



International Civil Aviation Organization

WORKING PAPER

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ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 22: Other high-level policy issues to be considered by the Executive Committee

HARMFUL EFFECTS OF UNILATERAL RESTRICTIVE MEASURES ON THE DEVELOPMENT OF INTERNATIONAL CIVIL AVIATION

(Presented by the Interstate Aviation Committee on behalf of Belarus, Russian Federation, Tajikistan)

EXECUTIVE SUMMARY

ICAO Member States, by virtue of participation in the Convention on International Civil Aviation of 1944 (Chicago Convention), “undertake to collaborate in securing the highest practical degree of uniformity in regulations, standards, procedures... in all matters in which such uniformity will facilitate and improve air navigation”². However, some ICAO Member States disregard these obligations by imposing unilateral restrictive measures against other states that are detrimental to flight safety and civil aviation development and are contrary to the spirit and letter of the Chicago Convention.

Action: The Assembly is invited to:

- guided by the ICAO goals set out in Article 44 of the Chicago Convention, *urge* ICAO Member States to strictly comply with their obligations in the interests of ensuring the safety of international civil aviation, and to recognize deliberate actions by ICAO Member States that undermine the safety of global air navigation as contrary to the spirit and letter of the Chicago Convention;
- guided by Article 54 of the Chicago Convention, *instruct* the ICAO Council to review known cases of deliberate failure to fulfil obligations assumed by ICAO Member States, in particular with regard to politically motivated non-compliance with ICAO SARPS, and, on behalf of the ICAO Council, to appeal to these States to cease actions that are detrimental to the safety of international civil aviation;
- instruct* the ICAO Council, in accordance with subparagraph j) of Article 54 of the Convention, to report regularly to ICAO Member States “... any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council”;
- request* the ICAO Council to include in its work programme the study of the impact of unilateral restrictive measures on the development of international civil aviation, aviation security and aviation safety, as well as on the increase in the level of greenhouse gas emissions from international civil aviation;

request the ICAO Council to submit a report on the results of this work to the 43rd Session of the ICAO Assembly.

Strategic Goals:	This working paper relates to Strategic Goal- <i>Every Flight is Safe and Secure</i>
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¹ English, Arabic, Chinese, French, Russian and Spanish versions provided by IAC.

²Article 37 "Adoption of international standards and procedures" of the Convention on International Civil Aviation.

<i>Financial implications:</i>	
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> Doc 10184, <i>Assembly Resolutions in Force</i> C-DEC 223/4

1. INTRODUCTION

1.1 In accordance with the Agreement on Civil Aviation and Use of Airspace of 1991 (hereinafter referred to as the Agreement) there were established the Council on Aviation and Use of Airspace and the Interstate Aviation Committee (hereinafter referred to as IAC), the permanent executive body of the 1991 Agreement, which is guided in its activities by the basic principles of the Convention on International Civil Aviation and recognizes the significance of civil aviation as an important factor in the unification and cooperation of the peoples of all states.

1.2 Acting in the interests of all the Member States of the Agreement, IAC carries out activities in the field of ensuring flight safety and cannot ignore the concerns of the States regarding the increasing risks to flight safety.

1.3 In this regard, IAC is seriously concerned about the expansion of unilateral restrictive measures of a discriminatory nature against a number of states, which are contrary to the fundamental principles and norms of international air law, enshrined in the Convention on International Civil Aviation, and other multilateral and bilateral international treaties. Such actions threaten the mutual trust, which is the foundation of the international civil aviation system. And such discriminatory measures affect not only the Member States of the Agreement, but also many other ICAO Member States.

2. DISCUSSION

2.1 Discriminatory ban on the use of airspace for civil aircraft flights, refusal to provide air navigation and ground services have a negative impact on the sustainable development of civil aviation not only in the region of the States of the Agreement, such actions have negative consequences for the development of civil aviation in general, reducing the possibility of using air transport for the transportation of passengers and cargo due to the use of non-optimal flight routes and forced additional transfers for passengers, creating an additional negative impact of civil aviation on the environment and disrupting the established economic interconnectedness of states and regions.

2.2 At the same time, a number of states that design and manufacture aircraft and engines and air navigation service providers are pursuing policies aimed at restricting certain countries' access to current air navigation information, information on maintaining the airworthiness of aircraft, updating the air fleet and servicing and repairing aircraft, which leads to the creation of threats to aviation safety.

2.3 Failure to comply with their obligations to maintain the aircraft airworthiness and ensure the safe operation of aircraft violates the provisions of the Chicago Convention and its Annexes 6, 8 and 19.

2.4 The closure of national airspace for civil aircraft flights of other States, introduced in a discriminatory manner on a national basis, is a direct violation of subparagraph b) of Article 9 of the 1944 Chicago Convention, which states:

" b) Each contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction or nationality to aircraft of all other States."

2.5 The introduction of unilateral restrictive measures against that are not provided for by the UN Charter, violates the goals of the Chicago Convention, which is to develop international civil aviation in a safe and orderly manner so that international air services can be established on the basis of equality of opportunity and carried out in a rational and cost-effective manner.

2.6 Such actions violate the non-discriminatory nature of the provisions of the Chicago Convention. The established rules on the presence of aircraft of one State Party to the Treaty on the territory of another State Party to the Treaty are applied to aircraft without distinction of their nationality, as established by Article 11 of the Chicago Convention. Discrimination on the basis of the nationality of aircraft, national registration of an aviation organization, restrictions in the field of civil aviation on such basis, followed by the subsequent introduction of regulatory legal prohibitions by the States Parties to the Treaty, are violations of Article 11 of the Chicago Convention.

2.7 It seems even more strange that some states and organizations refuse to cooperate in the field of aviation safety with our organization, which is an international independent organization that has been working for the benefit of flight safety in close cooperation with the international aviation community for more than 33 years.

2.8 IAC sent its position on these issues to the President of the ICAO Council in June 2024, and in June 2025 had the opportunity to present this letter at the 235th session of the ICAO Council, at the invitation of the President of the Council and due to the inclusion of this issue in the agenda of the Council session, thanks to the principled position of a number of Council member states. During the discussion of this issue, a number of Council member states supported the IAC position, but the Council did not make a fundamental decision.

2.9 The Interstate Aviation Committee highly appreciates the work historically carried out by ICAO to ensure the safe and orderly development of international civil aviation throughout the world, the development of air routes, airports and air navigation facilities for international civil aviation, meeting the needs of the peoples of the world for safe, regular, efficient and economical air transport, as well as the prevention of economic losses caused by unreasonable competition.

2.10 In this regard, the Interstate Aviation Committee calls on ICAO to take a more fundamental position on the above-mentioned violations of the Chicago Convention and ICAO SARPS, including during the inspections conducted within the framework of the USOAP CMA. Selectivity and double standards in terms of monitoring States' compliance with the Chicago Convention and ICAO SARPS, when obvious non-compliance by a number of States is ignored, contradict the principles of ICAO and the slogan "No Country Left Behind".

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