

In the aftermath of the Lod Airport massacre, the ICAO Council again assigned a high priority to the question of a "joint action" convention. On June 19, 1972 the Council adopted a resolution, proposed by the U.S.A. and co-sponsored by Canada, directing the ICAO Legal Committee "... to convene immediately a Special Sub-Committee to work on the preparation of an international convention to establish appropriate multilateral procedures within the ICAO framework for determining whether there is a need for joint action..." The Special Legal Sub-Committee met in Washington from September 4 to 15, 1972. Although some states continued to oppose any type of joint action against defaulting states, the Special Sub-Committee was at least able to agree that the preparation of an international convention was "ripe" for consideration by the ICAO Legal Committee.

The ICAO Legal Committee met in Montreal from January 9 to 30, 1973 to consider the Washington report. It soon became clear that a majority of states was unwilling to go as far in any new convention as Canada and the U.S.A. would have preferred. The majority decided in principle that any new convention should not authorize the taking of action against states not party to the convention, nor the investigation of the behaviour of states not party to the convention without the consent of that state. Although it looked like the Legal Committee might get completely bogged down due to the negative stand taken by the Arab and many developing countries, it was finally possible for the Committee to recommend to the ICAO Council to:

- (i) Submit to an extraordinary session of the ICAO Assembly two proposals for amending the ICAO Constitution (Chicago Convention):
 - a French draft, which would incorporate the Hague Convention offences into the Chicago Convention but would not expand the presently ineffective sanctions authorized under the