



International Civil Aviation Organization

**WORKING PAPER**

A40-WP/475

EC/40

27/8/19

**(Information paper)**

**English only**

**ASSEMBLY — 40TH SESSION**

**ECONOMIC COMMISSION**

**Agenda Item 36: Other issues to be considered by the Economic Commission**

**CONFLICTING STRATEGIES IN AVIATION SAFETY**

(Presented by Iran (Islamic Republic of))

**EXECUTIVE SUMMARY**

ICAO has established the Global Air Navigation Plan (GANP) to modernize civil aviation globally. Iran is one of the 52 States that founded the preliminary International Civil Aviation Organization. Tehran flight information region (FIR) is playing an important role in the region in handling air transportation in respect of safety, fuel consumption and preserving the environment as well as participation in air traffic crises handling.

It is for many years that preparation of communication, navigation surveillance and air traffic management equipment and facilities have been too difficult to purchase and operate by Iran Civil Aviation Organization and its air navigation services provider (ANSP) Iran Airport Holding Company.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective – <i>Economic Development of Air Transport</i> .
------------------------------	--

<i>Financial implications:</i>	Not Applicable.
--------------------------------	-----------------

<i>References:</i>	Doc 7300 – <i>Convention on International Civil Aviation</i> Doc 9750 – <i>Global Air Navigation Plan</i> Doc 9859 – <i>Safety Management Manual (SMM)</i> Aviation System Block Upgrades the Framework for Global Harmonization
--------------------	---

## 1. INTRODUCTION

1.1 Undoubtedly, the progress and development of international civil aviation has a significant impact on the creation of good understanding and the preservation of friendship among the nations of the world. For the sake of uniformity, coordination and international cooperation, 52 countries convened at a conference on international civil aviation in Chicago, in which the participating States agreed on certain principles, as a result of which international civil aviation was developed in a safe and orderly manner in order to carry out international transportation on the basis of equality of countries and based on sound economic principles. Iran is one of the 52 founding States of the Chicago Convention, and since its establishment, it has committed itself to implementing its international obligations under the Convention and its Annexes, and in order to comply with the relevant ICAO Standards, it has approved, in its national law, all the relevant regulations required, and has provided in its territory all of the infrastructure, equipment, systems and facilities needed for the international aviation on the basis of the ICAO requirements.

1.2 The United States has created and imposed economic, commercial and financial sanctions against the Islamic Republic of Iran for more than thirty years. Since then, various sectors in Iran, including aviation and civil aviation sectors, have suffered substantial losses. It is obvious that such sanctions against the Islamic Republic of Iran are a blatant violation of the principles and Standards of the Convention on international civil aviation.

## 2. THE EFFECTS OF U.S. TRANSATLANTIC SANCTIONS AGAINST THE AVIATION INDUSTRY IN IRAN

2.1 The Islamic Republic of Iran, being a wide geographical bridge between certain countries, especially Southeast Asia and European countries, enjoys an enviable geopolitical position in the Middle East. Due to this unique position, Iran plays an important role in international civil aviation. According to statistics in hand, operation of more than 1,000 transit flights per day through Iran, with an average of 90 minutes, reflects the importance of the position of the Islamic Republic of Iran in the global aviation and civil aviation network. Given its strategic position and in order to implement the Global Air Navigation Plan and air traffic management, Iran has created and provided facilities and services, including communications, navigation and monitoring systems based on the regional navigation scheme. In this regard, it has fulfilled its obligations by utilizing highly qualified personnel as well as advanced technology and equipment.

2.2 U.S. sanctions against the Islamic Republic of Iran include:

- a) sanctions on the sale and lease of aircraft, helicopters, engines, original and spare parts for aircraft and helicopters and other related equipment;
- b) sanctions on aircraft fuel as well as sanctions on the sale of equipment for ground handling and airport services;
- c) sanctions on the sale of telecommunications and radar equipment;
- d) sanctions on the use of information relating to operation of aircraft and maintenance;
- e) sanctions on the sale of information on aviation routes and maps (Jeppesen);

- f) sanctions on the use of U.S. dollar in banking transactions; and
- g) sanctions on investment, insurance coverage and provision of financial facilities in Iran's aviation projects.

2.3 By imposing the above-mentioned unilateral and illegal sanctions on Iran's aviation industry and via imposing cross-border jurisdiction, the Government of the United States has violated the international rules and principles, incurring heavy losses to Iranian airline companies and the civil aviation industry of the Islamic Republic Iran.

2.4 However, through the establishment and implementation of GANP, GASP, and effective cooperation in the conduct of ICAO inspections and audits, including Universal Safety Oversight Audit Programme (USOAP) and Universal Security Audit Programme (USAP), the Islamic Republic of Iran has so far adopted the necessary measures and services for the safety, order and efficiency of the global aviation industry and will continue such measures despite the sanctions imposed.

2.5 Violations of the Chicago Convention have occurred, subject to:

— **Article 4, which provides:**

*“Each Contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention.”*

In the article above, any action contrary to the aims of the Convention is deemed to be the misuse of civil aviation.

— **Article 44, which outlines the aims and objectives of ICAO as follows:**

*“The aims and objectives of the Organization are 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 national 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 the 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 flights in international air navigation;*
- i) *Promote generally the development of all aspects of international civil aeronautics.”*

2.6 Therefore, the following principles have been violated through the U.S. sanctions in question:

- principle of fair opportunity;
- principle of safe air transport;
- principle of non-discrimination;
- principle of economic waste prevention;
- principle of national civil aviation development;
- principle of peaceful purposes behind air transport;
- principle of abstention from misuse of civil aviation; and
- principle of fostering the planning and development of international air transport.

2.7 The rights conferred by the Chicago Convention but disregarded due to U.S. sanctions against the Islamic Republic of Iran include:

- a) depriving Iran of access to the purchase of aircraft, helicopters, engines and main components as well as spare parts, air navigation information and documents; all of which threaten the lives of Iranian and foreign passengers;
- b) depriving Iran's airports of the equipment needed for international air transport, as a result of the prohibition on sale of telecommunications, navigation and oversight facilities;
- c) depriving Iranian airline companies of fair, non-discriminatory and equal use of opportunities in economic and commercial activities in the international aviation arena, as a result of denying Iran of access to international financial, commercial, monetary, insurance and trade markets and of commercial cooperation between the Iranian and non-Iranian airline companies, as well as fuel supply denial.

### 3. CONCLUSION

3.1 Subject to Articles 4, 44 and 54 of the Convention, the Islamic Republic of Iran invites the General Assembly of ICAO to direct its attention to the United States unilateral and illegal sanctions against the Islamic Republic of Iran and, while admonishing the non-observance of the provisions of the Convention, to prevent further violation of the principles entailed in the Convention by taking the initiative in removing such barriers and lifting the unwarranted sanctions.

3.2 The Assembly is invited, with assistance of the respectful ICAO Council and esteemed delegates, to take action to facilitate free purchase of safety related CNS/ATM equipment and facilities being considered as high priority in order to enhance safety of international air navigation civil aviation operating through Tehran FIR and remove any related constraints in this respect.