

CALAF/4

PANEL 7

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State Responsibility for Airports in the Modern Age

Nassau, Bahamas · 28 May 2026

The State undertakes. The State remains accountable.

Art. 28

Chicago Convention

Each Contracting State undertakes to provide airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation in accordance with the standards in the Annexes.

Annex 14

Aerodrome Certification

States shall certify aerodromes used for international operations through an appropriate regulatory framework. The certification obligation does not transfer when a private operator takes over.

Annex 17

Security Obligations

Each airport must have a written security programme approved by the national authority. Air navigation service providers carry parallel obligations: facility protection, cybersecurity and emergency planning.

Delegating operations ≠ Delegating responsibility.

PPPs in Airports: No Longer the Exception

850+

Airports with private participation worldwide

90+

Countries with some form of private involvement

~49%

World passengers fly through privately operated airports

>80%

LAC region passengers in privatised airports



Growing pipeline

- ▶ 132 transactions in pipeline globally (Jan 2025)
- ▶ 86% of deals are brownfield: proven demand, lower risk
- ▶ Private majority control signals long-term investor confidence
- ▶ ACI maintains neutral stance: ownership is a State decision

Quito's Mariscal Sucre International Airport (Ecuador)

Three Lessons from a Greenfield Concession

01

Clarity of Roles

A greenfield concession can involve four or more layers of delegation between the State and the operator. Each layer creates potential gaps. Contracts must explicitly map every international obligation to a specific accountable party.

02

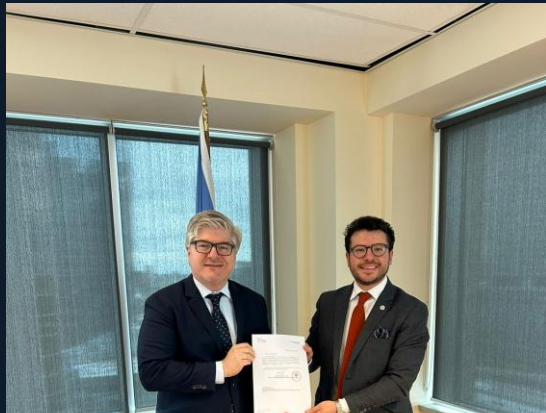
Land & Property Rights

Control of airfield terrain determines who responds under Annex 14. When land ownership, usufruct rights and operational control are held by different entities, safety oversight is only as strong as the legal title behind it.

03

Resilience Mechanisms

A 35-year contract designed in 2002 cannot anticipate everything. Quito included a State buyback option exercisable from year 20. Long-term concessions need built-in tools for rebalancing. Rigidity benefits no one when the world changes.



Open Questions for the Panel

These are not rhetorical questions. They are the ones aviation legal advisers face in practice.

1

How does the State ensure Annex 14 & 17 compliance when the airport operator is a private SPV with no direct treaty obligation?

2

How are shared airport and ANS responsibilities (runway safety, ILS, wildlife & obstacle control) allocated in privatised frameworks. Who is accountable when they overlap?

3

What contractual mechanisms enable economic rebalancing after extraordinary events (pandemics, crises) without compromising the State's regulatory authority and ICAO obligations?

Thank You

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