



ASSEMBLY — 42ND SESSION

LEGAL COMMISSION

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

HONORING 80 YEARS OF THE CHICAGO CONVENTION: THE LEGACY OF THE WORK IN THE LEGAL FIELD

(Presented by Brazil and Oman and Supported by 19 Latin American Civil Aviation Commission
(LACAC) Member States)¹

EXECUTIVE SUMMARY

The year 2024 marked the 80th anniversary of the Chicago Convention. The celebration of this milestone highlights the importance of the work in the legal field, carried out by different actors, both at the international and national levels. The anniversary of the Chicago Convention sheds light on the contributions of the Legal Committee to ICAO's achievements and developments. The progress of the work in the legal field would not be possible without the support of the Secretariat, through the Legal Affairs and External Relations Bureau. It is timely to recognize and reinforce the necessity for ICAO to provide the necessary support, by strengthening the Bureau, and for States to make available legal experts to actively engage in the Legal Committee's work and to foster capacity building for legal advisors of the aviation authorities.

Action: The Assembly is invited to adopt the proposed resolution shown in the Appendix.

<i>Strategic Goals:</i>	This working paper relates to Strategic Goal – International Civil Aviation Convention and Other Treaties, Laws and Regulations Address All Challenges
<i>Financial implications:</i>	None
<i>References:</i>	A41-WP/105 LE/5, <i>75th Anniversary of the Legal Committee of the International Civil Aviation Organization</i> A41-WP/106 LE/6, <i>Competency Framework for Civil Aviation Legal Advisers</i> Doc 7669-LC/139/7, <i>Legal Committee, Constitution, Procedure for Approval of Draft Conventions, Rules of Procedure</i> Doc 10184, <i>Assembly Resolutions in Force</i> (as of 7 October 2022) (A41-4: Consolidated statement of continuing ICAO policies in the legal field)

¹ Argentina, Belize, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of).

1. INTRODUCTION

1.1 The year 2024 marks the 80th anniversary of the Chicago Convention. Celebrations of this milestone highlight the spirit of cooperation across technical, economic, and governmental spheres, which has been fundamental in ensuring “safe skies and a sustainable future.” The Chicago Convention has laid the foundation for an integrated, ongoing, and safe development of civil aviation.

1.2 Celebrating the 80th anniversary of the Chicago Convention also underscores the importance of legal work in this domain. The system established by the Convention, which has contributed to the resilient civil aviation sector we see today, relies on the development, ratification, and implementation of international air law treaties—covering areas such as aviation safety and security, aircraft and air carrier liability, and aircraft finance. Furthermore, the safety and growth of civil aviation depend heavily on the incorporation of air law treaties into domestic legal and regulatory frameworks, as the harmonization of aviation law is paramount to ensuring the seamless and efficient operation of international air transport across multiple jurisdictions.

1.3 ICAO upholds the rule of law as an essential cornerstone of a consistent, safe, and reliable civil aviation system. Consequently, the organization places a strong responsibility on legal experts and the work they undertake.

2. ACTORS AND ACTIVITIES IN THE LEGAL FIELD

2.1 ICAO’s Legal Committee, preceded by the Comité International Technique d’Experts Juridiques Aériens (CITEJA), is responsible for drafting international air law treaties and their amendments. It also advises the Assembly and the Council on interpretations of the Chicago Convention. The Legal Committee oversees an extensive Work Program, conducting studies and developing legal solutions on a wide range of subjects—from reviewing procedural rules for dispute settlement to addressing emerging issues, such as cybersecurity and pilotless aircraft, within the framework of the Convention. Through these activities, the Legal Committee supports ICAO Member States and international organizations in implementing treaties and Standards and Recommended Practices (SARPs).

2.2 It is important to recognize the support provided by Member States, which appoint national legal experts in civil aviation to serve as members of the legal study groups, task forces, subcommittees, and other working groups within the scope of the Legal Committee.

2.3 The Legal Committee’s work is supported by ICAO’s Legal Affairs and External Relations Bureau (LEB), which acts as its secretariat and offers comprehensive assistance in all legal matters. Additionally, LEB plays a key role in advising the ICAO Council and Secretary General and member States and in managing relationships with the host State.

2.4 At the national level, the role of legal advisors within civil aviation authorities is undeniably crucial for implementing the principles and international rules embodied in the Chicago Convention. These professionals assist civil aviation authorities and governments in strengthening decision-making processes and ensuring that national regulations, policies, and procedures are aligned with the Convention and its Annexes—fostering the necessary harmonisation for civil aviation safety.

2.5 Consequently, it is vital that legal advisors of civil aviation authorities continually update and enhance their skills, capabilities, and capacities to effectively fulfil their responsibilities. States are

encouraged to provide support, resources, and access to capacity-building initiatives aimed at attracting and retaining talent in the legal aviation field.

3. CONCLUSIONS

3.1 The celebration of the 80th anniversary of the Chicago Convention highlights the importance of the work in the legal field, carried out at both the international and national levels. The anniversary of the Chicago Convention sheds light on the contributions of the Legal Committee to ICAO's achievements and developments. The progress of the work in the legal field would not be possible without the support of the Secretariat, through the Legal Affairs and External Relations Bureau.

3.2 It is timely to recognize and reinforce the need for ICAO to provide the necessary support by strengthening the Legal Affairs and External Relations Bureau, and for States to make available legal experts to actively engage in the Legal Committee's work while also fostering capacity building for legal advisors of the aviation authorities.

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APPENDIX

A42-xx: 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;

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;

Appendix

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

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