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TWO NEW TREATIES ADOPTED BY INTERNATIONAL CONFERENCE ON AIR LAW

MONTREAL, 12 May 2009 – Two new air law conventions setting out international compensation and liability rules for damage caused by aircraft to third parties were adopted by a diplomatic conference hosted by the International Civil Aviation Organization (ICAO), from 20 April to 2 May 2009.

“The fight against the effects of terrorism and the improvement of the status of victims in the event of damage to third parties that may result either from acts of unlawful interference involving aircraft or caused by ordinary operation of aircraft, forms the cornerstone of the two conventions,” explained Roberto Kobeh González, President of the Council of ICAO.

“Our objective with these conventions is to ensure equitable benefits for victims while not unduly increasing the economic and regulatory burden on carriers,” he stated further.

One legal instrument adopted by the Conference is the *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft*. It has the objective of providing compensation for damage to third parties as a result of acts of unlawful interference involving aircraft. At the heart of this new instrument is the creation of an International Civil Aviation Compensation Fund which may potentially provide victims of an event compensation in addition to that paid by the aircraft operator, up to an amount of 3 billion Special Drawing Rights (approximately US \$4.5 billion).

The other instrument, the *Convention on Compensation for Damage Caused by Aircraft to Third Parties*, modernizes the current legal framework provided for under the 1952 Rome Convention and related Protocol of 1978. It covers cases of damage caused by aircraft as a result of safety related matters and not involving an act of unlawful interference and provides for full compensation of victims.

Some 400 participants from 94 States and 16 international organizations attended the Diplomatic Conference which was presided over by Ms. Kate Staples from the United Kingdom.

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A specialized agency of the United Nations, ICAO was created in 1944 to promote the safe and orderly development of international civil aviation throughout the world. It sets standards and regulations necessary for aviation safety, security, efficiency and regularity, as well as for aviation environmental protection. The Organization serves as the forum for cooperation in all fields of civil aviation among its 190 Contracting States.