



INTERNATIONAL CONFERENCE ON AIR LAW

(Montréal, 20 April to 2 May 2009)

FINAL ACT

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 International 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 81 States were represented at the Conference and presented credentials in due and proper form:

Albania, the Republic of	Honduras, the Republic of
Argentine Republic, the	India, the Republic of
Australia	Indonesia, the Republic of
Austria, the Republic of	Italy, the Republic of
Bahrain, the Kingdom of	Japan
Belgium, the Kingdom of	Kenya, the Republic of
Botswana, the Republic of	Kuwait, the State of
Brazil, the Federative Republic of	Lebanese Republic, the
Cameroon, the Republic of	Madagascar, the Republic of
Canada	Malaysia
Chile, the Republic of	Mali, the Republic of
China, the People's Republic of	Mexican States, the United
Colombia, the Republic of	Namibia, the Republic of
Congo, the Republic of the	Nepal, the Federal Democratic Republic of
Costa Rica, the Republic of	Netherlands, the Kingdom of the
Côte d'Ivoire, the Republic of	Nicaragua, the Republic of
Cuba, the Republic of	Nigeria, the Federal Republic of
Czech Republic, the	Norway, the Kingdom of
Dominican Republic, the	Oman, the Sultanate of
Ecuador, the Republic of	Panama, the Republic of
Egypt, the Arab Republic of	Paraguay, the Republic of
El Salvador, the Republic of	Peru, the Republic of
Ethiopia, the Federal Democratic Republic of	Philippines, the Republic of the
Finland, the Republic of	Poland, the Republic of
French Republic, the	Portuguese Republic, the
Gambia, the Republic of the	Qatar, the State of
Germany, the Federal Republic of	Republic of Korea, the
Ghana, the Republic of	Romania
Guatemala, the Republic of	Russian Federation, the
Hellenic Republic, the	Saudi Arabia, the Kingdom of

Serbia, the Republic of
Singapore, the Republic of
Slovak Republic, the
Slovenia, the Republic of
South Africa, the Republic of
Spain, the Kingdom of
Sudan, the Republic of the
Sweden, the Kingdom of
Swiss Confederation, the
Thailand, the Kingdom of
Tunisia, the Republic of

Turkey, the Republic of
Uganda, the Republic of
Ukraine
United Arab Emirates, the
United Kingdom of Great Britain and Northern
Ireland, the
United Republic of Tanzania, the
United States of America, the
Uruguay, the Eastern Republic of
Venezuela, the Bolivarian Republic of
Zambia, the Republic of

The following 16 international organizations and groups were represented by Observers:

African Civil Aviation Commission (AFCAC)
Air Crash Victims Families Group (ACVFG)
Airports Council International (ACI)
Arab Civil Aviation Commission (ACAC)
Aviation Working Group (AWG)
Civil Air Navigation Services Organisation (CANSO)
Communauté Economique et Monétaire de l'Afrique Centrale (CEMAC)
European Community (EC)
European Organisation for the Safety of Air Navigation (EUROCONTROL)
International Air Transport Association (IATA)
International Law Association (ILA)
International Union of Aerospace Insurers (IUAI)
Interstate Aviation Committee (IAC)
Latin American Civil Aviation Commission (LACAC)
London and International Insurance Brokers' Association (LIIBA)
McGill University Institute of Air and Space Law (IASL)

The Conference unanimously elected as President Mrs. Kate Staples (United Kingdom) and further unanimously elected as Vice-Presidents:

First Vice-President – Ms. Tan Siew Huay (Singapore)
Second Vice-President – Mr. Alvaro Lisboa (Chile)
Third Vice-President – Mr. Gounoko Haounaye (Cameroon)
Fourth Vice-President – Mr. Hiroshi Narahira (Japan)
Fifth Vice-President – Dr. Ahmed Al Sheikh (United Arab Emirates)

The Secretary of the Conference was Mr. Denys Wibaux, Director, Legal Affairs and External Relations Bureau, International Civil Aviation Organization. He was assisted by Mr. John Augustin, Senior Legal Officer, who was the Deputy Secretary, by Mr. Benoît Verhaegen, Dr. Jiefang Huang and Mr. Arie Jakob, Legal Officers, who were Assistant Secretaries, by Dr. Fang Liu, Director, Administration and Services Bureau, and other officials of the Organization.

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

Credentials Committee

Chairman: Mr. Souleiman Eid (Lebanon)

Members: Brazil
Czech Republic
Ghana
Republic of Korea

Drafting Committee

Chairman: Ms. Tan Siew Huay (Singapore)

Members: Brazil
Canada
China
Cuba
Finland
France
Germany
Japan
Mexico
Nigeria
Russian Federation
South Africa
Sweden
United Arab Emirates
United Kingdom
United States
Uruguay

Aviation Working Group (AWG)
European Community (EC)
International Air Transport Association (IATA)
International Union of Aerospace Insurers (IUAI)

Final Clauses Committee

Chairman: Mr. Gilles Lauzon, Q.C. (Canada)

Members: Chile
China
Costa Rica
Czech Republic
Ethiopia
France

Italy
Japan
Oman
Paraguay
Russian Federation
Saudi Arabia
Sweden
Uganda

Aviation Working Group (AWG)
European Community (EC)
International Air Transport Association (IATA)

Future Work Committee

Chairman: Mr. Levers Mabaso (South Africa)

Members: Brazil
China
Ecuador
Finland
Kenya
Qatar
Switzerland
United States

Aviation Working Group (AWG)
International Air Transport Association (IATA)
International Union of Aerospace Insurers (IUAI)

Preambular Committee

Chairman: Mr. Aníbal Mutti (Argentina)

Members: Australia
Belgium
Cameroon
Canada
Egypt
Ghana
Guatemala
Singapore
Sweden

International Air Transport Association (IATA)
International Union of Aerospace Insurers (IUAI)

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 texts of the said Conventions are subject to verification by the Secretariat of the Conference under the authority of the President of the Conference within a period of ninety days from the date hereof as to the linguistic changes required to bring the texts in the different languages into conformity with one another.

The Conference furthermore adopted by consensus the following Resolutions:

RESOLUTION NO. 1

RELATING TO ENCOURAGEMENT OF 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*

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

HAVING developed 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*;

RESOLVES:

TO INVITE States to consider the possibility of ratifying 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 21 and Article 38, respectively, of the said Conventions; and

TO INVITE 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 INTERNATIONAL CIVIL AVIATION
COMPENSATION FUND 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 International Civil Aviation Compensation Fund (hereinafter referred to as “the International Fund”) 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 International Fund;

RESOLVES:

TO SET UP, pending the entry into force of the Convention, a Preparatory Commission for the establishment of the International Fund. Such Preparatory Commission shall be composed of persons, having the necessary qualifications and experience, nominated by the following States: Canada, China, Côte D’Ivoire, Czech Republic, Ethiopia, Finland, Japan, Kenya, Mexico, Saudi Arabia, Singapore, South Africa, Switzerland, United Arab Emirates, United Kingdom and United States; and

TO DIRECT the Preparatory Commission to carry out the following functions:

- (1) to ensure that the International Fund be set up in an objective, transparent and fair manner, 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 formulate and make a request consistent with Article 9 (q) of the Convention;
- (3) to enter into discussions with the operators and their industry organizations on means for handling contributions so that funding of the International Fund can begin as soon as the Convention enters into force;
- (4) to complete preparation of draft Rules of Procedure of the Conference of Parties of the International Fund; draft Regulations of the International Fund and Guidelines for Compensation; draft Decisions, Guidelines, Delegations and Resolutions with respect to all other functions and responsibilities of the Conference of 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 Parties;
- (5) to ensure the necessary liaison and coordination with stakeholders, experts and interested parties, including contributors to the International Fund; and
 - (6) to work on such other matters as may be required with a view to ensuring the establishment of the International Fund and the Conference of Parties; and

TO INVITE the States participating in the Preparatory Commission to organize and provide support for such meetings as necessary to carry out the functions as set out in this Resolution.

IN WITNESS WHEREOF the Delegates of States duly authorized thereto have signed the Final Act.

Done at Montréal on the second day of May of the year Two Thousand Nine in six authentic texts in the English, Arabic, Chinese, French, Russian and Spanish languages in a single copy which shall be deposited with the International Civil Aviation Organization and a certified copy of which shall be delivered by the said Organization to each of the Governments represented at the Conference.