



A39-WP/481  
EC/46  
30/9/16

**ASSEMBLY — 39TH SESSION**  
**ECONOMIC COMMISSION**

**DRAFT TEXT FOR THE REPORT**  
**ON**  
**AGENDA ITEM 43**

The attached material on Agenda Item 43 is submitted for consideration by the Economic Commission.

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**Agenda Item 43: Other issues to be considered by the Economic Commission**

43.1 In WP/323 revised, Cuba provided information about the adverse effects on the development of air transport in Cuba caused by the continued economic, commercial and financial embargo imposed by the United States. While noting some progress made in some areas relating to civil aviation since the re-establishment of diplomatic relations between the two Governments, it pointed out that the continued embargo has negative repercussions for Cuban civil aviation and proposed that the Assembly recognize that unilateral measures and their extraterritorial application adversely affect the sustainable development of civil aviation and are in violation of the principles and objectives of the Chicago Convention and to reflect this in the relevant Assembly Resolution.

43.2 In WP/317, Sudan provided information on certain impacts of the economic measures imposed unilaterally by the United States on Sudan since 1997, including on the development of civil aviation. It invited the Assembly to examine the issue and take action to ensure that States refrain from taking any unilateral measures that would negatively affect the rights of other States or limit their abilities to achieve sustainable development of the air transport sector.

43.3 In the ensuing discussion of WP/323 and WP/317, support was expressed for the views presented by Cuba and Sudan, noting that economic sanctions have a negative impact on the safe operation of civil aviation, the achievement of ICAO's *No Country Left Behind (NCLB)* objectives, and the development of air transport, trade and economy. It was also pointed out that such sanctions have an extra-territorial impact on aviation businesses beyond the concerned States to third parties. The Commission called action by ICAO to address this situation.

43.4 The United States stated that its actions are fully compliant with international law and the Charter of the United Nations. Each State has the sovereign right to determine how it conducts trade with other countries, including restricting trade in certain circumstances. It held the view that these are bilateral political matters which should not be discussed at this forum. The United States strongly opposed Cuba's proposed additional language to the relevant clauses in the Assembly Resolution under consideration.

43.5 Having heard the statements and views, including the continuing call of some States for ICAO's action, the Commission recognized that this was a complex, delicate and sensitive issue which had been raised on previous occasions but one which the Economic Commission could not resolve. It was therefore decided that this matter be brought to the attention of the President of the Council, whose "good offices" had been involved in this issue in the past.