



DCCD-FWC No. 1
29/4/09

INTERNATIONAL CONFERENCE ON AIR LAW

(Montréal, 20 April to 2 May 2009)

DRAFT FINAL ACT

(Presented by the Chairman of the Future Work Committee)

The draft Final Act Text of the of the International Conference on Air Law Held Under the Auspices of the International Civil Aviation Organization at Montréal from 20 April to 2 may 2009 is set out in this Report.

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DRAFT FINAL ACT**of the International Conference on Air Law held under the auspices of the International Civil Aviation Organization at Montréal from 20 April to 2 May 2009**

The Plenipotentiaries at the Diplomatic Conference on Air Law held under the auspices of the International Civil Aviation Organization met at Montréal from 20 April to 2 May 2009 for the purpose of considering the draft Articles of the *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft* and the draft Articles of the *Convention on Compensation for Damage Caused by Aircraft to Third Parties* prepared by the Legal Committee of the International Civil Aviation Organization and the *Special Group on the Modernization of the Rome Convention of 1952* established by the Council of the International Civil Aviation Organization.

The Governments of the following [number of] States were represented at the Conference and presented credentials in due and proper form:

[list of States]

The following [number of] international organizations were represented by Observers:

[list of international organizations]

The Conference unanimously elected [name] as President and further unanimously elected as Vice-Presidents:

[list]

The Secretary General of the Conference was [etc.; listing of the officers of the Conference]

The Conference established a Commission of the Whole and the following Committees:

[Credentials Committee, Drafting Committee, Friends of the Chairman Group, Future Work Committee, Preambular Clauses Committee and Final Clauses Committee; each listed with Chairman and members]

Following its deliberations, the Conference adopted the texts of the *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft* and the *Convention on Compensation for Damage Caused by Aircraft to Third Parties*.

The said Conventions have been opened for signature at Montréal this day.

The Conference furthermore adopted by consensus the following Resolutions:

RESOLUTION NO. 1

THE CONFERENCE,

MINDFUL of the importance of establishing rules for compensation for damage caused by aircraft to third parties arising from acts of unlawful interference or from general risks;

ACKNOWLEDGING that the necessary establishment and implementation of these rules can only be adequately achieved through collective State action in accordance with the principles and rules of international law; and

AFFIRMING that the achievements and benefits embodied in the *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft* and the *Convention on Compensation for Damage Caused by Aircraft to Third Parties* should be implemented for the benefit of all parties concerned as soon as possible;

RESOLVES:

TO URGE States to ratify the *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft* and the *Convention on Compensation for Damage Caused by Aircraft to Third Parties* adopted on 2 May 2009 at Montréal as soon as possible and to deposit instruments of ratification with the International Civil Aviation Organization (ICAO) in accordance with Article [x] and Article [y], respectively, of the said Conventions; and

TO DIRECT the Secretary General of ICAO to bring this resolution immediately to the attention of States with the objective mentioned above.

RESOLUTION NO. 2**RELATING TO THE ESTABLISHMENT OF THE SUPPLEMENTARY COMPENSATION
MECHANISM OF THE CONVENTION ON COMPENSATION FOR DAMAGE
TO THIRD PARTIES, RESULTING FROM ACTS OF UNLAWFUL
INTERFERENCE INVOLVING AIRCRAFT**

THE CONFERENCE,

HAVING ADOPTED the *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft*;

HAVING REGARD to Chapter III of the Convention;

CONSCIOUS of the need to undertake preparatory work regarding the establishment of the Supplementary Compensation Mechanism to ensure that it is operational by the time the Convention enters into force;

CONSCIOUS of the need to prepare for the initial meeting of the Conference of Parties to the Convention; and

CONSCIOUS of the need to establish an Interim Conference of Parties for the Supplementary Compensation Mechanism;

RESOLVES:

TO SET UP, pending the entry into force of the Convention, a Preparatory Commission to act with full authority as Interim Conference of Parties for the establishment of the Supplementary Compensation Mechanism, under the guidance and supervision of the ICAO Council. Such Preparatory Commission shall be composed of persons, having the necessary qualifications and experience, nominated by the following States: [.];

TO DIRECT the Preparatory Commission to carry out, under the guidance and supervision of the ICAO Council, the following functions:

- (1) to ensure that the Supplementary Compensation Mechanism be set up, in accordance with an objective, transparent and fair selection process, and that it become ready to be operated with a target date of two years from the adoption of the Convention, and at the latest by the time of the entry into force of the Convention;
- (2) to enter into discussions with the operators and their industry organizations on means for handling contributions so that funding of the Supplementary Compensation Mechanism can begin as soon as the Convention enters into force;

- (3) to complete preparation of draft Rules of Procedure of the Conference of Parties of the Supplementary Compensation Mechanism; draft Regulations of the Supplementary Compensation Mechanism and Guidelines for Compensation; draft Decisions, Guidelines, Delegations, and Resolutions with respect to all other functions and responsibilities of the Conference of the Parties specified by Articles [9, 14, 15, 19 and 20] of the Convention; and such other documents as may be necessary in preparation for the first meeting of the Conference of the Parties;
- (4) to ensure the necessary liaison and coordination with stakeholders, experts and interested parties, including contributors to the Supplementary Compensation Mechanism; and
- (5) to work on such other matters as may be required with a view to ensuring the establishment of the Supplementary Compensation Mechanism and the Conference of the Parties; and

TO INVITE the States participating in the Conference and interested private parties to make available, if needed, the necessary start-up funding on a voluntary basis for the tasks of the Preparatory Commission and of ICAO, required under the two preceding resolving clauses, and to entrust ICAO with the task of administering such funds.

IN WITNESS WHEREOF, the Delegates have signed this Final Act.

Done at Montréal on [date].

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