



LEGAL COMMITTEE

CONSTITUTION

PROCEDURE FOR APPROVAL OF DRAFT CONVENTIONS

RULES OF PROCEDURE

*Approved by the Legal Committee and
published by authority of the Secretary General*

SIXTH EDITION — 2018

INTERNATIONAL CIVIL AVIATION ORGANIZATION

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HISTORICAL NOTE

In expressing the wish “that there be named in the near future a special committee of experts entrusted with preparing the continuation of the work of the conference”, the first international conference on private air law, meeting in Paris from 26 October to 6 November 1925, laid the foundation of the international body which, for some twenty years, until the end of the second world war, was entrusted with the international codification of private air law. It was in May 1926 that the Comité International Technique d’Experts Juridiques Aériens, more widely known under its abbreviated name of CITEJA, was created at Paris. From 1926 until 1947, date of its dissolution, CITEJA held sixteen sessions and drew up the draft conventions which were to become:

- the Convention for the unification of certain rules relating to international carriage by air, signed at Warsaw on 12 October 1929;
- the Convention for the unification of certain rules relating to damage caused by aircraft to third parties on the surface, signed at Rome on 29 May 1933;
- the Convention for the unification of certain rules relating to the precautionary attachment of aircraft, signed at Rome on 29 May 1933;
- the Additional Protocol to the Convention for the unification of certain rules relating to damage caused by aircraft to third parties on the surface, signed at Brussels on 29 September 1938;
- the Convention for the unification of certain rules relating to assistance and salvage of aircraft or by aircraft at sea, signed at Brussels on 29 September 1938.

The International Civil Aviation Conference, held at Chicago from 1 November to 7 December 1944, recommended in a resolution appearing in its Final Act, “that the various governments represented at this International Civil Aviation Conference give consideration to the desirability of bringing about the resumption at the earliest possible date of the CITEJA sessions which were suspended because of the outbreak of war ...” and “that consideration also be given by the various governments

to the desirability of co-ordinating the activities of CITEJA with those of the Provisional International Civil Aviation Organization and after it shall have come into existence, of the permanent International Civil Aviation Organization established pursuant to the Convention on International Civil Aviation drawn up at Chicago on December 7, 1944 ”.

As a result of this resolution, the CITEJA met in Paris and Cairo in 1946, but it was thought preferable to entrust the work of the CITEJA to a new international body created within ICAO. In May 1947, at Montreal, the CITEJA held its last session and the ICAO Assembly (First Session) instituted a Legal Committee, with broader powers than those of the CITEJA, which was charged, among other things, with resuming the work of the international codification of private air law. The same session of the Assembly likewise adopted a procedure for the approval of draft conventions. The Constitution of the Legal Committee was annexed to Resolution A1-46 and the procedure for the approval of draft conventions is the subject of Resolution A1-48.

The Constitution of the Legal Committee and the procedure for the approval of draft conventions adopted in 1947 were revised at the Seventh Session of the Assembly, held at Brighton from 15 June to 6 July 1953. The revised Constitution appears in Resolution A7-5 and the revised procedure for the approval of draft conventions appears in Resolution A39-11, Appendix B.

Since its institution in 1947, the Legal Committee has prepared drafts which led to the adoption of the following instruments:

Convention on the International Recognition of Rights in Aircraft,
signed at Geneva on 19 June 1948;

Convention on Damage Caused by Foreign Aircraft to Third Parties on
the Surface, signed at Rome on 7 October 1952;

Protocol to Amend the Convention for the Unification of Certain Rules
Relating to International Carriage by Air Signed at Warsaw on
12 October 1929, done at The Hague on 28 September 1955;

Convention, Supplementary to the Warsaw Convention, for the
Unification of Certain Rules Relating to International Carriage by
Air Performed by a Person Other than the Contracting Carrier,
signed at Guadalajara on 18 September 1961;

(ii)

Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;

Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955, signed at Guatemala City on 8 March 1971;

Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

Additional Protocol No. 1 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12 October 1929, signed at Montreal on 25 September 1975;

Additional Protocol No. 2 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955, signed at Montreal on 25 September 1975;

Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocols Done at The Hague on 28 September 1955 and at Guatemala City on 8 March 1971, signed at Montreal on 25 September 1975;

Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955, signed at Montreal on 25 September 1975;

Protocol to Amend the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface Signed at Rome on 7 October 1952, signed at Montreal on 23 September 1978;

(iii)

Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 83 *bis*], Signed at Montreal on 6 October 1980;

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Done at Montreal on 23 September 1971, signed at Montreal on 24 February 1988;

Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991;

Convention for the Unification of Certain Rules for International Carriage by Air, Done at Montreal on 28 May 1999;

Convention on International Interests in Mobile Equipment, Signed at Cape Town on 16 November 2001;

Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment, Signed at Cape Town on 16 November 2001;

Convention on Compensation for Damage Caused by Aircraft to Third Parties, Signed at Montréal on 2 May 2009;

Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft, Signed at Montréal on 2 May 2009;

Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, Done at Beijing on 10 September 2010;

Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, Done at Beijing on 10 September 2010; and

Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, Done at Montréal on 4 April 2014.

.....(iv)

According to its Constitution, the Legal Committee adopted Rules of Procedure at its First Session held in Brussels in 1947. At its Eighth Session, held in Madrid in September 1951, the Committee adopted new Rules of Procedure, which were amended at its Ninth, Thirteenth, Sixteenth, Twenty-Fifth, Thirtieth and Thirty-Sixth Sessions held, respectively, in Rio de Janeiro (1953), Montreal (1960), Paris (1967) and Montreal (1983, 1997 and 2015).

(v)

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CONSTITUTION

(Assembly Resolution A7-5)

1. The Legal Committee (hereinafter called “the Committee”) shall be a permanent Committee of the Organization, constituted by the Assembly and responsible to the Council except as otherwise specified herein.
2. The duties and functions of the Committee shall be:
 - a) to advise the Council on matters relating to the interpretation and amendment of the *Convention on International Civil Aviation*, referred to it by the Council;
 - b) to study and make recommendations on such other matters relating to public international air law as may be referred to it by the Council or the Assembly;
 - c) by direction of the Assembly or the Council, or on the initiative of the Committee and subject to the prior approval of the Council, to study problems relating to private air law affecting international civil aviation, to prepare drafts of international air law conventions and to submit reports and recommendations thereon;
 - d) to make recommendations to the Council as to the representation at sessions of the Committee of non-Contracting States and other international organizations, as to the coordination of the work of the Committee with that of other representative bodies of the Organization and of the Secretariat and also as to such other matters as will be conducive to the effective work of the Organization.
3. The Committee shall be composed of legal experts designated as representatives of and by Contracting States, and shall be open to participation by all Contracting States.
4. Each Contracting State represented in meetings of the Committee shall have one vote.

5. The Committee shall determine, subject to the approval of the Council, the general work programme of the Committee and the provisional agenda of each session, provided that the Committee may, during a session, modify the provisional agenda for the better conduct of its work consistently with the provisions of this Constitution. Sessions of the Committee shall be convened at such places and times as may be directed or approved by the Council.

6. The Committee shall adopt rules of procedure. Such rules, and any amendment thereof which affects the relationship of the Committee with other bodies of the Organization or with States or other organizations, shall be subject to approval by the Council.

7. The Committee shall elect its own officers.

8. The Committee may appoint Sub-Committees either to meet concurrently with the Committee or, subject to the approval of the Council, at other times and places as it may deem fit.

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