



ASSEMBLY — 42ND SESSION

LEGAL 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

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

This working paper reports on the on-going work of the Secretariat in the legal field and legal matters before the Council. It also presents an overview of developments and relevant decisions taken since the last Assembly with respect to items on the Work Programme of the Legal Committee, including the prioritization of items.

Action: The Assembly is invited to consider the programme of future work of the Organization in the legal field and to decide the Work Programme of the Legal Committee as set out in paragraph 4.3, including the prioritization of items.

<i>Strategic Goals:</i>	This working paper relates to Strategic Goal – International Civil Aviation Convention, other Treaties, Laws and Regulations Address All Challenges and supports other Strategic Goals, High Priority Enablers and Supporting Enablers identified in the ICAO Strategic Plan 2026-2050.
<i>Financial implications:</i>	The ICAO activities referred to in this paper are expected to be undertaken within the resources available in the 2026-2028 Regular Budget and/or from extra-budgetary contributions as guided by the ICAO Business Plan 2026-2028.
<i>References:</i>	C-WP/15639 C-DEC 233/6 Doc 7669, <i>Legal Committee, Constitution, Procedure for Approval of Draft Conventions, Rules of Procedure</i>

1. INTRODUCTION

1.1 Each regular session the Assembly is informed of the on-going work of the Organization in the legal field and provided with an account of the relevant decisions taken subsequent to the previous session of the Assembly in relation to the items on the Work Programme of the Legal Committee.

2. ONGOING ACTIVITIES IN THE LEGAL FIELD OF THE LEGAL AFFAIRS AND EXTERNAL RELATIONS BUREAU (LEB)

2.1 Following the Council's decision in November 2023 during its 230th Session to accede to the jurisdiction of the United Nations Dispute Tribunal (UNDT) for staff related appeals, the Secretariat reviewed its regulatory framework with a view to facilitating the shift from the internally administered ICAO Appeals Board to the UNDT, whose administration and operation is under the umbrella of the United Nations Office of Administration of Justice (OAJ). To comply with the UNDT accession agreement, it was necessary to amend Articles X and XI of the ICAO Service Code as well as several provisions of the Staff Rules. It is expected that the UNDT will be seized of ICAO cases as of the last quarter of 2025. The Organization also has expressed the intention that staff members would have access to the support mechanism provided by the UN Office of Staff Legal Assistance (OSLA).

3. WORK PROGRAMME OF THE LEGAL COMMITTEE

3.1 In accordance with Rule 8 of its Rules of Procedure, the Legal Committee establishes and maintains, subject to approval of the Council, a general programme of work which includes subjects proposed by the Committee itself; in addition, it is to include any subjects proposed by the Assembly or the Council.

3.2 The 41st Session of the Assembly confirmed the following General Work Programme of the Legal Committee with the subjects listed in the order of priority: Review of the ICAO Rules for the Settlement of Differences; International legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation; Processes and procedures for States to fulfil their obligations under Article 12 of the Chicago Convention; Acts or offences of concern to the international aviation community, including cyber threats, that may not be adequately covered by existing air law instruments; Promotion of the ratification of international air law instruments; Study of international legal issues relating to global satellite systems and services supporting international air navigation services; Consideration of guidance on conflicts of interest; and Implementation of Article 21 of the Chicago Convention.

4. 39TH SESSION OF THE LEGAL COMMITTEE (25-28 JUNE 2024)

4.1 As regards the items of the Work Programme which were current at the time of the opening of the 39th Session of the Legal Committee, the following deliberations and decisions occurred:

4.1.1 With respect to the item *Review of the ICAO Rules for the Settlement of Differences*, the Committee considered the Final Report of the Working Group for the Review of the ICAO Rules for the Settlement of Differences (WG-RRSD). The Committee recommended to the Council for consideration a revised set of ICAO Rules for the Settlement of Differences as well as a non-exhaustive list of subjects that could potentially be addressed in practice directions. Given that the WG-RRSD had completed its work, the Committee decided to assign the lowest priority to this item on its Work Programme.

4.1.2 With respect to the item *International legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation*, the Committee noted the progress made in the work of the Secretariat Study Group on Legal Issues related to Pilotless Aircraft (SSG-LIPA). A number of delegations expressed appreciation for the work of the SSG-LIPA, and many offered to share their respective States' experiences with the development of national regulations relating to pilotless aircraft, including, in some cases, frameworks for civil liability and insurance. The Committee assigned priority number three to this item.

4.1.3 As regards the item *Processes and procedures for States to fulfil their obligations under Article 12 of the Chicago Convention*, the Committee noted the progress made by the Article 12 Task Force (A12 TF), including the establishment of Subgroups to study the scope of Article 12 and related legal issues (the Scoping Subgroup – SSG) and to consider the development of a web-based tool for the exchange of information among States relating to Article 12 (the Tools Subgroup – TSG). The Committee further noted the completion in May 2023 of a legal survey aimed at better understanding the implementation status, challenges and the needs of States regarding Article 12. The Committee assigned priority number one to this item with the expectation that the A12 TF would complete its work preferably by the next Session of the Legal Committee.

4.1.4 The Committee was provided with an update on the work carried out with respect to the item *Acts or offences of concern to the international aviation community, including cyber threats, that may not be adequately covered by existing air law instruments*. Regarding the continuation of the work on the adequacy of the existing international air law framework to address cyber-attacks against civil aviation, the Committee noted that a legal survey would be circulated to gather information relating to the status of implementation by States of relevant provisions of international air law instruments in their domestic legislation. The Committee assigned priority number five to this item.

4.1.5 As regards the item *Promotion of the ratification of international air law instruments*, the Committee noted the ongoing promotion by the Secretariat of six key international air law treaties*, the success of the second ICAO Treaty Event at the 41st Session of the ICAO Assembly, the second edition, in February 2023 in Oman, of the Civil Aviation Legal Advisers Forum (CALAF) and of other events aimed at promoting ratification of international air law treaties such as the two ICAO Legal Seminars organized by the Republic of Korea in April 2022 and April 2024. The Committee also noted the issuance of a State letter in May 2024 to commemorate the tenth anniversary of the adoption of the Montréal Protocol 2014. The Committee assigned priority number four to this item, given its strong support of the Secretariat's work promoting ratification of international air law treaties and the efforts made by States to host ratification workshops, legal seminars and international air law courses in their regions.

4.1.6 As regards the item *Study of international legal issues relating to global satellite systems and services supporting international air navigation services*, the Committee noted that, during the 41st Session of the Assembly, the Secretariat presented a historical account of the work that had been carried out by the Organization in relation to the subject since it was first included in its Work Programme over 30 years ago and which culminated in the adoption of certain Assembly Resolutions†. The Committee, taking into account the widely supported suggestion to review the work previously done on the item and the Secretariat's willingness to consider concrete proposals from States on further work to be carried out, decided to maintain this item as priority number 6 on its Work Programme.

* Namely, the Montreal Convention 1999, the 2010 Beijing Convention and Beijing Protocol, the Montréal Protocol 2014 and the 2016 Protocols of Amendment to Articles 50 (a) and 56 of the Chicago Convention.

† A32-19, *Charter of the Rights and Obligations of States Relating to GNSS Services*, A32-20, *Development and elaboration of an appropriate long-term legal framework to govern the implementation of GNSS* and Appendix F to A40-28, *A Practical Way Forward on Legal and Institutional Aspects of CNS/ATM Systems*.

4.1.7 With respect to the item *Consideration of guidance on conflicts of interest*, the Committee noted that an updated compilation of ICAO provisions on conflicts of interest (*ICAO Guidance on Conflicts of Interest in Civil Aviation*) was expected to be completed by 2025. Given the existing guidance material and the fact that no substantive work on this topic had been required from the Committee for quite some time, the Committee decided to remove this item from its General Work Programme.

4.1.8 Regarding the item *Implementation of Article 21 of the Chicago Convention*, the Committee noted that, further to the recommendation of the Task Force on the Implementation of Article 21 of the Chicago Convention (A21 TF), the Council, in March 2022, approved Amendment 7 to Annex 7 – *Aircraft Registration and Nationality Marks*. That amendment included a Model Certificate of De-registration of Aircraft. Given that further work on this item was not anticipated, the Committee decided to remove the item from its Work Programme.

4.1.9 The Committee decided to add a new item with priority number two on its General Work Programme, namely, *Review of the role of the International Explosives Technical Commission under the Convention on the Marking of Plastic Explosives for the Purpose of Detection*, given the Council's determination, in March 2024, that the role needed to be reassessed in light of technological developments and methods to detect unmarked plastic explosives more effectively, and its decision to request the Committee to give consideration to adding an item on this subject to its Work Programme. The Committee noted the options available to progress the work on this item through a subcommittee or a rapporteur and a special session of the Legal Committee as well as in conjunction with other ICAO meetings or conferences, and that the Secretariat would adopt the most flexible and expedient solution.

4.1.10 IATA presented a proposal to the Committee to add an item on *International carriage by air and data protection laws*, noting that interactions between international carriage by air and data protection laws raise legal inconsistencies that merit further study and cooperation, and to constitute a multi-disciplinary working group to examine the topic and develop guidance material. While a number of delegations supported this proposal, others felt that data protection is a national or regional competency and expressed uncertainty as to whether the Legal Committee was the most adequate forum for this topic. Those delegations instead proposed that the Council should decide the most appropriate forum within ICAO for this item.

4.2 The Legal Committee considered further updates on items in relation to which the Commission is invited to refer to **Appendix A**. Information on other topics of legal interest is set out in **Appendix B**.

4.3 As a result of the above-mentioned considerations, the Committee unanimously endorsed that the Work Programme be established as follows: Processes and procedures for States to fulfil their obligations under Article 12 of the Chicago Convention; Review of the Role of the International Explosives Technical Commission under the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*; International legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation; Promotion of the ratification of international air law instruments; Acts or offences of concern to the international aviation community, including cyber threats, that may not be adequately covered by existing air law instruments; Study of international legal issues relating to global satellite systems and services supporting international air navigation services; International carriage by air and data protection laws[‡]; and Review of the ICAO Rules for the Settlement of Differences.

[‡] The Legal Committee requested that the Council decide whether or not this item should be included on its Work Programme; the Council subsequently endorsed the Work Programme, including this item (C-DEC 233/6).

APPENDIX A

STATUS OF ITEMS IN THE WORK PROGRAMME OF THE LEGAL COMMITTEE

1. **Processes and procedures for States to fulfil their obligations under Article 12 of the Chicago Convention**

1.1 A Secretariat Task Force was established in 2021 to study the implementation of Article 12 of the Chicago Convention on the obligation of States to establish and enforce rules and regulations for the flight and maneuver of aircraft (A12 TF). The A12 TF decided to establish small groups to examine the scope of Article 12 and related legal issues and consider the development of tools for exchange of air law regulatory compliance and enforcement information, and to undertake a legal survey to inform future work and review potential questions. The survey, aimed at better understanding the implementation status, challenges and the needs of States regarding Article 12, was completed in May 2023. The responses to the survey answered by 94 States was evaluated by the Secretariat and analyzed results reported to the A12 TF. These survey outcomes will support the continuing study of the related issues by the A12 TF.

1.2 Progress on this item was reported to the 39th Session of the Legal Committee. The report highlighted the establishment by A12 TF of Sub-Groups to study the scope of Article 12 and related legal issues (the Scoping Sub-Group – SSG) and to consider the development of a web-based tool for the exchange of information among States relating to Article 12 (the Tools Sub-Group – TSG). The Committee was also informed about the legal survey.

1.3 The Fourth Meeting of the A12 TF was held in London on 25 November 2024. It was attended by 25 experts from 13 States and two international organizations.[§] Reports by the SSG and the TSG and the outcomes of the survey on the implementation of Article 12 were considered by the A12 TF. Experts discussed legal issues relating to the scope of Article 12 and considered potential elements of a web-based tool for facilitating the timely exchange of information in relation to that Article.

1.4 The Council, at the Fourteenth Meeting of its 235th Session in July 2025, underlined the importance of accelerating the progress of work related to Article 12 of the Chicago Convention.

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**

2.1 Following the inclusion of this item on the Committee's Work Programme, the Chairperson of the Legal Committee appointed on 7 May 2025 a Rapporteur 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). The Rapporteur will study potential solutions to redefine the role and functions of the IETC, including an amendment to the MEX Convention, or alternatively, if the IETC should be terminated on the basis that it had fulfilled its initial mandate. This task is to be completed by 31 August 2025. Should the study conclude that an amendment to the MEX Convention is required, the Rapporteur will submit a draft text of the instrument for consideration by the Legal Committee.

[§] Australia, Brazil, Canada, China, Finland, France, Ghana, Netherlands (Kingdom of the), New Zealand, Oman, Singapore, United Kingdom, United States, the International Air Transport Association and the International Federation of Air Line Pilots' Associations.

3. International legal aspects of unmanned (pilotless) aircraft operations and integration into civil aviation

3.1 The work of the Secretariat Study Group on Legal Issues related to Pilotless Aircraft (SSG-LIPA), which was established in February 2021, continued with multiple meetings of its Subgroups in 2023. The Liability and Security Subgroup considered the application of relevant international instruments to pilotless aircraft operations and, to complete its analysis, discussed potential issues with global insurers and reinsurers. The Chicago Convention Subgroup continued its consideration on the interpretation and application of certain critical aspects of the Convention as regards pilotless aircraft operations, such as the requirement to carry the certificate of airworthiness onboard the aircraft and operations over the high seas. There continues to be broad support expressed on the need for a common understanding of the international legal framework applicable to unmanned (pilotless) aircraft operations among States.

3.2 In 2024, SSG-LIPA continued its work on the subject in coordination with the RPAS Panel and ICAO's Advanced Air Mobility Study Group (AAM SG). The third meeting of SSG-LIPA was held in Montréal from 5 to 6 September 2024. The Liability and Security Subgroup considered the need for an in-depth examination of the applicability of each of the international aviation security instruments to pilotless aircraft operations. The Chicago Convention Subgroup considered the relevance and application of certain critical aspects of the Convention to pilotless aircraft operations, including but not limited to the application of Article 31 and the provisions of Annex 2 in the context of small unmanned aircraft systems (UAS), especially operations in international airspace over the high seas; the requirement for on-board documents under Article 29 vis-à-vis electronic documents; and the requirements of Annex 7 for registrations markings. Concerning the pilotless aircraft operations over high seas in particular, the SSG-LIPA endorsed the Secretariat's proposal for the development of new Standards for issuance of an airworthiness certificate for small UAS outside of the traditional type-certification process, and it was agreed that further attention shall be given to the development of interim measures to address the safety and legal aspects of these operations in the immediate term. The fourth meeting of the SSG-LIPA is to be held in Montréal from 3 to 4 June 2025.

4. Promotion of the ratification of international air law instruments

4.1 This item is covered in A42-WP/55.

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

5.1 The "Study on the Applicability of International Air Law Instruments to Cyber Threats against Civil Aviation" that was submitted to the 38th Session of the Legal Committee in 2022 concluded that the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*, both done at Beijing on 10 September 2010, contain important enhancements over older instruments, thus providing a sufficient basis for States to deal with cyber-attacks against civil aviation as crimes. In that context, the Assembly, in Resolution A41-19 on *Addressing Cybersecurity in Civil Aviation*, called upon States to ratify the Beijing Instruments 2010 as a means to deal with cyberattacks against civil aviation.

5.2 In commemorating the 10 years since the adoption of the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*, Done at Montréal on 4 April 2014 (Montréal Protocol 2014), a State letter was issued drawing the attention of States to this milestone and in

highlighting that passenger unruly and disruptive behaviour on board aircraft continue at unprecedented levels, encouraged States to urgently ratify the Montréal Protocol 2014.

5.3 Promotional and advocacy activities reported in A42-WP/55 saw an additional 11 States becoming parties to the Beijing Convention 2010, an additional 12 States becoming parties to the Beijing Protocol 2010 and an additional 14 States becoming parties to the Montréal Protocol 2014.

5.4 A legal survey on the implementation by States of international air law instruments in national legal frameworks on cyber security is to be launched in the second quarter of 2025. The survey will solicit responses from States on inclusion of relevant provisions of international air law instruments to cyberattacks in their domestic legislation, with a view to assess their implementation and identify any gaps or challenges to be addressed at the international level. This survey supports the implementation of the ICAO cybersecurity strategy which calls for analysis of legal provisions. The survey questionnaire will also include legislative approaches to deal with emerging threats such as GNSS spoofing and jamming.

6. **Study of international legal issues relating to global satellite systems and services supporting international air navigation services**

6.1 The Secretariat is considering the possibility of issuing a survey to all ICAO Member States and selected International Organizations with a view to assessing their needs with respect to this topic.

7. **International carriage by air and data protection laws**

7.1 The Council endorsed the Legal Committee's decision to include this item on its General Work Programme (C-DEC 233/6). A Secretariat Study Group (SSG-DPL), whose membership will include experts from the Facilitation Panel (FALP), is being established to study the interaction between international carriage by air and data protection laws and to propose ways to facilitate understanding and awareness among Member States in this area. It was recognized that the matter goes beyond the air transport sector and that the establishment of data protection laws and policies remain within the responsibility of States. The Terms of Reference of the SSG-DPL have been established, and a State letter (LE 4/80-IND/25/2) has been sent to selected States and organizations requesting the nomination of experts. The first meeting of the SSG-DPL is to be held in Montréal from 5 to 6 June 2025.

8. **Review of the ICAO Rules for the Settlement of Differences**

8.1 The Working Group for the Review of the ICAO Rules for the Settlement of Differences (WG-RRSD) continued in 2022 to make significant progress, looking at various issues pertaining to the review of the Rules and has considered a revised set of draft revisions to the Rules prepared by the Rapporteur, in coordination with the Secretariat.

8.2 Two meetings of the WG-RRSD were held in 2023. At its Eighth and last meeting in September 2023, the WG-RRSD brought its work to a close by adopting a Final Report containing a set of draft revisions to the *Rules for the Settlement of Differences* (Doc 7782) and recommendations for consideration by the 39th Session of the Legal Committee.

8.3 Following the completion of the work of the 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 in practice directions or guidelines regarding procedural matters in the context of the application of the said Rules.

APPENDIX B

OTHER TOPICS OF LEGAL INTEREST

1. REVIEW OF THE LIMITS OF LIABILITY UNDER THE MONTREAL CONVENTION 1999

1.1 The limits of liability established under the Montreal Convention 1999 are subject to a built-in periodic review mechanism, which functions as a method of preventing the erosion of liability limits due to inflationary conditions with the passage of time. ICAO, in its capacity as Depositary of this Convention accordingly conducted the fourth review of limits of liability in 2024 as per the Convention's Article 24. These limits are expressed in Special Drawing Rights (SDRs). Based on data obtained from the International Monetary Fund, the entity in charge of administering the SDR, it was concluded that the threshold set out in the Convention for adjusting the limits upwards had been met. The determined adjustment factor amounted to 17.9%. By State letter issued in October 2024, States Parties were advised that the revised limits would become effective for all States Parties to the Convention as of 28 December 2024.

2. INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (AIRCRAFT EQUIPMENT)

2.1 The Council, in its capacity as the Supervisory Authority of the International Registry, continues to monitor the operation of the Registry to ensure that it functions efficiently in accordance with Article 17 of the 2001 *Convention on International Interests in Mobile Equipment* (Cape Town Convention). In June 2023 at its 229th Session, the Council approved the reappointment of Aviareto Limited as the Registrar of the International Registry for Mobile Assets (Aircraft Equipment) for a fifth five-year term commencing 1 March 2026, in accordance with Article XVII (5) of the 2001 *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment* (Aircraft Protocol). In October 2024, the Council approved the Registrar's proposed increase of the International Registry user fees; the Fee Schedule Appendix to the Procedures for the International Registry being thereafter amended accordingly with an effective date of 1 January 2025.

2.2 The Council issued the Sixth Report of the Supervisory Authority of the International Registry by State letter in October 2023, for the period 1 January 2020 to 31 December 2022, in accordance with Article 17(2) (j) of the Cape Town Convention. In May 2023, ICAO Docs 9793, 9794 and 9795 (respectively, the Cape Town Convention, Aircraft Protocol and the Consolidated Text of the Cape Town Convention and Aircraft Protocol) were re-issued containing corrections by the Depositary, UNIDROIT, in the Arabic, French and Spanish texts pursuant to Article 79 (2) of the 1969 *Vienna Convention on the Law of Treaties*.

2.3 In February 2024, the Council was advised that the Registrar had shut down the Trusted Communications Facility for COVID-19 recovery (TCF) in December 2023, as there had not been any active users on the system during the year of its operation.

2.4 As the 3-year term for membership of CESAIR terminated on 1 July 2024, the Council appointed fourteen members nominated by Brazil, Cameroon, Canada, China, India, Ireland, Kenya, Oman, Russian Federation, Saudi Arabia, Singapore, United Arab Emirates, United Republic of Tanzania and the United States, respectively. As of 15 May 2025, there were 86 Parties to the Cape Town instruments.

2.5 CESAIR held its eleventh meeting at ICAO Headquarters in Montréal from 4 to 6 March 2025, during which it considered changes proposed by the Registrar, Aviareto Limited, to the *Regulations and Procedures for the International Registry* (Doc 9864). The changes, as revised and recommended by CESAIR, will be considered by the Council at its 235th Session.

3. GLOBAL AIR LAW EVENTS

3.1 Over 200 participants from Member States and International Organizations benefitted from seminars and workshops arranged by or with the participation of LEB in the APAC, EUR/NAT and WACAF regions and for African States since A41 with the goal to provide aviation professionals with competencies to support their organization in implementing air law. These events, which feature the Chicago Convention, air law treaties and ICAO provisions, implement the teaching and dissemination of air law pursuant to Assembly Resolution A41-4. The events were supported by the ICAO Regional offices, States (Senegal, Singapore) and International Organizations including the International Air Transport Association (IATA), the West African Economic and Monetary Union (WAEMU), the United Nations Office on Drugs and Crime (UNODC) and the African Civil Aviation Commission (AFCAC).

3.2 In 2023, in cooperation with IATA, LEB facilitated a seminar on data protection and international carriage by air which highlighted the complexity of existing national data protection laws as well as the importance of protecting personal data when transferred across jurisdictions.

3.3 The 2024 ICAO Legal Seminar organized by the Legal Affairs and External Relations Bureau (LEB) and hosted by the Ministry of Land, Infrastructure and Transport of the Republic of Korea was successfully held in Seoul, Republic of Korea in April 2024. The seminar enabled over 750 participants representing 78 States attending in person and through live stream to exchange knowledge and experiences on new and emerging issues affecting civil aviation. It furthermore highlighted ICAO's work in the legal field, the importance of the Chicago Convention and key air law treaties adopted under the auspices of ICAO and encouraged the ratification and implementation of related international air law instruments by States. Topics included aviation safety and security, the role of Regional Safety Oversight Organizations (RSOOs) in supporting States, data protection in international carriage, the role of the Montréal Protocol 2014 in dealing with unruly and disruptive behaviour and updating the rules for the settlement of aviation disputes under the Chicago Convention. The Seminar provided an opportunity during the Year of Facilitation and a key anniversary of Annex 9 – Facilitation, to highlight the legal milestones in air transport facilitation in 75 years.

4. INTERNATIONAL AIR LAW COURSES

4.1 The ICAO International Air Law Course was launched in 2017 with the objective of enabling personnel of civil aviation administrations, airports and air navigation service providers of Member States with or without legal knowledge, as well as government officials with responsibilities for civil aviation policy, legislation and enforcement, to support their organization in the implementation of international air law. Since its launch, the course developed by ICAO's Global Aviation Training (GAT) Office in coordination with the Legal Affairs and External Relations Bureau, has been delivered in all ICAO regions and attended by more than 1200 participants. The course is lauded for its great value in providing information to participants on various aspects of international air law, including international air law treaties. This initiative responds to Resolution A41-4, Appendix D, which calls for promoting the teaching of air law in the States. The course is currently delivered in the English, French and Spanish languages, in virtual and in-person formats.

4.2 A new course on aviation liability and insurance (ALIC) was developed and validated in June 2024, and three deliveries were completed so far in 2025. This course provides aviation professionals with competencies to engage with issues related to risks and liabilities in their work and how to manage them through insurance.

5. CIVIL AVIATION LEGAL ADVISERS FORUM (CALAF)

5.1 The Second Edition of the Civil Aviation Legal Advisers Forum (CALAF) was facilitated by LEB and hosted by the Sultanate of Oman in February 2023. More than 150 legal experts from over 60 States, and International Organizations participated. It also featured presentations by industry, academia and private air law practitioners. Participants were briefed on key decisions on legal and compliance issues of the 41st Session of the ICAO Assembly, the compensation framework for air crash victim's families, the Council's dispute settlement mechanism, and the COVID-19 pandemic response and air travel recovery. Participants also exchanged views on means to enhance the capacity and effectiveness of civil aviation legal advisers. An informal next generation of aviation professionals ("NGAP") session featuring interactions between the Secretary General, ICAO Council Representatives and Omani students took place on the side lines of the Forum.

5.2 The Third Edition of CALAF (CALAF/3) was hosted by the United Kingdom in November 2024 in London. 175 legal experts from 54 States and six International Organizations participated in the event. The Forum commemorated 80 years since the adoption of the Chicago Convention and featured discussions on legal and regulatory best practices shaping the future of international aviation, with input from industry, academia and legal practitioners. Topics covered included sustainability and innovation (including artificial intelligence), enforcement of air navigation regulations, cooperative mechanisms for aviation safety and the use of safety information in judicial proceedings. Participants also received first-hand information on the role of air transport facilitation and the 2001 Cape Town Instruments on aircraft financing in supporting the development of civil aviation. Participants also exchanged views on means to enhance the capacity and effectiveness of civil aviation legal advisers, which was preceded by a high-level commentary by Directors General of Civil Aviation on the importance of the legal function to States' civil aviation administrations. A session on the next generation of aviation professionals (NGAP) provided insights on employment possibilities in the sector as well as air law trainings offered in various academic institutions.

6. 80TH ANNIVERSARY OF THE SIGNING OF THE CHICAGO CONVENTION

6.1 ICAO commemorated the 80th anniversary of the signing of the Chicago Convention with an Extraordinary Session of the Council on 5 December 2024 which took place in the same room of the Chicago Hilton (formerly Stevens Hotel) where the 1944 diplomatic conference was held. The Council adopted a resolution recognizing the significant contributions that ICAO has made over the eight decades since the 1944 meeting and also celebrates the significant contributions of civil aviation to global cooperation, peace and economic development. Numerous additional celebratory activities have been organized in ICAO Member States as well as at Headquarters and Regional Offices throughout the year.

7. SETTLEMENT OF DIFFERENCES

7.1 *Brazil and the United States (2016)*

7.1.1 The Secretariat is awaiting receipt of information on the status of the discussions between the Parties to conclude their negotiations to settle the matter.

7.2 *Qatar and Bahrain, Egypt, Saudi Arabia and the United Arab Emirates (2017) – Application (A); and Qatar and Bahrain, Egypt and the United Arab Emirates (2017) – Application (B)*

7.2.1 No further steps were taken in connection with Applications (A) and (B), both of which remained pending against Bahrain and the United Arab Emirates.

7.3 *Australia and the Netherlands and the Russian Federation (2022)*

7.3.1 By Note Verbale dated 14 March 2022, Australia and the Kingdom of the Netherlands filed a joint Application and its corresponding Memorial for the settlement of a disagreement with the Russian Federation under the terms of Article 84 of the *Convention on International Civil Aviation* (“Chicago Convention”), related Annexes, and the *Rules for the Settlement of Differences* (Doc 7782/2). The disagreement relates to the “interpretation and application of the Chicago Convention” following “the downing of Flight MH17 by a Buk-TELAR surface-to-air missile over the east of Ukraine on 17 July 2014”, which the Applicants submit is “legally attributable to the Russian Federation and constitutes a breach of Article 3bis of the Chicago Convention”.

7.3.2 On 28 July 2022, the Respondent filed a Statement of preliminary objection questioning the jurisdiction of the Council to handle this matter. At the Third Meeting of its 228th Session (17 March 2023), the Council decided not to accept the preliminary objection presented by the Respondent, invited the Parties to continue to seek a settlement of the matter through direct negotiations, and for this purpose, directed the President of the Council to provide his good offices for consultations between the Parties. Following the decision of the Council, the following pleadings were filed in the matter: Counter-memorial by the Respondent (24 April 2023); Reply by the Applicant (28 July 2023); and Rejoinder by the Respondent (14 November 2023).

7.3.3 At the Fourth Meeting of its 231st Session (15 March 2024), the Council decided to undertake the preliminary examination of the matter in accordance with Article 6 (2) of the *Rules for the Settlement of Differences*. The Council conducted the preliminary examination of the matter by hearing factual arguments and legal arguments from the Parties during its 232nd and 233rd Sessions. The Council affirmed its decision to proceed with the matter notwithstanding the unilateral decision of the Russian Federation to end its participation in the proceedings before the Council. The Russian Federation remained absent from the proceedings despite repeated invitations.

7.3.4 At the First Meeting of its 234th Session (7 February 2025), the Council declared the preliminary examination phase concluded and invited the Parties to present their final arguments in accordance with Article 12 of the Rules.

7.3.5 During its 235th Session, the Council commenced deliberations on the matter with a view to taking a decision on the merits in accordance with Article 15 of the Rules. At the Third Meeting of its 235th Session (12 May 2025), the Council decided that the claims brought by Australia and the Netherlands against the Russian Federation were well founded in fact and in law such that the shooting down of flight

MH17 on 17 July 2014 constituted a non-conformity by the Russian Federation with its obligations under Article 3 *bis* of the Chicago Convention. At the Fourth Meeting of its 235th Session (21 May 2025), the Council decided that the Parties immediately enter into good faith negotiations in order to resolve expeditiously the matters of full reparation for the non-conformity of the Russian Federation with its obligations under Article 3 *bis* of the Chicago Convention, including the appropriate forms of reparation, and the other legal consequences arising from the non-conformity.

7.4 *The Russian Federation and 37 Member States (2023)*

7.4.1 By letter dated 10 October 2023, the Russian Federation filed an Application and Memorial for the settlement of a disagreement under the terms of Article 84 of the Chicago Convention, relevant Annexes thereto, and the *Rules for the Settlement of Differences* naming Albania, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and United States (37 Member States) as Respondents. According to the Application and Memorial, since 24 February 2022, the Respondents have applied unlawful unilateral restrictive measures of a discriminatory nature against the Russian Federation in violation of Articles 4, 9 b), 11, 15, 22, 28, 37, 38, 44 (paragraphs a, d, f, g, h), 82 and 87 of the Chicago Convention, as well as the Annexes to the Chicago Convention.

7.4.2 All 37 Respondents filed statements of preliminary objection between 14 March 2024 and 7 June 2024. The following pleadings were subsequently filed in connection with the Respondents' Statements of preliminary objection: Reply to the Statements of preliminary objection by the Applicant (27 December 2024); and Rejoinders to the Applicant's Reply filed by the 37 Respondents (between 17 March 2025 and 31 March 2025). The Council has invited the Applicant to file its final pleading on the preliminary objection in due course. The Council will consider the preliminary objections once all relevant pleadings have been filed.

7.5 *Canada, Sweden, United Kingdom and Ukraine and Iran (Islamic Republic of) (2024)*

7.5.1 On 8 January 2024, Canada and the United Kingdom filed on behalf of the Governments of Canada, Sweden, Ukraine and the United Kingdom (jointly Applicants) an Application and Memorial for the settlement of a disagreement under the terms of Article 84 of the Chicago Convention and the *Rules for the Settlement of Differences* naming Iran (Islamic Republic of) as Respondent. According to the Application: "On 8 January 2020, Iran's Islamic Revolutionary Guard Corps Aerospace Force (the "IRGC-ASF") fired two surface-to-air missiles at Flight PS752 shortly after its departure from Imam Khomeini International Airport ("IKA") in Tehran. The use of these weapons against Flight PS752 resulted in its destruction and killed all 176 passengers and crew on board, including nationals and residents of the Applicant States". The Application and Memorial further stated that "by using weapons against a civil aircraft – Flight PS752 – on 8 January 2020, the Respondent breached the obligation contained in Article 3*bis* of the Chicago Convention prohibiting the use of weapons against civil aircraft in flight."

7.5.2 On 4 June 2024, the Respondent filed a Statement of preliminary objection. At the Fifth Meeting of its 234th Session (17 March 2025), the Council decided not to accept the preliminary objection presented by the Respondent.

7.5.3 On 17 April 2025, the Organization was notified that the Government of the Islamic Republic of Iran had filed an Application instituting an appeal with the International Court of Justice (ICJ) against the Decision of the Council rendered in the above matter on 17 March 2025. Under Article 86 of the *Convention on International Civil Aviation*, “decisions of the Council shall, if appealed from, be suspended until the appeal is decided”. Accordingly, the Decision of the Council dated 17 March 2025, has been suspended with effect from 17 April 2025 until the appeal is decided by the ICJ.

7.6 *Venezuela (Bolivarian Republic of) and Argentina (2024)*

7.6.1 On 2 April 2024, Venezuela (Bolivarian Republic of) presented to the Organization an Application and Memorial, for the settlement of a disagreement under the terms of Article 84 of the Chicago Convention, relevant Annexes and the *Rules for the Settlement of Differences* naming Argentina as Respondent. According to the Application and Memorial, since 8 June 2022, Argentina has committed breaches of several articles of the Chicago Convention. The Applicant further alleged that the said breaches arose in the context of the inconveniences suffered by non-scheduled flights numbered ESU 9217 and 9218, operated by Empresa de Transporte Aereocargo del Sur S. A. (EMTRASUR).

7.6.2 On 22 July 2024, the Respondent submitted a Statement of preliminary objection. At the Tenth Meeting of its 234th Session (25 March 2025), the Council decided to accept the preliminary objection presented by the Respondent. The Parties were also invited to continue to seek a settlement of any outstanding matters in dispute between them through negotiations, and for this purpose, the President of the Council was invited to be available to provide his good offices for consultations.

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