



A40-WP/622  
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## **ASSEMBLY — 40TH SESSION**

### **REPORT OF THE ECONOMIC COMMISSION ON AGENDA ITEM 36**

(Presented by the Chairman of the Economic Commission)

The attached report on Agenda Item 36 has been approved by the Economic Commission.

*Note.— After removal of this covering sheet, this paper should be inserted in the appropriate place in the report folder.*

(3 pages)

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

36.1 In WP/247, the United Arab Emirates explained the need for independent and detailed measure of aviation sector performance by State, which will assist policy makers in identifying areas for improvement or prioritization. The paper proposed the establishment of a Global Aviation Competitiveness Index that determines the ability of a State to create and maintain value based on six fundamental pillars of productivity. The use of this index can structurally drive outcomes and be a core lever for policy interventions.

36.2 In WP/387, Qatar provided information on the risks associated with States prohibiting the use of international air routes in their airspace, which includes crowded alternative routes. This results in, long flight detours, extended flight hours and increase in fuel consumption. The paper called on States from the Middle East to refrain from politicizing the use or the closure of international air routes over their airspace.

36.3 In WP/469, Cuba reaffirmed that unilateral and extraterritorial actions impede the sustainable economic development of international air transport and, in particular, have a great impact on developing countries. The paper also stated that ICAO has a role to play in upholding the principles of sovereign equality of States, non-discrimination, mutual respect, equality of opportunity and the freedom of international trade and navigation, enshrined in the *Convention on International Civil Aviation* (Chicago Convention) and the Charter of the United Nations.

36.4 Through information paper WP/475, Iran (Islamic Republic of) provided information on the effects of the 30 years of economic, commercial and financial sanctions imposed unilaterally by the United States on its aviation industry. The paper explained the difficulties faced by the Iran Civil Aviation Organization and the Iran Airport Holding Company to purchase and operate CNS/ATM equipment and facilities to enhance safety of international air navigation.

36.5 In its information Paper WP/476, Iran (Islamic Republic of) provided information on some States refusing to provide aviation fuel to Iranian airlines' aircraft at their airports thereby preventing the airline from gaining access to international markets and endangering international aviation safety. The paper highlighted that refusing to provide fuel to Iranian aircraft contradicts the principles of the Chicago Convention.

36.6 In information paper WP/487, the Bolivarian Republic of Venezuela reported that it has been subject to various economic sanctions, which resulted in a series of negative consequences directly impacting its commercial air transport relations with other States, damaging the interests of its designated airlines, and undermining free competition that should characterize international civil aviation operations for the benefit of users.

36.7 The Commission agreed that the proposal put forward in WP/247 to establish the Global Aviation Competitiveness Index be considered by the appropriate panels of the Organization. Doing so, previous work by other organizations should be taken into account to avoid duplication of efforts.

36.8 The Commission considered WP/387 on the closure of airspace and its impact on international air traffic, in which Qatar called for the prevention of politicizing the use of airspace,

particularly international routes. Despite some support, a group of States objected to the paper and requested the Commission not to open discussions on this subject, which is currently pending before the International Court of Justice. Reference was made to Article 86 of the Chicago Convention and Council Decision 216/6 providing, inter alia, the suspension of its consideration until the International Court of Justice renders its decision.

36.9 As regards WP/469 presented by Cuba on the imposition of unilateral and extraterritorial measures by the United States, some States expressed their support and cautioned against such sanctions due to their negative impact on the right of a State to develop civil aviation as enshrined in the Chicago Convention. In response to this, the United States affirmed its position on this matter that: ICAO is not the proper venue to debate United States' sanctions; that United States' sanctions target specific behaviour and will be enforced until those behaviours stop; and that the United States continues to uphold all of its international obligations to ensure the safety and security of international aviation. In reference to this response, Cuba emphasized that ICAO is the forum to discuss these issues and recalled the reports provided annually to the Secretary General of the United Nations.

36.10 The Commission noted the information contained in WPs/387 and 469, as well as the views and positions expressed during the discussion. Recognizing that the issues raised in these papers were delicate, political and sensitive, on which the concerned States were holding strong views, the Commission was not in a position to resolve them. Consequently, the report of the Commission should reflect the discussions and report them to the plenary meeting. It was also decided that these matters would be brought to the attention of the President of the Council, whose "good offices" had been involved in these issues in the past.

36.11 The Commission noted the information contained in WPs/475, 476 and 487.

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