90 would fit within a broader scope of the existing Working Programme item relating to study of international legal issues relating to global satellite systems and services supporting international air navigation services.

29.4 The Commission reviewed A42-WP/268, presented by Brazil and Oman, and supported by 19 LACAC Member States and co-sponsored by Singapore, which emphasized the importance of celebrating the 80th anniversary of the Chicago Convention. The paper highlighted the foundation laid down by the Convention and the essential contribution of international air law treaties for a safe, integrated and sustainable civil aviation system, underpinned by cooperation among States in technical, economic and legal fields. One Delegation proposed additional paragraphs to the draft resolution contained in the

Appendix to the working paper, recognizing contributions of Air Navigation Commission, Air Transport Committee and other ICAO bodies and inviting those bodies to coordinate with the Legal Committee and LEB to ensure that legal implications are considered in parallel with technical development. The Commission recognized the importance of the ICAO Legal Committee, and its predecessor CITEJA, in drafting treaties and supporting States in applying international air law and acknowledged the vital role of national legal advisors in the implementation of the Chicago Convention and other international air law instruments domestically and the need for capacity-building to strengthen their expertise. It also emphasized the support provided by the ICAO Secretariat, particularly LEB. The Commission endorsed the proposed resolution commemorating the 80th anniversary of the Chicago Convention as amended during the discussion, paying tribute to contributors in the legal field and urging continued support for the Legal Committee, the Secretariat, and national legal advisors.

**Resolution 29/1:** Honouring 80 Years of the Chicago Convention: The Legacy of the Work in the Legal Field

*Whereas* the year 2024 marks the 80th anniversary of the Chicago Convention, and ICAO highly values and promotes the rule of law in international civil aviation;

*Noting* that the Legal Committee has played a crucial role in drafting, developing and promoting the ratification of air law treaties;

*Noting* also that the Legal Committee has conducted studies on key issues related to international air law and has contributed to the development of a resilient civil aviation sector;

*Noting* further that ICAO Member States support the work of the Legal Committee by nominating national legal experts to contribute to the numerous task forces, study groups, working groups, and other forums that undertake the Committee's Work Programme;

*Recognizing* the strong support provided by the ICAO Secretariat, particularly the Legal Affairs and External Relations Bureau, in facilitating the work of the Legal Committee and, consequently, the development and codification of international air law;

*Recognizing* also the vital role that legal advisors of civil aviation authorities play at the national level in implementing the principles and international rules of the Chicago Convention and ensuring that national regulations are aligned with the Convention and its Annexes;

*Recognizing* also the essential technical and policy contributions of ICAO’s other bodies and experts – including the Air Navigation Commission, Air Transport Committee, Committee on Aviation Environmental Protection, and the panels and expert groups;

*Determined* to ensure that the legal work continues to effectively address ongoing challenges and uphold the rule of law in the civil aviation sector;

The Assembly, in celebrating the 80th anniversary of the Chicago Convention

1. *Pays* tribute to the diverse actors committed to advancing the legal aspects of civil aviation;

2. *Emphasizes* the essential contribution of the ICAO Legal Committee's work for the development of the civil aviation sector;

3. *Recognizes* the significant support provided by the ICAO Secretariat, particularly the Legal Affairs and External Relations Bureau, to the Legal Committee;

4. *Acknowledges* the valuable contributions of Member States through their provision of national legal experts engaged in the work of the Legal Committee;

5. *Highlights* the important role played by legal advisors of civil aviation authorities at the national level;

6. *Reiterates* the importance of sustaining the Legal Committee's work in examining new and emerging issues affecting air law, and in promoting the development, codification and implementation of international air law;

7. *Invites* all Member States to continue to actively support the Legal Committee's work and related groups to carry out its Work Programme;

8. *Invites* ICAO technical bodies and panels to continue proactively to (a) identify issues where legal analysis is required at the outset of technical work, and (b) coordinate with the Legal Committee and Legal and External Affairs Bureau to ensure that legal implications are considered in parallel with technical development;

9. *Urges* all Member States to continually enhance and update the skills and capacities of their legal advisors in civil aviation;

10. *Invites* all stakeholders, including relevant organizations of the global civil aviation community, to continue collaborating through the ICAO Legal Committee to further develop and codify international air law for the benefit of all nations and peoples.

29.5 The Commission reviewed A42-WP/307 Revision No.1, presented by Jordan on behalf of the Member States of the Arab Civil Aviation Organization[2] (ACAO), which explains the critical role of the judiciary in enforcing civil aviation regulations, citing the importance of States implementing appropriate legislation to correspond with their international treaty obligations and educating judges to ensure adequate expertise in applying such legislation, and requested relevant iPacks be prepared for the judicial organs in Member States.

29.6 While supporting the efforts to upskill the judiciary where necessary, one Delegation expressed concerns that the proposed action items would involve additional work for the Secretariat, potentially distracting from its work on the current items of the Work Programme of the Legal Committee.

29.7 In summing up, the Chairperson noted the information provided by the Secretariat that an iPack is in preparation, which covers improving cross-border transfers (XBT) of aircraft and registration processes to enhance safety outcomes and efficiency.

[2] Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen.

29.8 The Commission reviewed A42-WP/109, presented by the Air Crash Victims Families' Federation International (ACVFFI) and co-sponsored by Kazakhstan, which emphasized the importance of ensuring the protection of third-party victims and the need for fair and equitable compensation. The paper emphasized the critical importance of encouraging States to inform ICAO of their insurers and air operators in order to compile, share and implement best practices.

29.9 The Commission noted the broad recognition by States of the importance of this subject and expressed appreciation for the work undertaken by ACVFFI. The Commission further noted that the consideration of best practices of insurance companies in supporting victims of air accidents falls within the mandate of the Working Group on Assistance to Aircraft Accident Victims and their Families under the Facilitation Panel. All Delegations that took the floor agreed that a revision of the Montreal Convention was not necessary.

# APPENDIX

## LIST OF WORKING PAPERS CONSIDERED BY THE LEGAL COMMISSION

| Number | Title and Date |
|---|---|
| A42-WP/8<br>LE/1 | CONSOLIDATED STATEMENT OF CONTINUING ICAO POLICIES IN THE LEGAL FIELD<br>(16/05/2025) |
| A42-WP/9<br>LE/2 | WORK PROGRAMME OF THE ORGANIZATION IN THE LEGAL FIELD<br>(14/07/2025) |
| A42-WP/55<br>LE/3 | PROMOTION OF RATIFICATION OF INTERNATIONAL AIR LAW INSTRUMENTS<br>(02/07/2025) |
| A42-WP/90<br>LE/4 | STUDY OF INTERNATIONAL LEGAL ISSUES RELATING TO GLOBAL SATELLITE SYSTEMS AND SERVICES SUPPORTING INTERNATIONAL AIR NAVIGATION SERVICES<br>(24/07/2025) |
| A42-WP/109<br>LE/5 | COMPENSATION: BEST PRACTICES OF INSURANCE COMPANIES IN THE ASSISTANCE TO VICTIMS<br>(07/07/2025) |
| A42-WP/268<br>LE/6 | HONOURING 80 YEARS OF THE CHICAGO CONVENTION: THE LEGACY OF THE WORK IN THE LEGAL FIELD<br>(29/07/2025) |
| A42-WP/300<br>LE/7 | HARMONIZATION OF AVIATION LIABILITY LAWS IN THE ERA OF AUTONOMOUS FLIGHT: DEFINING RESPONSIBILITY IN AI-OPERATED FLIGHTS AND UNMANNED COMMERCIAL AIR TRANSPORT<br>(29/07/2025) |
| A42-WP/307<br>LE/8 | THE ROLE OF THE JUDICIARY IN ENFORCING CIVIL AVIATION REGULATIONS<br>(29/07/2025) |
| A42-WP/307<br>Revision No. 1<br>LE/8 | THE ROLE OF THE JUDICIARY IN ENFORCING CIVIL AVIATION REGULATIONS<br>(15/09/2025) |
| A42-WP/399<br>LE/9 | PROMOTING THE PROTOCOL ON THE AUTHENTIC QUINQUELINGUAL TEXT AND ON THE AUTHENTIC SIX-LANGUAGE TEXT OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION<br>(28/07/2025) |
| A42-WP/519<br>LE/10 | PROMOTING THE RATIFICATION OF INTERNATIONAL AIR LAW INSTRUMENTS<br>(28/07/2025) |
| A42-WP/519<br>Revision No. 1<br>LE/10 | PROMOTING THE RATIFICATION OF INTERNATIONAL AIR LAW INSTRUMENTS<br>(15/09/2025) |
| A42-WP/538<br>LE/11 | ARRANGEMENTS FOR THE THIRD EDITION OF THE ICAO INTERNATIONAL AIR LAW WORKSHOP<br>(03/09/2025) *Information Paper |

| Number | Title and Date |
|---|---|
| A42-WP/606<br>LE/12 | PROPOSAL FOR ICAO LEGAL SEMINAR IN 2027<br>(17/09/2025) *Information Paper |
| A42-WP/606<br>Revision No. 1<br>LE/12 | PROPOSAL FOR ICAO LEGAL SEMINAR IN 2027<br>(19/09/2025) *Information Paper |
| A42-WP/634<br>LE/13 | ARRANGEMENTS FOR THE FOURTH EDITION OF THE ICAO CIVIL AVIATION LEGAL ADVISERS FORUM<br>(18/09/2025) *Information Paper |
| A42-WP/662<br>LE/14 | DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 28<br>(26/09/2025) |
| A42-WP/663<br>LE/15 | DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 29<br>(26/09/2025) |
| A42-WP/664<br>LE/16 | DRAFT TEXT FOR THE GENERAL SECTION OF THE LEGAL COMMISSION'S REPORT<br>(25/09/2025) |
| A42-WP/664<br>Revision No. 1<br>LE/16 | DRAFT TEXT FOR THE GENERAL SECTION OF THE LEGAL COMMISSION'S REPORT<br>(26/09/2025) |

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