



CALAF² Ind

Civil Aviation Legal Advisers Forum
منتدى المستشارين القانونيين للطيران المدني

Muscat 21-23 Feb 2023



Program

The Second Civil Aviation Legal Advisers Forum CALAF2 Muscat, Oman, 21 - 23 February 2023

Programme

PRE-EVENT – Monday, 20 February 2022

08:00 – 17:00: **Third meeting of the Article 12 Task Force (A12TF/3)**

VIP Meeting Room, Oman CAA Headquarters

18.00 – 20.00: **Social event**

DAY 1 – Tuesday, 21 February 2023

Multiple Purpose Hall, Oman CAA Headquarters

07:30 – 08:30: **Registration**

08:30 – 09:30: **Opening and Welcoming Addresses**

- H.E. Eng. Naif Ali Hamad Al Abri, President of Civil Aviation, Civil Aviation Authority, Sultanate of Oman (Oman CAA)
- Mr. Juan Carlos Salazar, Secretary General of the International Civil Aviation Organization (ICAO)

Group Photo Session

09:30-09:45: **COFFEE BREAK**

09:45-10.30 **Session I**

Outcomes of the 41st ICAO Assembly– setting the tone for the future

The 41st ICAO Assembly (A41) addressed major issues faced by the aviation industry. Certain key decisions of this Assembly will have a significant impact on international civil aviation such as the adoption of a long-term global aspirational goal for net zero carbon emissions by 2050 (LTAG) and the call for adherence to the rule of law including compliance with the Chicago Convention. The Assembly also formally commemorated the contributions of the Legal Committee to air law over the past 75 years and confirmed its work programme. Speakers will highlight and elaborate on these key decisions of the Assembly and how they will guide the work of the organization in the legal field, enabling participants to consider the impact of the decisions on their work and for the future of air law.

Moderator: Dr. Jonathan Aleck, Chairperson of the Legal Commission at A41 and Executive Manager Legal and Regulatory Affairs Division, Civil Aviation Safety Authority (CASA), Australia

Speakers:

An overview of key decisions on legal and compliance issues of the 41st ICAO Assembly

- Mr. Michael Gill, Director, Legal Affairs and External Relation Bureau (LEB), ICAO

ICAO's work in the legal field after the 41st ICAO Assembly

- Ms Tan Siew Huay, Chairperson of the ICAO Legal Committee and Director (Legal), Civil Aviation Authority of Singapore (CAAS)
- Mr. Andrew Opolot, Legal Officer, Legal Affairs and External Relations Bureau (LEB), ICAO

10:30 – 11:00 Session 1: Part 2

A view from the ICAO Council - How legal work can support the governance and development of civil aviation

A panel of Representatives of Member States on the Council of ICAO will share their views on the role of the legal function in civil aviation. It will explore the work and advice of the Legal Committee, Secretariat and legal experts from States in supporting the Council in implementing its mandate under the Chicago Convention and contributing to the development of international civil aviation and international air law.

Moderator: Mr. Michael Gill, Director, LEB

Panellists:

- Dr. Bader S. Alsagri, Representative of Saudi Arabia on the Council of ICAO
- Mr. Levers Mabaso, Representative of South Africa on the Council of ICAO
- Mr. Victor Aguado, Representative of Spain on the Council of ICAO
- Mr. W. Brent Christensen, Representative of the United States on the Council of ICAO

11:00 – 13:00: Session II

Addressing issues of concern to the international aviation community through the implementation of air law

A number of contemporary issues of concern to the international aviation community have arisen which are typically addressed through the implementation of air law, but challenges remain. The Speakers will elaborate on the legal measures taken and related issues including protection of passenger information as well as addressing data protection and privacy concerns; how the domestic implementation of various measures have addressed the increase in unruly and disruptive passengers including during

the COVID-19 pandemic; and how the air carrier liability regime has worked for accident victims over the last **23** years since adoption of the Montréal Convention **1999**.

Moderator: Mr. Onuma Toshiyuki, Assistant Vice Minister of International Aviation, Japan Civil Aviation Bureau (JCAB)

Part 1:

Speakers:

- The case for global harmonisation of data protection laws in the collection and use of passenger information for air travel
- Ms. Leslie Macintosh, Director Legal Services, International Air Transport Association (IATA)
- Civil enforcement of unruly and disruptive passengers – is it proportionate and how does it work?
- Mr. Brett Weingold, General Attorney, Enforcement Division, and Mr. Michael OHannesian, Manager/Safety Inspector, Federal Aviation Administration (FAA), United States

Part 2:

ICAO has designated **20** February as the International Day for Commemorating Air Crash Victims and their Families. The 41st Assembly acknowledged the outcomes of the ICAO Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF **2021**), including its **30** recommendations. Panellists will offer the perspectives of victims' families, insurers, legal practitioners and airlines on how the compensation framework and mechanisms through the implementation of Montréal Convention **1999** serves air accident victims.

Moderator: Mr. Onuma Toshiyuki, Assistant Vice Minister of International Aviation, Japan Civil Aviation Bureau (JCAB)

Speakers:

- Prof. George Leloudas, Institute of International Shipping and Trade Law, Swansea University
- Mr. Francisco Vasques-Tenreiro Vega Independent procedural lawyer assisting the Air Crash Victims' Families' Federation International (ACVFFI)
- Mr. Robert Lawson KC, Partner, Clyde & Co.
- Mr. Roland Küsters, Senior Underwriter and Senior Legal Counsel, Munich Re

13:00 – 14:00: LUNCH

14:00 – 15:45: Session III

Mechanisms of the Chicago Convention

14:00-14:45: Part 1

The ICAO Council and Settlement of Differences between States.

The last decade has seen an increase in the number of aviation disputes between States submitted to the ICAO Council for settlement. While there were six disputes filed in the first 70 years of the existence of the Article 84 mechanism in the Chicago Convention, a further four disputes have been submitted in the last six years. As States increasingly look to the Council for the resolution of aviation disputes, the modernisation of the ICAO Rules for the Settlement of Differences is both relevant and timely. Is the Council a judicial body, a quasi judicial body, or a political or diplomatic body or a hybrid body? This session will feature a conversation among the Panellists on these and other important questions.

Panellists:

- Dr. Yaw Nyampong, Legal Officer, Legal Affairs and External Relations Bureau, ICAO
- Prof. George Leloudas, Institute of International Shipping and Trade Law, , Swansea Universit
- Mr. David Low, Rapporteur of the Working Group for the Review of ICAO Rules for the Settlement of Differences and Deputy Senior State Counsel, Attorney Generals' Chambers, Singapore

14:45 – 15:00: COFFEE BREAK

15:00 – 16:00: Part 2

Using ICAO's enhanced tools for the implementation of Article 83bis to address potential aviation safety risks.

The lease, charter and interchange of aircraft play a significant role in the provision of international air services. Nevertheless, such arrangements present oversight challenges when the result is that the State of the Operator is not the State of Registry. The use of Article 83 bis (in transferring certain oversight responsibilities) assists in countering potential safety risks resulting from split oversight responsibilities. Tools have been developed by ICAO to help States in implementing Article 83 bis. Panellists will address questions such as: When is it appropriate to enter into an Article 83 bis agreement and what oversight responsibilities can it cover? What guidance is available on the implementation of Article 83 bis? How can an Article 83 bis agreement be registered with ICAO? Where can information on registered Article 83 bis agreements be found? The key features and experiences of using the ICAO Website of Aeronautical Agreements and Arrangements will also be presented.

Panellists:

- Pier-Olivier Turcot, Legal Consultant, Legal Affairs and External Relations Bureau, ICAO
- Ms. Susanna Metsälampi, First Vice Chairperson of the ICAO Legal Committee, Leading legal adviser and Team Leader, Finnish Transport and Communications Agency and Vice Chairperson of the ICAO Legal Committee
- Mr. Vaughan Crossley, Vice President, Legal-Corporate and Commercial, Etihad Airways

16:00 – 16:15: HEALTH BREAK

16:15 – 17:15: The next generation of aviation professionals (“NGAP”)

Session: About ICAO, international air law and pursuing a career as an aviation professional

(Note: This session is for students from Oman Universities and technical institutions and young aviation professionals. Attendance is optional for CALAF participants)

The purpose of the session

Involving the youth, raise their awareness, and listening to their opinions and inquiries related to international civil aviation issues.

Youth session themes:

- The International Civil Aviation Organization (its roles and functions)
- The roles and functions of civil aviation in the Arab Gulf States
- The legislation and laws in the civil aviation sector
- The role of legislation and laws in crisis management in the international civil aviation sector

Moderator: Attorney Reem Noor Al-Zadjali

Speakers:

- Mr. Juan Carlos Salazar, Secretary General of the International Civil Aviation Organization (ICAO)
- H.E. Eng. Naif Ali Hamad Al Abri, President of Civil Aviation, Civil Aviation Authority, Sultanate of Oman (Oman CAA)
- Ms. Tan Siew Huay Chairperson of the ICAO Legal Committee and Director (Legal), Civil Aviation Authority of Singapore (CAAS)

18:30 – 20:30: GALA DINNER (For International Participants)

Dress Code: Formal

DAY 2 – Wednesday, 22 February 2023

Multiple Hall, Oman CAA Headquarters

09:00 – 10:30:Session IV

Crisis management for legal advisers: Supporting the COVID- 19 Pandemic response and air travel recovery

The COVID-19 pandemic decimated air travel, requiring urgent health, safety, operational and financial related actions, including the application of public health risk mitigation measures. These unmasked various unprecedented legal issues and exacerbated existing ones. Data privacy in the use of passenger information for air travel health data, use of regulatory alleviations through the COVID-19 Contingency Related Differences (CCRDs) and Targeted Exemptions (TEs,) the implementation of arrangements to establish Public Health Corridors and enforcement actions to address the escalation of unruly and disruptive passenger incidents are examples of such issues. Innovative legal solutions enabled continued compliance with air law requirements such as SARPs and regulatory requirements rendered impracticable by the pandemic. ICAO's Civil Aviation Recovery Task Force

(CART) enabled a global approach to the application of facilitation, safety, medical and other guidance which was crucial to maintain air connectivity and protect the health and safety of crew and passengers during the pandemic. The speakers and panellists will share their recollections and perspectives on the key moments and issues during the pandemic when legal interventions were critical or useful, the legal responses and solutions to the crisis situation as it evolved; their impact, the lessons learnt and what the future holds for air law and the legal advisers' role in crisis management.

Moderator: Ms. Alice Serpa Braga Della Nina, Fourth Vice-Chairperson of the ICAO Legal Committee and Attorney for Federal Agencies, Attorney's Office, National Civil Aviation Agency, Brazil (ANAC)

Speakers:

ICAO-WHO and industry collaboration in public health emergenciesDr.

- Mr. Derek Walton, Legal Counsel, World Health Organization (WHO)
- Johanna (Ansa) Jordaan, Chief, Aviation Medicine Section, ICAO

Panellists:

- Ms. Tan Siew Huay, Chairperson of the ICAO Legal Committee and Director (Legal), Civil Aviation Authority of Singapore (CAAS)
- Ms. Alice Serpa Braga Della Nina, Fourth Vice-Chairperson of the Legal Committee and Attorney for Federal Agencies, Attorney's Office, National Civil Aviation Agency, Brazil (ANAC)
- Mr. Mubarak Saleh Al-Ghelani, Project Manager, USOAP, Oman CAA
- Mr. Noël Laurent, Legal Advisor, Federal Office of Civil Aviation of Switzerland
- Mr. Denis Kimani, Chief Legal Officer, Kenya Civil Aviation Authority (KCAA)

10:30 – 11:00: COFFEE BREAK

11:00 – 12:00: Session V

After Singapore: Enhancing the capacity and effectiveness of civil aviation legal advisers

Following the successful first edition of the CALAF in Singapore 2019, the 40th and 41st ICAO Assemblies adopted resolutions on actions to enhance the capacity and effectiveness of States to implement air law. This session will focus on the further development of the competency framework for civil aviation legal advisers as one of those actions. In a brain storming session, participants in their regional groups may address questions such as: What topics are of interest to your region for future editions of CALAF? After Singapore 2019, has the CALAF served to support or strengthen your role as legal adviser in supporting your organization? How may the competency framework work more effectively for your State and region? What further assistance for treaty ratification and implementation may States and ICAO offer? Which items would you like to see included in the work programme of the Legal Committee and what new work areas should ICAO undertake in the legal field? Each region will be invited to share their views on those questions.

Moderator: Ms Tan Siew Huay, Chairperson of the ICAO Legal Committee and Director (Legal), Civil Aviation Authority of Singapore (CAAS)

Breakout sessions and Coordinators:

Middle East (MID) States: Mr. Khalifa Sharqi, Acting Legal Director and Manager, Director General's Office, General Civil Aviation Authority (GCAA), United Arab Emirates

Asia and Pacific (APAC) States: Mr. Onuma Toshiyuki, Assistant Vice Minister of International Aviation, Japan Civil Aviation Bureau (JCAB)

European and North Atlantic (EUR/NAT) States - Ms. M. Chr. (Machteld) Cambridge, Coordinating Legal Adviser, Aviation Section, Legal Department, Ministry of Infrastructure and Water Management, The Netherlands

Eastern and Southern Africa/Western and Central Africa (ESAF/WACAF) States: Ms Ellen Manga, Second Vice-Chairperson of the Legal Committee and Legal Services Manager, Gambia Civil Aviation Authority

North America, Central America and Caribbean/South American (NACC/SAM) States: Ms. Alice Serpa Braga Della Nina, Fourth Vice-Chairperson of the Legal Committee and Attorney for Federal Agencies, Attorney's Office, National Civil Aviation Agency, Brazil (ANAC)

Note: Each group will discuss the ques

12:00 – 13:00: Group Presentations

(Note: 10 minutes each region plus comments):

13.00 – 14.00:LUNCH

14:00 – 14:30: Plan of actions – Next steps After Oman

Moderator: Andrew Opolot, Legal Officer, Legal Affairs and External Relations Bureau, ICAO

13:00 – 14:30: Closing

- Mr. Michael Gill, Director, Legal Affairs & External Relations Bureau, International Civil Aviation Organization (ICAO)
- H.E. Eng. Naif Ali Hamad Al Abri, President of Civil Aviation, Civil Aviation Authority, Sultanate of Oman (Oman CAA)

18:00 – 208:00: Mutrah Souq visit

20:30 –22:30: DINNER

(For International Participants are invited in this dinner)

Civil Aviation Club

Cultural and Social Programme (For International Participants)

DAY 3: Thursday, 23 February 2023

Visit to institutions of national significance to the legal history and tradition of the Sultanate of Oman

09:00 - 11:00: Council of Oman

(The State and Shura) Al-Bustan - Wilayat of Muscat

11:00 - 12:00: Muscat National Museum

12:30 - 13:30: Supreme Court, Bausher Province

Opposite to Sultan Qaboos Grand Mosque

14:00-16:00:LUNCH

On board Al Mouj Muscat



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