

REFORMS ON LAW-MAKING WITHIN ICAO

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REFORMS ON LAW-MAKING

- The Law-making Process in ICAO
- Example: Warsaw System Modernization
- Example: Capetown Convention 2001
- Lessons learned or to be learned
- Other decision-making processes
- Scope for improvement
- Summary

REFORMS ON LAW-MAKING

THE LAW-MAKING PROCESS IN ICAO:

(1) TREATY LAW – RESOS A7-5 AND A31-15

- Secretariat
- Legal Committee
- Legal Sub-Committee / Rapporteur
- Legal Committee
- Council
- Diplomatic Conference

REFORMS ON LAW-MAKING

- **EXAMPLE: WARSAW SYSTEM MODERNIZATION**
 - PROCESS FROM PROJECT START TO ADOPTION BY DIPLOMATIC CONFERENCE
 - PROCESS STREAMLINED: DETAILS
 - SECRETARIAT STUDY GROUP
 - SPECIAL GROUP (COUNCIL)

REFORMS ON LAW-MAKING

- EXAMPLE: CAPETOWN CONVENTION 2001
 - PROCESS FROM PROJECT START TO ADOPTION BY DIPL. CONFER.
 - PROCESS MODIFIED: DETAILS
 - JOINT MEETINGS: LEGAL SC AND UNIDROIT GROUP OF EXPERTS
 - SEPARATE MEETINGS: LC AND COUNCIL, UNIDROIT GOVERNING COUNCIL

REFORMS ON LAW-MAKING

THE LAW-MAKING PROCESS IN ICAO:

(2) STANDARDS – ARTS. 37, 38, 90 CC

- SECRETARIAT
- ANC
- CONSULTATION OF MEMBER STATES
- ANC
- COUNCIL
- MEMBER STATES : EFFECTIVENESS

REFORMS ON LAW-MAKING

- LESSONS LEARNED OR TO BE LEARNED
 - ADJUSTMENT OF PROCESSES IS POSSIBLE
 - REVIEW OF INTERNAL PROCESSES AND PROCEDURES IS NECESSARY
 - RULES OF PROCEDURE
 - ASSEMBLY RESOLUTIONS
 - SECRETARIAT RULES AND PROCEDURES

REFORMS ON DECISION-MAKING

- OTHER DECISION-MAKING PROCESSES
 - POLICY-MAKING (ASSEMBLY, COUNCIL)
 - SARPS
 - DISPUTE-RESOLUTION
- SOME REFLECTIONS ON THE CONSENSUS PRINCIPLE
- VOTING IN THE GOVERNING BODIES

REFORMS ON DECISION-MAKING

- SCOPE FOR IMPROVEMENT
 - AT COUNCIL LEVEL:
 1. REVIEW AND STREAMLINE RECURRENT AGENDA
 2. MORE DELEGATION TO COMMITTEES / THE SECRETARIAT
 - AT COMMISSION/COMMITTEE LEVEL:
MORE SCOPE FOR SPECIAL WORKING GROUPS

REFORMS ON DECISION-MAKING

- SCOPE FOR IMPROVEMENT
 - FACTORS TO BE CONSIDERED:
 - SIZE AND DIVERSITY OF MEMBERSHIP
 - DIVERSITY OF INTERESTS
 - UN - COMMON SYSTEM CONSTRAINTS

REFORMS ON DECISION-MAKING

- FINAL CONSIDERATIONS

- SUMMARY

REFORMS ON DECISION-MAKING

QUESTIONS ?