

**WELCOME ADDRESS BY
MR YAP ONG HENG, DIRECTOR-GENERAL,
CIVIL AVIATION AUTHORITY OF SINGAPORE
AT THE OPENING OF
THE INTERNATIONAL CONFERENCE ON
AIR TRANSPORT, AIR LAW AND REGULATION
24 MAY 2010, 9.30AM, SIM KEE BOON AUDITORIUM, SAA**

Distinguished guests,
Ladies and gentlemen.

I am glad to be here with you this morning for the opening of the International Conference on Air Transport, Air Law and Regulation.

2 Allow me first to thank McGill University's Institute of Air and Space Law and the National University of Singapore's Center for International Law for joining hands with the Singapore Aviation Academy to organise this Conference. We are happy to have many of the McGill Faculty, including its Institute's Director, Professor Dr. Paul Dempsey, at this Conference. We also welcome our new but equally important partner, the Centre for International Law (CIL), which was established in October last year. This Conference will greatly benefit from CIL's regional focus.

3 I am pleased to note that we have attending this Conference about 130 delegates from over 35 countries. You represent the distinguished experts and practitioners in civil aviation across governments, regulatory authorities, airports, airlines, air navigation service providers, international organisations and academia. To all of you, a very warm welcome.

Importance of harmonised legal framework in civil aviation

4 A sound international legal framework has underpinned the development of civil aviation over the last 60 years, facilitating the orderly and sustainable growth of air travel and the aviation industry. The continual enhancement of the international legal framework owes much to ICAO's harmonisation efforts in practically all areas of civil aviation, including safety, security, facilitation, liability, financing and environmental protection, to name a few.

5 For example, the Montreal Convention of 1999 harmonises the rules pertaining to airline liability in relation to the international carriage of passengers, baggage and cargo. With its conclusion, ICAO had successfully coordinated the international effort to replace the 75 year old complex regime under the Warsaw Convention of 1929 and its many connected instruments with a modernised Convention. The new two-tier liability system that the 1999 Montreal Convention established continues to facilitate the swift recovery of proven damages by claimants and reduce lengthy litigations. This international treaty has been well received by the airline and aviation insurance industries and well regarded internationally. To date, 97 States have ratified it.

6 The conclusion of the Cape Town Convention and Aircraft Protocol followed closely in 2001, harmonising the rules which facilitate the financing and acquisition of aircraft.

7 Following the momentous event that took place on 11 September 2001, ICAO has been actively addressing the aviation security threats and challenges which have emerged. The Diplomatic Conference held in Montreal last year capped the efforts to develop an international third party legal liability regime with an international compensation fund to protect both victims and airlines of a terrorist attack of a catastrophic scale. This year, another Diplomatic Conference will take place in Beijing to update the Hague and Montreal Conventions, including criminalising the use of civil aircraft as a weapon, the use of biological, chemical or nuclear substances to attack civil aviation, and other acts. You will hear more about these latest legal developments during this Conference.

Changing aviation landscape and its implications on air law

8 With an increasingly globalised and interconnected world, we can expect to see civil aviation and air transport face more challenges which will require enhanced legal regimes and processes. ICAO and the international aviation community will need to constantly update or introduce new legal rules or instruments to meet the challenges and needs in the dynamic aviation landscape.

9 For instance, with the establishment of the Single Aviation Market in Europe, regulations on airline establishment, aviation safety and security have had to be harmonised across all EU Member States. The European Community has also initiated “Horizontal Agreements” negotiations with third countries in an effort to bring all EU Member States’ bilateral air services agreements in line with European Community Law.

10 Closer to home, ASEAN Member States have been engaged for some time in discussions to reach a fully liberalised air services regime under the ASEAN Single Aviation Market. Discussions on harmonisation in other key elements as under the EU Single Aviation Market, such as aviation safety and security, have started. They could call for a revised or new legislative framework in each of the ASEAN Member States.

11 As airlines form alliances and work to transform their business models to be more competitive, there have already been calls by the industry to revisit many of the provisions in air services agreements. One such provision is that pertaining to airline designation. There are already efforts by IATA and like-minded countries to liberalise such provisions in bilateral and multilateral air services agreements, and to review the associated legal rules and regulations.

12 Another global issue which may require a harmonised international legal framework under the auspices of ICAO relates to aviation and the environment. As we are all aware, at the recent UN Climate Change Conference, more popularly known as COP15, no consensus was reached on this issue although there was strong support expressed for ICAO to address greenhouse gas emissions from international aviation.

13 Last year, prior to COP15, the aviation sector under the leadership of ICAO produced the first globally harmonised consensus to address carbon emissions and climate change from a sector. Following from this, ICAO also developed a global framework on the development and implementation of

alternative fuels for aviation, positioning aviation as the first sector to use sustainable alternative fuels on a global basis. ICAO is planning for ICAO Member States to adopt a resolution on aviation and climate change at its General Assembly later this year.

Conference provides platform for cooperation

14 Against the rapidly changing aviation landscape, there is not only a need for harmonisation in international aviation law, but also for States to update their legal regimes to enable and support the sustainable growth of their aviation sector with significant benefit to their economies.

15. This Conference provides a timely platform for us to better understand the prevailing aviation issues and their implications in the legal realm. It provides an excellent opportunity for all of us present to exchange views, seek common or global solutions, and provide lessons and guidance for States.

16 I would like to extend my appreciation to the speakers who have taken time off from their busy schedules to participate and share their knowledge and insights at this conference. I would also like to thank all delegates, some who have travelled here from far away, for joining this Conference. Allow me to take this opportunity to acknowledge the support of the Singapore Ministry of Foreign Affairs for the generous allocation of funds under its Singapore Cooperation Programme to provide fellowships for this conference.

Conclusion

17 To our overseas friends, I hope you have an enjoyable stay, including having time to savour the sights and sounds of Singapore. I wish you all a successful and rewarding conference.

Thank you.