



International Civil Aviation Organization

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ASSEMBLY — 40TH SESSION

ECONOMIC COMMISSION

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

CONFLICTING STRATEGIES IN AVIATION SAFETY (FUEL)

(Presented by Iran (Islamic Republic of))

EXECUTIVE SUMMARY

ICAO has established the Global Air Navigation Plan to modernize civil aviation globally, and indeed international transportation plays a key role in economic and social development of countries. Iran has established regular flights in order to provide international air services and to operate air services to various countries. However, some countries do not provide fuel to airplanes of Iranian airlines at some international airports of the Contracting Parties, which not only endangers international aviation safety, but also prevents Iranian airlines from gaining access to international markets and also limits movements of a considerable number of passengers and cargoes.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective – <i>Economic Development of Air Transport</i> .
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<i>Financial implications:</i>	Not Applicable.
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<i>References:</i>	Doc 9750 – <i>Global Air Navigation Plan</i> Doc 9859 – <i>Safety Management Manual (SMM)</i> Annex 3 – <i>Meteorological Service for International Air Navigation</i> Doc 7300 – <i>Convention on International Civil Aviation</i>
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1. INTRODUCTION

1.1 The development of international aviation is one of the objectives of the establishment of the International Civil Aviation Organization (ICAO), in order to ensure the safe and orderly development of international aviation across the globe as well as encourage the development of international air routes, airports and international aviation facilities so that people's need in terms of safe, orderly, efficient and cost-effective air transportation are met.

1.2 Accordingly, the States Parties to the Chicago Convention have agreed to take all practical measures to facilitate the development of international aviation between their territories, while providing the necessary aeronautical and airport services, preventing unnecessary delays for aircraft, crew, passengers and cargo and other related matters. To achieve this, international Standards for facilitating international air transport in the Annex 9 — *Facilitation*, of the Convention have been accepted.

1.3 The Islamic Republic of Iran is one of the 52 countries that participated in the Chicago Conference in 1944 and established the foundations and principles of the International Civil Aviation Convention.

1.4 Iran, as one of the founding members of the ICAO, has committed itself to the principles and objectives of the International Civil Aviation Agreement and has made positive contributions to improving the safety, order, efficiency, environmental compatibility and sustainable international development of national aviation. It has always been actively involved in the development of ICAO policies and air transport Standards, and in fulfilling its obligations and responsibilities to comply with the ICAO requirements. The member countries have made every effort needed to ensure that all necessary infrastructure in the field of international aviation is provided.

1.5 The Islamic Republic of Iran is committed to providing the necessary assistance in line with the objectives and programs of ICAO by acceding to the International Civil Aviation Conventions, in close coordination with ICAO in the context of the adoption and implementation of international laws and regulations.

2. IMPORTANCE OF INTERNATIONAL TRANSPORTATION

2.1 International transportation plays a key role in economic and social development of countries, the association of nations and cultures, the understanding and friendship of the world's nations, the expansion of services, the creation of interactions between the people in the world and the avoidance of conflicts. In this regard, the introduction of the Convention stipulates that given that the development of international civil aviation in the future can make a great contribution to the establishment and maintenance of friendship and good understanding among the nations and peoples of the world, while exploiting it may cause a disruption to public security, so we must avoid disagreements and should develop cooperation between nations and peoples on which the peace and security of the world is based. Thus, the signatories of the Chicago Convention agreed on some principles and arrangements so that international civil aviation would be developed in a secure and orderly manner. They also agreed that international air transportation services would be based on the equality of rights and operate in accordance with sound economic principles. By this way, countries plan, implement and develop international air transportation services.

2.2 Refusing to provide fuel to Iranian airline airplanes at some international airports of the Chicago Convention Member States, Iran has established regular flights in order to provide international air services and to operate air routes to various countries. In this regard, some countries do not provide fuel to airplanes of Iranian airlines at some international airports of the Contracting Parties.

2.3 In accordance with the provisions of Article 28 of the Convention, the States Parties to this Convention are committed to providing all aviation facilities in a uniform manner, such as providing fuel in the territory of each Contracting State for the facilitation of international aviation affairs.

2.4 Also, in accordance with the provisions of Article 68 of the Convention, the designation of air routes and airports that can provide services for international flights is the Contracting States' responsibility. Article 68 stipulates that each Contracting State shall, in accordance with the provisions of this Convention, determine the air routes within its territory for the implementation of international air services. Also, it shall determine the airports in which the services are going to be provided and used.

2.5 Article 15 of the Convention also provides that any airport which is open to the public in the territory of a Contracting State for the public use of its national airplanes shall be subject to the equal conditions for aircraft belonging to all Contracting States. The equal conditions shall be applied to the usage of all aviation facilities, including fuel, radio and meteorological services by all Contracting States in order to provide safety and facilitation of aviation. Meanwhile, in accordance with the provisions of the article, the requirements apply to the aircraft of foreign airlines in the use of aviation facilities, including aeronautical fuel, and will be in the same way as national aircraft, and the cost of services for foreign aircraft should not exceed the cost of services for national aircraft.

3. VIOLATION OF THE PROVISIONS OF THE CONVENTION

3.1 Internationally safe, orderly, fast and affordable international air transportation depends on the provision of all aeronautical and airport facilities by Contracting States at international airports located in their territories.

3.2 Obviously, when a contracting party designates an airport as an international one in the Aeronautical Information Publication (AIP) and is prepared to accept foreign aircraft, that party should equally provide aviation facilities, including aviation fuel to all aircraft and in case a Contracting State does not provide Iranian aircraft, as foreigner aircraft operating international flights, with aeronautical fuel, it shall be considered as an obvious violation of the provisions of the Convention, including Articles 15, 28, 68 and it shall constitute international liability for that country.

3.3 Therefore, discrimination in providing fuel to Iranian airlines not only endangers international aviation safety, but also prevents Iranian airlines from having access to international markets and also limits flight operations and the movement of passengers and cargo, causing Iranian airlines to suffer heavy losses. Therefore, refusing to provide fuel to Iranian aircraft contradicts the principles of the Chicago Convention, as mentioned in the preamble, which states that 'International Civil Aviation should be established in a secure and regular manner based on equal opportunities and should act in accordance with economic principles.'

3.4 Besides, on the basis of Article 44 of the Convention, this measure is in conflict with the objectives, intentions and positions of the ICAO Organization. The Article states:

- a) safe and orderly international civil aviation development across the world should be ensured;
- b) design and operation of the aircraft for peaceful purposes should be encouraged;
- c) development of airways, airports and air navigation facilities should be encouraged for International Civil Aviation;
- d) the world people's needs should be addressed in terms of the safety, orderliness, efficiency and cost-effectiveness of aviation.
- e) preventing economic losses caused by irrational competition;
- f) the economic loss caused by the unreasonable competition must be prevented;
- g) it must be ensured that the rights of the Contracting States are fully respected and that each Contracting State has the right to derive benefits from a fair opportunity;
- h) discrimination against Contracting States should be avoided;
- i) flight safety in international aviation should be enhanced; and
- j) in general, all aspects of international civil aviation must be promoted.

4. CONCLUSION

4.1 The issue of not providing fuel to Iranian aircraft not only has affected the safety of international aviation, but also aims to limit the operations and the development of Iranian airline companies which has ultimately imposed economic pressure on airlines, as well as discriminating against member countries. And by eliminating the same opportunities, the Islamic Republic of Iran's right to safe, secure, orderly, efficient and economical access to international air transport has been undermined.

4.2 Considering the above-mentioned reasons and documents and on the basis of Articles 15, 28, 44 and 68 of the International Civil Aviation Convention, the Islamic Republic of Iran does demand immediate attention of the Contracting States to implementation and compliance with the provisions of the Chicago Convention and requests the ICAO General Assembly to warn Member States of such undeclared, discriminatory and unilateral actions conducted by some countries against another country. It is also urged that deterrent measures are taken, to ensure that the provisions of the Convention are implemented precisely by the Contracting States.

4.3 The Assembly is invited to take action to observe and comply with the provisions of Chicago Convention and provide facilitation to all aircraft worldwide without any discrimination in international airports.