International Civil Aviation Organization

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LEGAL COMMITTEE – 40TH SESSION

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Agenda Item 3 Review of the General Work Programme of the Legal Committee

THE INCOMPATIBILITY OF UNILATERAL COERCIVE MEASURES IN INTERNATIONAL CIVIL AVIATION WITH THE CONVENTION ON INTERNATIONAL CIVIL AVIATION AND ITS ANNEXES; CONSEQUENCES OF APPLYING UNILATERAL COERCIVE MEASURES

(Presented by the Russian Federation)

1. INTRODUCTION

1.1 This working paper is about States using unilateral coercive measures in international civil aviation. More and more frequently, these measures are being used against other states to apply political and economic pressure.

1.2 These measures are multifaceted and can appear, for example, in the form of discriminatory prohibitions on the use of airspace, prohibitions of the sale of aircraft and spare parts for them, and prohibitions on aircraft maintenance and insurance.

1.3 Today, unilateral coercive measures of a discriminatory nature are taken with respect to approximately 30 ICAO Member States located in various regions of the world. Meanwhile, taking into account the extraterritorial nature of these measures and several States' threats to apply secondary limitations to third States, the set of States that must contend with this negative and wrongful practice and bear losses due to the impossibility of entering into normal economic relations with counterparties is significantly broader than the aforementioned 30 Member States against whom unilateral coercive measures were directly applied. That permits us to state that the problem is systemic and global and requires a corresponding response from ICAO as a whole – the only universal international aviation organization – and the Legal Committee, in particular. Such measures contradict international law and threaten the safety and security of international civil aviation; their application by States must be stopped.

2. DISCUSSION

2.1 Some States have been applying unilateral coercive measures more often in the realm of international civil aviation against other States with the goal of pressuring them to obtain political or economic advantages. That contradicts international law, including the *Convention on International Civil Aviation* (Chicago, 1944 – the "Chicago Convention") and the Charter of the United Nations (UN). Meanwhile, these actions do not only undermine the foundations of international agreements; they also affect the safety of international civil aviation, threaten passengers' lives, and undermine the efforts of the international aviation community aimed at creating a fair and effective international aviation system.

[1] Russian version provided by the Russian Federation.

2.2 The objectives and principles enshrined in the Chicago Convention are critically important so that "civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically" (Chicago Convention Preamble, paragraph three). Using unilateral coercive measures goes against the goals and principles of the Chicago Convention and against several provisions of this Convention (in particular, Articles 4 (Misuse of civil aviation), 9 (Prohibited areas), 11 (Applicability of air regulations), 15 (Airport and similar charges), 28 (Air navigation facilities and standard systems), 44 (Objectives), and so on). Discriminatory economic, financial and operational constraints introduced unilaterally on national and regional levels negatively impact also the growth of international air transport and transportation connectivity and damage the orderly and harmonious development of international air transport.

2.3 It is also noteworthy that any State, group of States, or association of States applying unilateral coercive measures by bypassing the UN Security Council contradicts the norms of international law and should not be accepted or upheld. Such measures, which undermine the principles and objectives of the UN Charter, including the principle of the sovereign equality of states and non-interference in the internal affairs of States and the Chicago Convention, have far-ranging negative consequences for international civil aviation, international economy, and international cooperation overall.

2.4 On 16 June 2025, the UN General Assembly adopted a resolution, naming December 4 the International Day against Unilateral Coercive Measures (A/RES/79/293). The resolution emphasizes that unilateral coercive measures and laws go against international law. It also contains an urgent plea that States resist adopting, promulgating, and applying any unilateral economic, financial, or trade measures not in accordance with international law and the UN Charter that impede or in any other manner undermine the full achievement of economic and social development, particularly in developing countries.

2.5 Unilateral coercive measures cannot be "targeted" and "singular." They affect the rights and legitimate interests of essentially any citizen or any State using air transport. The result is that the rights of everyday people to freedom of movement are being violated, regardless of state affiliation.

2.6 The use of unilateral coercive measures as a tool of political and economic pressure is a serious threat to the safety and protection of international civil aviation; it has a negative impact on the development and human rights of the population of the respective states, nullifies efforts of the international aviation community to reduce greenhouse gas emissions and in general, creates barriers for the development of international civil aviation of all States, including developing States. UN General Assembly resolution A/RES/80/209 *Human rights and unilateral coercive measures*, dated 18 December 2025, condemns the continuing unilateral application of and support for unilateral coercive measures by some nations. The resolution urges all States to stop introducing or executing any unilateral measures that do not align with international law, including coercive ones.

2.7 The use of unilateral coercive measures by States that have a monopoly or a dominant position in aviation equipment production or maintenance or in the delivery of various services related to international civil aviation, by limiting or prohibiting access for aviation companies or other companies from other States to that aviation equipment and those services, they create a serious threat to flight security and obstruct normal conditions of aircraft operations and obstruct the practical, orderly development of international air transport.

2.8 The following specific problems occur because of negative factors from unilateral coercive measures:

a) There are obstacles to ICAO's achievement of strategic objectives, including with respect to implementing ICAO's Global Air Navigation Plan and the achievement of seamless air navigation and actual reduction in CO_2 emissions in the international civil aviation sector;

b) It becomes more complex for all ICAO Member States to implement international ICAO standards globally, and in this way, doubt is cast on whether it is possible to ensure a maximum practicable degree of uniformity of the rules, standards, and procedures that regulate international air navigation and the functioning of air transport, i.e., States' fulfillment of their obligations set forth in Article 37 of the Chicago Convention;

c) This damages the universal international legal regime governing civil aviation based on the Chicago Convention, which in turn leads to the fragmentation of international air law and may carry catastrophic consequences for safe flights and aviation security on a global scale.

2.9 To resolve these issues, it would be advisable to acknowledge ICAO's leadership role. ICAO must continue to protect the spirit initially captured by the Chicago Convention, which clearly establishes that "the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security". However, ICAO's actions have not so far yielded the expected results and the problem, in large part, remains unsolved. It is necessary for ICAO to take all possible actions to prevent States from using politicized, discriminatory coercive measures in international civil aviation.

2.10 The question of the legal component of unilateral coercive measures in international civil aviation is often raised at ICAO, including its Council and Assembly. The ICAO Assembly has on multiple occasions urged Member States to refrain from taking unilateral and extraterritorial measures that could have negative consequences for the orderly, sustainable and harmonious development of international air transport (see, for example, item 3, section I of Appendix A of ICAO Assembly Resolutions A42-26 and A41-27).

2.11 Nonetheless, this has not yet become the subject of detailed study on the part of ICAO and its bodies. Today, as never before, an analysis seems needed. Meanwhile, any differences being considered by the Council of ICAO in terms of Article 84 of the Chicago Convention and/or any issues being considered by the Council of ICAO in terms of Article 54(n) of the Chicago Convention should not become an obstacle for the ICAO Legal Committee to begin studying this issue within the framework of its separate capacity in a depoliticized manner.

3. ACTION BY THE COMMITTEE

3.1 The Legal Committee is invited to:

a) Draw the attention of all ICAO Member States to the need for an unwavering observance of the Chicago Convention, specifically so that international civil aviation can develop in a safe and orderly way and so that international air travel can be based on equality of opportunity and be rational and economical; and

b) Initiate including an item about the legal aspects of unilateral coercive measures in the Work Programme of the Legal Committee and create a working group to take a detailed look at the legal nature of unilateral coercive measures, their adherence with the Chicago Convention, their impact on the development of international civil aviation and its security and protection. Develop proposals for the creation of a possible legal mechanism aimed at preventing this negative practice. Meanwhile, the proposal is that the working group be based on the principle of equal representation and would include experts from States affected by unilateral coercive measures.

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