



ASSEMBLY — 42ND SESSION

ECONOMIC COMMISSION

Agenda Item 26: Economic Development of Air Transport

PROTECTION OF PASSENGER RIGHTS IN INTERNATIONAL AIR TRANSPORT

(Presented by the Dominican Republic and supported by 17 LACAC Member States²)

EXECUTIVE SUMMARY

The lack of a uniform international instrument on passenger rights leaves a legal gap that undermines trust and fairness in the global air transport system. Although the International Civil Aviation Organization (ICAO) has promoted core principles, their non-binding nature has led to the existence of inconsistent systems.

Action: The Assembly is invited to:

Resume and step up discussion on the protection of passenger rights with a view to promoting international cooperation and advancing in a coordinated manner towards the adoption of common standards that will ensure effective protection.

<i>Strategic Goals:</i>	This working paper relates to Strategic Goal: <i>The Economic Development of Air Transport Assures the Delivery of Economic Prosperity and Societal Well-Being for All</i>
<i>Financial implications:</i>	The proposed actions could be carried out with resources from the regular budget or extrabudgetary resources allocated to human rights protection and safety initiatives.
<i>References:</i>	<i>Convention on International Civil Aviation (1944) (Chicago Convention)</i> ICAO (2012). <i>Report of the Eleventh Meeting of the Air Transport Regulation Panel (ATRP/11)</i> , Montréal ICAO (2013). <i>Report of the Sixth Worldwide Air Transport Conference (ATConf/6)</i> , Montréal ICAO (2015). <i>Core Principles on Consumer Protection in Air Transport</i> , Montréal European Union (2004). Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004

¹ Spanish version provided by the Dominican Republic.

² Belize, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Peru, Uruguay and Venezuela (Bolivarian Republic of).

1. INTRODUCTION

1.1 Within the international civil aviation system, passenger protection rights are widely dissimilar. While some States have developed robust regulatory frameworks, such as Regulation (EC) No 261/2004 of the European Union, others lack specific provisions or have piecemeal approaches. Situations have arisen in which the level of passenger protection varies depending on the passenger's country of departure or arrival, resulting in incompatibility with the principles of fairness, predictability and safety that should govern international air transport.

1.2 The task of ensuring that all passengers enjoy the same rights and protection is not an easy one, which is why this issue has been raised in various International Civil Aviation Organization (ICAO) fora. The absence of an international instrument to bring consistency into the regulation of passenger rights leaves a legal gap that undermines fairness and consumer trust in the global air transport system. As a consequence, States that do not have resources or an institutional structure in this area are at a disadvantage, since they do not have a practical guide to follow, leaving passengers vulnerable and uncertain with regard to their rights. This is evident in day-to-day situations, such as cancellations, delays and denied boarding, that underscore the importance of resuming dialogue towards a uniform framework that guarantees rights globally.

1.3 ICAO has promoted good practices through its *Core Principles on Consumer Protection* (2015), but the non-binding nature of these principles limits their effective adoption. In addition, Article 44 of the *Convention on International Civil Aviation* (Chicago Convention) (1944) establishes as one of its main objectives to “insure the safe and orderly growth of international civil aviation in the world”, where passenger protection is essential to the safety, legitimacy and fairness of the system.

1.4 The absence of an instrument is particularly detrimental to resource-poor States, which struggle to design adequate legal frameworks and do not have equal access to justice (ATConf/6, 2013).

1.5 For this reason, there is agreement among countries that existing piecemeal rules create legal gaps and overlaps that hinder the effective implementation of passenger rights. To address the problem, it has been suggested that ICAO take a more active role in developing harmonized legal standards and guidelines that can serve as a common reference for States and all stakeholders in the sector (ICAO, 2013).

2. DISCUSSION

2.1 International cooperation should be strengthened and standards further harmonized through multilateral mechanisms that will make it easier to share best practices, promote technical training and build progressive consensus on passenger protection. Such a step-by-step approach would help lay the groundwork for more robust and coordinated action in the future.

2.2 In light of the above, the Dominican Republic proposes that ICAO resume and step up discussions on the protection of passenger rights with a view to identifying ways to improve the harmonization and effectiveness of national and international regulatory frameworks.

2.3 Priority should be given to the creation of specialized technical fora to consolidate existing operational guidelines that can serve as a guide for States and foster technical cooperation and the sharing of experiences among Member States in order to promote a progressive and coordinated approach that strengthens passenger protection.

2.4 This effort will increase predictability, fairness and trust in international air transport, in alignment with the objectives of the Chicago Convention and ICAO's mandate to promote the safe, orderly and equitable growth of international civil aviation.

3. CONCLUSION

3.1 The renewal and intensification of technical and policy discussions within ICAO represents an essential strategic step towards ensuring the fairness, predictability and legitimacy of the global air transport system. While existing recommendations have been valuable, deepening multilateral discussions will help close structural gaps and create a stronger foundation for future passenger protection initiatives.

3.2 There is still a long way to go with regard to protecting passenger rights, given that there is no international instrument setting out standardized provisions on compensation and assistance. Therefore, the Assembly is requested to resume and step up discussion on this issue as a priority, with the aim of promoting cooperation and advancing in a coordinated manner towards common standards that will ensure the effective protection of all users of international air transport.

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