

# ICAO Special Group on the Modernisation of the Rome Convention 1952



Ken Coombes, Senior Vice President of the Marsh Aviation and Aerospace Practice, led an LMBC delegation at the Special Group meeting at ICAO headquarters in Montreal from 10 to 14 January 2005.

The Special Group comprised the following members: Argentina, Australia, Bahrain, Brazil, Cameroon, China, Egypt, France, Germany, Ghana, India, Italy, Japan, Mexico, Russian Federation, Singapore, South Africa, Sweden, Turkey and United Kingdom.

Ex-officio members: Mr Gilles Lauzon (Canada, as Chairman of the Legal Committee) and Mr Michael Jennison (United States, as Rapporteur).

Observers: Asociacion Latino Americana de Derecho Aeronautico y Espacial (ALADA), Aviation Working Group (AWG), European Commission (EC), International Air Transport Association (IATA), International Union of Aviation Insurers (IUAI), and the London Market Insurance Brokers Committee (LMBC).

The Special Group's terms of reference are to further develop and refine the text of the draft 'Convention on Damage caused by Foreign Aircraft to Third Parties' resulting from the work of the 32nd Session of the Legal Committee (Montreal, 15 to 21 March 2004). As you will see from the attached notes of the meeting provided by Sean Gates of Gates and Partners, who attended with David Gasson of the IUAI, considerable progress was made during the meeting. General agreement was reached on the principal that victim protection had to be balanced with adequate protection for the air transport system in order to avoid a compensation regime that will threaten the financial status of the air transport system.

Also attached are key papers from the meeting, including the LMBC Information Paper; this includes the long-held Marsh views that the industry should not be liable for terrorism losses that exceed insurance limits or that are uninsurable irrespective of fault. In addition, it calls for a separate war and terrorism convention applying domestically and internationally for air carriers and service providers. *It is important that the industry lobbies governments in support of these aims in co-ordination with IATA and other industry associations.*

The official ICAO report of the meeting is being prepared and will be considered at the next ICAO Council meeting

later this month. It is anticipated that the council will request the Special Group to meet again later this year to continue with its work.

We will keep you advised of developments.

If you have any questions regarding this special bulletin, please contact your account executive or:

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