



International Civil Aviation Organization

WORKING PAPER

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(Information paper)

English and French only¹

ASSEMBLY — 41ST SESSION

LEGAL COMMISSION

Agenda Item 43: Other issues for consideration by the Legal Commission

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

(Presented by 54 Member States of the African Civil Aviation Commission²)

EXECUTIVE SUMMARY

The Legal Committee of the International Civil Aviation Organization (ICAO), at its 38th Session which was held virtually from 22 to 25 March 2022, following consideration of the Working Paper on the 75th anniversary of the Legal Committee (LC/38-WP/7-2), agreed to recommend that the ICAO Assembly issue a resolution to recognize the Committee's significant contribution to the development and codification of international law as well as to celebrate the 75th anniversary of the creation of the Committee. This information paper celebrates the phenomenal work of the Legal Committee and highlights the African Civil Aviation Commission's (AFCAC's) support of the work of the Legal Committee through its continental activities and the contributions of its Members States.

Action: The Assembly is invited to note this information paper.

<i>Strategic Objectives:</i>	Supporting Implementation Strategies – Programme Support – Legal and External Relations Services.
<i>Financial implications:</i>	None.

¹ English and French provided by African Civil Aviation Commission.

² Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Togo, Tunisia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.

<i>References:</i>	LC/38 Report Doc 10034, <i>Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft</i> , done at Montréal on 4 April 2014 (Montréal Protocol 2014) Doc 9794, <i>Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment</i> , signed at Cape Town on 16 November 2001 (Aircraft Protocol) Doc 9793, <i>Convention on International Interests in Mobile Equipment</i> , signed at Cape Town on 16 November 2001 (Cape Town Convention) Doc 8364, <i>Convention on Offences and Certain Other Acts Committed on Board Aircraft</i> , signed at Tokyo on 14 September 1963 (Tokyo Convention) Doc 7300, <i>Convention on International Civil Aviation</i> , signed at Chicago on 7 December 1944 (Chicago Convention)
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1. INTRODUCTION

1.1 The African Civil Aviation Commission (AFCAC) on behalf of its Member States joins the rest of the world this year to celebrate the 75th anniversary of the birth of the Legal Committee whose inaugural Session was held from 10 to 25 September 1947.

1.2 There is no doubt that the Legal Committee of the International Civil Aviation Organization (ICAO) has performed admirably in supporting the work of ICAO in the areas of development, adoption and modernization of international air law treaties in the diverse fields of civil aviation. Apart from the several treaties that have been adopted under the Chicago Convention, two treaties of note that have the support and ratification of the African continent is the Cape Town Convention and the Aircraft Protocol, popularly referred to as the Cape Town instruments. Suffice to state that the Cape Town instruments have aided in no small measure in the modernization of the airline businesses in Africa. Through the corridor of the Chicago Convention, African airlines now have access to new generation aircrafts at reduced and flexible lease or acquisition rates as well as competitive insurance coverage which to an extent has helped in improving their previously poor safety records and by implication their commercial affluences.

1.3 Since AFCAC's establishment and subsequent designation as a specialized agency of the African Union on civil aviation matters, AFCAC has sustained an enduring and most beneficial working relationship with ICAO in the area of promotion of ICAO Standards and Recommended Practices (SARPs) as well as economic regulatory practices in the continent.

1.4 AFCAC has been involved in promoting the ratification of international air law treaties by Member States considering the benefits of a harmonized civil aviation legal and regulatory framework within the continent and beyond. These efforts could not have been possible without the collaborative efforts of African Member States, civil aviation regulatory authorities as well as the invaluable intervention of regional and sub-regional safety organizations such as the Regional Oversight Organizations (ROOs) that are currently in existence.

1.5 AFCAC joins the Legal Committee and especially its Member States in celebrating Africa's achievement in the area of ratification of international air law treaties, while urging African States to ratify all international air law instruments emanating from the Chicago Convention in the interest of international civil aviation.

1.6 AFCAC pays tribute to the exceptional work contributed by aviation professionals of the Legal Committee from within and outside of the continent who have over the years contributed their expertise and knowledge in developing the draft texts of the instruments that have been adopted by ICAO and registered in the compendium of international air law treaties and conventions which AFCAC has cause to celebrate.

2. IN THE LIGHT OF THE ABOVE-MENTIONED

2.1 AFCAC, in solidarity with ICAO and its Member States, celebrates the Legal Committee on its 75th anniversary.

2.2 AFCAC identifies the outstanding contributions of the Legal Committee to the development and modernization of international civil aviation treaties.

2.3 AFCAC pays tribute to all the Steering Members (Chairpersons and Vice-Chairpersons), Rapporteurs and interpreters (this is not an exhaustive list) who have sacrificed their valuable time and academic resources to the service of the Legal Committee.

2.4 AFCAC upheld its constitutional role in the promotion and ratification of ICAO treaties by African States. This was evident in its collaborative hosting of, *amongst others*, a preparatory meeting of African States in preparation for the diplomatic conference that adopted the Montréal Protocol 2014 which amended the Tokyo Convention of 1963; and the conclusion of the Cape Town Convention and the Aircraft Protocol in 2001.

2.5 AFCAC commits to continue its efforts to urge Member States to ratify international air law instruments and pledges to work with Member States to overcome some of the challenges to the ratification of treaties in some States in Africa.

3. CONCLUSION

3.1 The Assembly is invited to note this information paper and congratulate the Legal Committee on its 75th anniversary and recognize the contributions of AFCAC through its Member States to the continuing work of the Legal Committee within the ambit of ICAO.