



International Civil Aviation Organization

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ASSEMBLY — 37TH SESSION

TECHNICAL COMMISSION

Agenda Item 46: Other issues to be considered by the Technical Commission

**THE IMPLICATIONS OF EMBARGO² ON THE PURCHASE OF
AIRCRAFT AND SPARE PARTS AND THE USE OF MODERN TECHNOLOGY
NEGATIVELY IMPACT AND THREATEN AVIATION SAFETY**

(Presented by the ACAC)

EXECUTIVE SUMMARY

Imposing restrictions on the purchase or the lease of civil aircraft, the purchase of spare parts, and conducting technical tests required for the operation of aircraft threatens the safety and security of both passengers and aircraft and is in contravention of Chicago Convention.

Action: The Assembly is invited to adopt a recommendation on the lifting of restrictions on the purchase or the use of aircraft and spare parts because of the threat such restrictions impose on aviation safety and the fact that they are in contravention of the Chicago Convention, and the threat they impose on restrictions the security and safety of passengers and aircraft while endangering lives and properties related to civil aviation.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective A.
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> , signed at Chicago on 7 December 1944 and amended by the ICAO Assembly

¹ Arabic version provided by ACAC.

² The Members States of ACAC suffering from the embargo implications are the following:

- Syria
- Sudan

1. INTRODUCTION

1.1 The principles and arrangements laid down in the Chicago Convention, which was signed by 55 States on 7 December 1944, intended to help the growth of the International Civil Aviation in a safe and orderly manner and to allow peoples of the world to establish international air transport services on the basis of equal opportunity and to operate these services soundly and economically.

1.2 The Contracting States that signed this Convention agreed not to use civil aviation for any purpose inconsistent with the aims of this Convention (Article 4).

1.3 The Convention entered into force after its adoption by 26 States in April 1947. By the end of 2005, 189 States have ratified it, thus making the Convention one of the most accepted legal instruments in the world.

1.4 The Convention had formed an organization specialized in civil aviation named the International Civil Aviation Organization (ICAO) whose aims and objectives are defined in Article 44, namely to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

- a) insure the safe and orderly growth of international civil aviation throughout the world;
- b) encourage the arts of aircraft design and operation for peaceful purposes;
- c) encourage the development of airways, airports, and air navigation facilities for international civil aviation;
- d) meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;
- e) prevent economic waste caused by unreasonable competition;
- f) insure that the rights of Contracting States are fully respected, and that every Contracting State has a fair opportunity to operate international airlines;
- g) avoid discrimination between Contracting States;
- h) promote safety of flight in international air navigation;
- i) promote generally the development of all aspects of international civil aeronautics.

1.5 All civil aviation international conferences and meetings, especially meetings organized by ICAO, stress the need to adhere to the Chicago Convention and its Annexes and to the implementation of the Standards and Recommended Practices (SARPs).

1.6 In spite of the above, we believe that some States use civil aviation to serve political objectives and purposes that are totally different from the aims and objectives of Chicago Convention, and with no regard for the threat such an attitude imposes on the safety and security of passengers and aircraft.

2. ANALYSIS

2.1 The concentration of the manufacture of all types of aircraft, engines and equipment in the developed world and the incapacity of the developing countries to manufacture such products led to the total dependence of developing countries on the developed countries.

2.2 This situation favored the developed countries and thus they controlled the industry and the markets of which the developing countries constitute a great part.

2.3 Some developed countries take advantage of this situation and prohibit certain countries or companies from purchasing or leasing aircraft. They impose restrictions on the acquisition by these countries of new spare parts for aircraft that they been already purchased. Moreover, they exert on these countries all sorts of political and economical pressure in pursuit of political and economic agenda. In certain cases, some developed countries impose a total embargo on civil aviation services destined to some countries. Some developed countries try to pressure other parties to follow that same path or use the United Nations to implement their policies. These practices are selective and discriminatory and they harmed a number of ICAO Member States – it is discriminatory to impose an embargo on the purchase of commercial aircrafts and to interdict the leasing of aircraft and the acquisition of modern technological parts for airports and aircraft equipments, air navigation services and on the provision of technical support services. These policies involve measures, which are in violation of ICAO SARPs and the principles enshrined in the Chicago Convention, especially those mentioned in Article 44 thereof.

2.4 These discriminatory policies threaten the security and safety of air service operations. Companies in countries subject to the embargo suffer great losses. In addition, such discriminatory policies undermine the development of the air transport sector in such countries.

3. CONCLUSION

3.1 Based on the above mentioned arguments, Arab Civil Aviation Commission (ACAC) Member States invite ICAO Contracting States to refrain from resorting to the imposition of restrictions on the acquisition or lease of aircrafts, the purchase of spare parts and the provision of aviation services to these States, as these measures are in contravention of the principles of Chicago Convention and pose a threat to the safety and security of passengers and aircraft. ACAC Member States emphasize the need to adhere to the provisions and to the spirit of the Convention on International Civil Aviation (Chicago Convention, 1944).