



WORKING PAPER

ASSEMBLY — 41ST SESSION

LEGAL COMMISSION

Agenda Item 43: Other issues to be considered by the Legal Commission

**75TH ANNIVERSARY OF THE LEGAL COMMITTEE OF THE INTERNATIONAL
CIVIL AVIATION ORGANIZATION**

(Presented by Singapore and co-sponsored by Australia, Austria, Bahamas,
Brazil, Finland, Gambia, Germany, Hungary, Oman)

EXECUTIVE SUMMARY

The year 2022 marks the 75th anniversary of the establishment of the ICAO Legal Committee by the First Session of the ICAO Assembly (Montréal, 6 – 27 May 1947). During its 38th Session (virtual, 22 – 25 March 2022), the Legal Committee, following consideration of LC/38-WP/7-2, *75th Anniversary of the Legal Committee of the International Civil Aviation Organization*, agreed to recommend that the ICAO Assembly adopt a resolution to recognize the Committee's significant contribution to the development and codification of international law as well as to commemorate its 75th anniversary.

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

<i>Strategic Objectives:</i>	Supporting Implementation Strategies – Programme Support – Legal and External Relations Services.
<i>Financial implications:</i>	None.
<i>References:</i>	LC/38-WP/7-2, <i>75th Anniversary of the Legal Committee of the International Civil Aviation Organization</i>

1. BACKGROUND

1.1 The year 2022 marks the 75th anniversary of the establishment of the ICAO Legal Committee by the First Session of the ICAO Assembly (Montréal, 6 – 27 May 1947). The Legal Committee was established on the foundation of the *Comité International Technique d'Experts Juridiques Aériens* (CITEJA) which was created pursuant to a recommendation adopted at the First International Conference on Private Air Law, held at Paris in 1925.

1.2 Since its inception, the ICAO Legal Committee has prepared draft texts which led to the adoption of twenty-four international air law treaties in the areas of aviation safety and security, aircraft and air carrier liability and aircraft finance. Some of the treaties prepared under the auspices of the Legal Committee are amongst the most widely accepted instruments of codification of international law. The Legal Committee has also considered amendments to the *Convention on International Civil Aviation* (Chicago, 1944 – the “Chicago Convention”) which introduced Article 3 *bis* to address the problem of interception of and other enforcement measures with respect to an aircraft in flight and Article 83 *bis* on the transfer of safety oversight functions. Therefore, the Legal Committee has made a significant contribution to the development and codification of international air law.

1.3 In addition to being a core component of the treaty-making process for international civil aviation, the Legal Committee advises the Assembly and the Council on the interpretation of the Chicago Convention. It has also undertaken several studies on specific issues pertaining to international air law including the legal status of aircraft and aircraft commander, the liability of air traffic control agencies, legal framework for global navigation satellite systems (GNSS), definition of civil and State aircraft and legal aspects of remotely piloted aircraft operations. In addition, the Committee has overseen the development of guidance material on diverse topics such as unruly and disruptive passengers, transfer of safety oversight functions and conflicts of interest in civil aviation, thereby supporting ICAO Member States and International Organizations in the implementation of treaties and ICAO Standards and Recommended Practices (SARPs).

1.4 The Legal Committee’s deliberations have been led by Chairpersons and Vice-Chairpersons from States in all ICAO regions and supported by the Legal Affairs and External Relations Bureau (LEB) of ICAO which acts as its Secretariat. The Legal Committee has also been ably supported to carry out its work programmes by its sub-committees and working groups and the secretariat study groups and task forces established by the LEB, their chairpersons, vice-chairpersons, Rapporteurs and members.

1.5 As evidenced during its 38th Session (virtual, 22 – 25 March 2022), the Legal Committee continues to take a leadership role in the Organization to study new and emerging issues affecting air law and identify the means to address legal issues arising from the challenges posed as well as the opportunities offered by the changing landscape and modern realities of air transport.

2. CONSIDERATION BY THE 38TH SESSION OF THE LEGAL COMMITTEE

2.1 During its 38th Session, the Legal Committee considered LC/38-WP/7-2, *75th Anniversary of the Legal Committee of the International Civil Aviation Organization*, which provided historical background on its establishment as well as highlighted the importance of the work accomplished by the Legal Committee over the past 75 years. The Legal Committee agreed to recommend that the ICAO Assembly adopt a resolution to recognize the Committee’s significant contribution to the development and codification of international law as well as to commemorate its 75th anniversary.

3. **CONCLUSION**

3.1 With a view to recognize the significant contribution made by the ICAO Legal Committee to the development and codification of international law as well as to commemorate its 75th anniversary while acknowledging the importance of its future role, the Assembly is invited to adopt the proposed resolution shown in the **Appendix**.

APPENDIX

A41-xx: 75th Anniversary of the ICAO Legal Committee

Whereas the year 2022 marks the 75th Anniversary of the establishment of the Legal Committee of the International Civil Aviation Organization (ICAO) by the First Session of the ICAO Assembly held in 1947;

Recalling that the ICAO Legal Committee was established on the foundation of the *Comité International Technique d'Experts Juridiques Aériens* (CITEJA);

Noting that since its inception the ICAO Legal Committee has prepared draft instruments which led to the adoption of 24 international air law treaties in the areas of air carrier and aircraft liability, aircraft finance and aviation safety and security;

Noting also that the Legal Committee was involved in the preparation of studies on specific issues pertaining to international air law as well as in the development of guidance material benefiting ICAO Member States and International Organizations in their implementation of air law treaties and Standards and Recommended Practices (SARPs);

Recognizing the significant contribution that the ICAO Legal Committee has, with the strong support of the ICAO Secretariat, in particular, the Legal Affairs and External Relations Bureau (LEB), made to the development and codification of international air law;

Recognizing further that only a universal participation in the international air law treaties would secure and enhance the benefits of unification of the international rules which they embody; and

Determined to ensure that the ICAO Legal Committee will continue to play an important role in dealing with ongoing challenges that are of interest to the international air law community;

The Assembly, on the occasion of the 75th Anniversary of the establishment of the ICAO Legal Committee:

1. *Pays tribute* to the leadership and vision of CITEJA which drafted the first body of international air law treaties;
2. *Emphasizes* the essential role that the ICAO Legal Committee has played in the development and codification of international air law since its inception in 1947;
3. *Recognizes* the numerous contributors to the work of the Legal Committee including representatives of ICAO Member States who have served as its chairpersons and vice-chairpersons and in its sub-committees and working groups and the secretariat study groups and task forces as chairpersons, vice-chairpersons, Rapporteurs or members as well as representatives of international observer organisations accredited by the Legal Committee;
4. *Reiterates* the need for the ICAO Legal Committee to continue to take a leadership role to study new and emerging issues affecting air law and promote the development and codification of international air law, and thereby strengthen the legal framework governing international civil aviation;
5. *Urges* all Member States of ICAO to promote the universal participation in the international air law treaties and effective compliance with their provisions with a view to enhance the rule of law;
6. *Invites* all stakeholders, including Member States and relevant organizations of the global civil aviation community, to continue working together through the ICAO Legal Committee with a view to contribute to the development and codification of international air law for the benefit of all nations and peoples of the world.