



LEGAL COMMITTEE – 34TH SESSION

(Montréal, 9 – 17 September 2009)

Agenda Item 4: Report on work done at the Session

DRAFT REPORT ON THE WORK OF THE LEGAL COMMITTEE DURING ITS 34TH SESSION

1. The attached material comprises the draft Report of the Legal Committee on the Organization of the Meeting.
2. Subsequent material comprising the draft Report of the Legal Committee will be issued as subdivisions of LC/34-WP/4.

1. Place and Duration

1.1 The 34th Session of the Legal Committee was held at Montréal from 9 to 17 September 2009. The Acting Chairman of the Legal Committee, Mr. Michael Jennison (United States), presided over the Session.

2. Opening addresses

2.1 The meeting was declared open by **the Acting Chairman of the Legal Committee. The President of the Council**, Mr. Roberto Kobeh González, welcomed all delegates and observers. He recalled the very proud history of the Legal Committee in the development and codification of international air law. He especially highlighted that, in the area of aviation security, the pioneering efforts of ICAO had resulted in five international instruments in this field, most of which almost universally accepted, and which have served as valuable precedents for other conventions in the UN family.

2.2 He further reminded that as an immediate response to the terrorist attacks of 11 September 2001, the ICAO Assembly adopted Resolution A33-1 and directed the Council and the Secretary General to address the new and emerging threats to civil aviation, and, among other things, to review the adequacy of the existing aviation security conventions. Pursuant to this Resolution, the Secretariat completed a study on legal measures to cover the new and emerging threats. The Secretariat Study Group concluded that the existing aviation security conventions could be updated or amended in several instances to cover these threats. Subsequently in March 2007, the Council invited the Legal Committee to establish a special Sub-Committee to prepare one or more draft instruments addressing the new and emerging threats to civil aviation. After two meetings, the Sub-Committee consequently developed two draft protocols to amend the Montreal Convention of 1971 and The Hague Convention of 1970, respectively.

2.3 The President took this opportunity to thank the Rapporteur, Ms. Julie Atwell (Australia). He also congratulated Mr. Terry Olson (France) for his chairmanship of the Sub-Committee. He was pleased to note that the Sub-Committee had reached broad consensus in many areas, although some issues require further deliberations by the Legal Committee, such as that relating to the criminalization of the transport of biological, chemical and nuclear substances. He expressed his high expectations on the work of the Legal Committee and placed great confidence in the Legal Committee in the fulfillment of its tasks. If the draft instruments prepared by the Committee are deemed sufficiently mature, the next step would be for the Council to convene a Diplomatic Conference to finalize and adopt the texts.

2.4 The Chairman expressed his thanks to the President for his kind remarks. He trusted that he would receive further cooperation from all participants at this Session, with a view to develop the two draft protocols which are ratifiable. He emphasized the urgent need to amend the existing conventions to cover the new and emerging threats to civil aviation.

3. Agenda and Working Arrangements

3.1 The Committee added “other business” to the provisional agenda shown in LC/34-WP/1. The agenda of the Session as adopted can be found at **Attachment A** to this Report.

3.2 The working papers considered by the Committee are listed by agenda items in **Attachment B** to this Report.

3.3 The action taken by the Committee in respect of each item is reported on separately in the Report. The material is arranged according to the numerical sequence of the agenda items considered by the Committee.

4. Meetings

4.1 The Committee held meetings, all of which were held in open sessions.

4.2 The Secretary of the Committee was Mr. D. Wibaux, Director of the Legal Affairs and External Relations Bureau of ICAO. The Deputy Secretary was Mr. S.A.A. Espínola, Principal Legal Officer. Mr. J.V. Augustin, Senior Legal Officer, Messrs. B. Verhaegen, J. Huang, A. Jakob, Legal Officers, and Ms. M. Weinstein, Legal Adviser, were Assistant Secretaries. Other officials of the Organization also provided services to the Committee.

5. Representation of States and International Organizations

5.1 [62] Contracting States and [5] international organizations were represented by [] representatives and observers at this Session of the Legal Committee. The names of the representatives and observers appear in **Attachment C** to this Report.

6. Records of Proceedings

6.1 The Committee decided that in application of Rule 45 of its Rules of Procedure, the minutes of the 34th Session need not be prepared.