



INTERNATIONAL CIVIL AVIATION ORGANIZATION

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ASSEMBLY — 35TH SESSION

ECONOMIC COMMISSION

Agenda Item 27: Regulation of international air transport services, and outcome of the fifth Worldwide Air Transport Conference

EFFECTS ON CIVIL AVIATION OF THE ECONOMIC, COMMERCIAL AND FINANCIAL BLOCKADE IMPOSED AGAINST CUBA BY THE UNITED STATES

(Presented by Cuba)

SUMMARY

The purpose of this working paper is to inform the international civil aviation community on the violations of the Chicago Convention, which are being carried out through the measures of the economic, commercial and financial blockade of the United States, against Cuba, as well as the effects of this blockade in the development of the Cuban civil aviation, thus obstructing the participation of Cuban airlines in the international air transport activities. This note should complement the information on this subject to be forwarded by the President of the Council and analyzed in the course of this 35th Assembly.

Action by the Assembly is in paragraph 4.

1. BACKGROUND

1.1 Since 1960, the government of the United States (U.S.) has established an economic, commercial and financial blockade against the Republic of Cuba. From that moment on, all the economic areas of the country were sensibly affected, including civil aviation.

1.2 The economic, commercial and financial blockade imposed against Cuba by the U.S. violates the principles enunciated in the Preamble to the Chicago Convention.

¹ English, French and Spanish provided by Cuba

1.3 From 1992, on its 47th Session and up to the 58th Session Period in 2003, the United Nations Organization's General Assembly has consecutively approved, by an overwhelming majority of votes, the resolutions under the title "**Necessity of ending the economic, commercial and financial embargo imposed by the United States against Cuba**".

1.4 At the 31st and 32nd Sessions of the ICAO Assembly, Cuba presented the corresponding working papers on this subject and, at the 33rd Session, A33-WP/94 was forwarded, and we decided not to submit it to debate taking into consideration the abominable terrorist acts on September 11th, which forced not to distract the attention on this matter. For this reason this matter was proposed for analysis at the Council and accepted by the Economic Commission during the analysis of Working Paper A33-WP/262, and accepted by the Assembly when the report to the Plenary Session was presented through Working Paper A33-WP/309.

1.5 During the first meeting of the 164th Session Period, the Council reviewed Working Paper C-WP/11671 containing Resolutions and Decisions of the 33rd Assembly, and took the decision (C-DEC 164/1 of October 24th, 2001) to approve this Working Paper containing the following paragraph:

“(Paragraph 26:27 (26-5. WP/262 and WP/309), external factors affecting civil aviation. The Council shall consider the concerns stated by Cuba.”

1.6 The Council, however, did not programme the analysis on this subject at any of its Sessions after the Assembly and, for this reason, during the 172nd Session period we requested the President of the Council to include this analysis in the Assembly Agenda.

1.7 While answering our request, Dr. Kotaite proposed not to address this matter at the Council since he would present a report of his arrangements at this 35th Assembly stating the most significant and important issues of these effects to the Cuban aviation with the purpose to collect more elements and criteria from the participating delegations and, therefore, be in better condition for analysis during a future Session of the Council.

1.8 Therefore, this Working Paper has the purpose to support the Assembly providing as much elements as possible in support of the President's presentation for a better and more complete analysis of this matter.

2. ANALYSIS OF THE EFFECTS

2.1 The economic, commercial and financial blockade, with its discriminatory measures, violates the standards and precepts established in the Chicago Convention, particularly as regards Article 44, paragraphs a), c), d), f), g), h), and i), as well as Articles 77 and 79. In this reference, among other examples, we had difficulties in joint agreements on leasing with other airlines.

2.2 The U.S. monopoly position in the manufacture of commercial aircraft as well as on the components, parts and technology for the manufacture and maintenance of aircraft and European-made aircraft, makes its purchase prohibitively expensive for Cuban airlines. A negative answer was received from Boeing on a request for maintenance, of an aircraft manufactured by that firm and used by a Cuban airline,

on account of the blockade's measures (copy provided to ICAO). Also due to the pressures of this blockade the situation has resulted in leasing under abnormal and unfavourable conditions. Aircraft leasing costs of DC-10's, A320's and B-727's have been higher than the prices at the international market. These obstacles have caused economic effects thus producing additional expenditures in the sum of USD \$184,664,582.40, since the beginning of the above-mentioned blockade.

2.3 During the ICAO's 28 th Extraordinary Assembly, the Cuban delegation proposed to include in Resolution A28-3/6 the following clause: "**also encourage the States to assist the airlines in their efforts to accelerate their fleet modernization and, therefore, prevent obstacles and allow all States to access leasing and purchase of aircraft complying with Chapter 3 requirements, including the corresponding provision of multilateral technical assistance when required.**". The clause was approved by the Assembly as an integral part of the Resolution and it continues in force A33-7 Appendix D, paragraph 6.

2.4 Several U.S. airlines operate to/from Cuba systematically, with more than 60 frequencies per week, on charter flights as does United Airlines, Continental, Delta, Miami Air, American Eagles, Gulf Stream, Falcon Air, North American and others. These airlines operate routes from Miami, Los Angeles and New York, where the Cuban State provides all facilities, for their operation, in passengers transportation. The U.S. government, however, does not authorize Cuban airlines to operate to the U.S. territory based on Section 555.201 (a) of the "Cuban Assets Control Regulation", 31 C.F.R. Part 515.

2.5 On the other hand, prohibition on U.S. citizens to visit our country as tourists is maintained and, for this reason, both Cuban and U.S. airlines have been unable to service this type of traffic. Non received revenues on account of this prohibition and, consequently non provision of airport services and others, as well as non collection of airport taxes corresponding to passengers have totalled, approximately, USD \$1,890,932,242.00, since 1960 to April 2003.

2.6 Also, it is impossible to have access to any kind of technology developed by the U.S., such as communications, navigation and surveillance, as well as airport systems, including fire fighting and rescue equipment, among others. This situation forces us to address other markets, thus increasing costs up to 15% higher. We can point out the fact that our airlines have been prevented to acquire spare parts in third markets for explosive detectors, model 97 HS, used by the security staff for our flights. The company which supplied such product was of British origin and we had no difficulty in purchasing these articles but, once this company was acquired by a U.S. firm, supplies ceased due to the blockade measures. Letters were received from the company, Ion Track, granting supplies at first and denying it at the end on account of the blockade law (copies provided to ICAO).

2.7 In those cases where, on account of ICAO's and the World Meteorological Organization's regional agreements, the U.S. has been assigned the responsibility of supplies, we had to wait during long periods to obtain authorization and approvals, from the U.S. State, Treasure and Commerce Departments, for the export permits to Cuba. As examples of this we can mention the following:

- a) ATS Improvement of Voice Link system (MEVA);
- b) communications system for transmission and reception of weather information from world area forecast system (WAFS), which had to be acquired through ICAO due to the impossibility of direct purchase, and proved to be painful and complicated, and also causing complications in repairs and maintenance of these systems.

2.8 All the above would have affected the development of air navigation in the Flight Information Region (FIR) assigned to Cuba by ICAO, with a transit average of 7000 flights per month, if we had not spent additional resources in the acquisition of this equipment in other distant countries, in view to guarantee this activity efficiently.

2.9 Likewise, we can not access the favourable conditions for sale and guarantees of the main common funds of supplies and repair of parts related to aviation, avionics, components and engines such as Pratt & Whitney, Honeywell International Inc., Allied Signal Inc., Hamilton Standard, Avihall and others. We also wish to inform this Assembly about the seizure of four (4) Anti-Collision Systems TCAS II equipment, property of Cubana de Aviación, when these were sent for repair to the Honeywell manufacturer's repair workshop in Toulouse, France. This problem is in process of solution with the intervention of ICAO.

2.10 Aviation fuel supply has been subject to a strict control in such a fashion that U.S. multinationals are forbidden to provide the minimum amount of this product to Cuban airlines throughout the world.

2.11 Likewise, in reference to the import of such fuel, additional and excessive expenses are caused on account of transportation freights and the high guarantees requested without payment facilities. All this represented an additional 20% increase in expenditures.

2.12 Also, we have to state that SABRE, GALILEO and WORLDSPAN distribution systems, based in the U.S. and owned by U.S. capitals, have not accepted Cubana de Aviación's requests to participate in their distribution benefits. Negative answers were sent by WORLDSPAN and SABRE managers stating the blockade as the cause of their refusal (copies provided to ICAO).

2.13 This unfair and discriminatory policy of the U.S. has caused substantial impact on Cuban civil aviation for 44 years, reaching the sum of USD \$ 2,221,953,489.66, which has limited development of air transport in our country considerably.

3. CONCLUSIONS

3.1 While actions described in this Working Paper have caused considerable economic damage to Cuban civil aviation for many years and have been addressed to limit our aviation development, they have forced us to double our efforts to guarantee that our services rendered to the international community have the quality and safety required and comply with the standards and regulations stated by ICAO, as well as having all activities developed by us respond to the principles endorsed in the Convention on International Civil Aviation.

3.2 Facing these evidences, the Cuban delegation considers it to be their moral obligation to alert once again the international aviation community on the inadmissibility of having one State imposing unilateral measures against another State, being that both States are part of the Chicago Convention, thus violating the principles and purposes of such Convention, and also manufacturing negative precedents which could affect other States of this community.

3.3 All these undesirable measures from the U.S. government against development of civil aviation in Cuba, are carried out and continue to be carried out regardless of the fair and respectful treatment

the Cuban aeronautical authorities have shown on matters related to the aeronautical activity of that country, as was demonstrated in the immediate cooperation provided by the Cuban airports and air traffic control centre while making these available to all aircraft flying to the U.S. after the regretful acts of September 11th.

4. **ACTION BY THE ASSEMBLY**

4.1 The Assembly is invited to:

- a) analyze information contained in this Working Paper, in relation to the impact of the economic and commercial blockade of the Government of the United States of America against the Republic of Cuba in the field of civil aviation;
- b) acknowledge that the unilateral measures imposed by a State against another State, both States parties to the Chicago Convention, affect its aeronautic development and constitute an open violation of the principles and purposes of the Chicago Convention, also creating negative precedents which might affect other States of the international aeronautic community;
- c) request the Secretary General of ICAO to inform the Secretary General of the United Nations on the impacts which are being suffered by the Cuban civil aviation due to the economic and commercial blockade imposed by the United States of America against the Republic of Cuba, in the context of the answer to be given by ICAO to the United Nations under Resolution A/RES/58/7 dated November 18th, 2003; and
- d) request the President of the Council to present an annual report to the Council while this negative impact continues to stand.

– END –