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ASSEMBLY — 42ND SESSION

LEGAL COMMISSION

DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 28

The attached material on Agenda Item 28 is submitted for consideration by the 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

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/307 (presented by Jordan on behalf of the member of ACAO¹), A42-WP/399 (presented by China), A42-WP/519 Revision No. 1 (presented by China), A42-WP/538 (presented by Tanzania), A42-WP/606 Revision No. 1 (presented by Republic of Korea), and A42-WP/634 (presented by 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 Report on this item at the next Session of the Legal Committee.

¹ 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.

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 Rapporteur² 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 solutions to redefining 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 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 some of the options concerning the termination of the IETC rely on legal creativity and are not expressly provided for in the MEX Convention. The Delegation also opined that the ICAO treaty amendment process should not be more protracted than a conference of parties and that all options should be examined with caution. The possibility of seeking an authoritative conclusion from the Council was also raised.

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 the 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,

² Alejandro José Piera Valdés.

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). 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 Secretary 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 Text)*, 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, in addition to urging States to ratify the Arabic and Chinese language Protocols amending the Chicago Convention, describes various other treaties adopted under the auspices of ICAO and the ratification process and progress of China with respect to those treaties.

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 to enter into force 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 it can be part of a broader multidisciplinary survey on cybersecurity.

28.20 With respect to the 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 the 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. 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 the 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. In summing up, the Chairperson concluded that a majority of the Delegations that took the floor 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 a legal review of Article 15 of the Chicago Convention in the Legal Committee's Work Programme. It was noted that the Air Transport Regulation Panel (ATRP) had completed its analysis and prepared 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 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 of a legal review of Article 15 to the Work Programme, 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/638, 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 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 line 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 amendments referred to in paragraph 28.20.

28.28 As a result, the Resolution to be put forth for adoption by the Plenary reads:

A42/xx 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.

— END —