



International Civil Aviation Organization

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**ASSEMBLY — 36TH SESSION**

**ECONOMIC COMMISSION**

**Agenda Item 40: Regulation of international air transport services**

**RESTRICTIONS ON THE PURCHASE OR LEASE OF AIRCRAFT AND SPARE PARTS BY CERTAIN STATES IN VIOLATION OF THE CHICAGO CONVENTION**

(Presented by the Syrian Arab Republic)

**EXECUTIVE SUMMARY**

This paper illustrates the fact that imposing restrictions on the purchase or lease of civilian aircraft and their spare parts by some States is a violation to the International Civil Aviation Convention (Chicago Convention 1944) and threatens the security and safety of passengers and aircrafts.

**Action:** The Assembly is invited to:

- a) request all the Contracting States the necessary conformity to the letter and spirit of the Chicago Convention and not to resort to the policy of imposition of restrictions on the purchase or leasing of aircraft or imposition of any restrictions on the purchase and provision of the relevant spare parts, software, information and documents, in view of the contravention that constitutes to the principles of the Convention on International Civil Aviation and the threat it poses to the security and safety of passengers and aircraft;
- b) lay the necessary and mandatory bases for all Member States to provide maximum cooperation to ensure the safety of aircraft and passengers through the provision of safe air transport and to provide the equipment and systems used for air navigation purposes.

*Strategic Objectives:*

*Financial implications:*

Not applicable.

*References:*

1. The principles and arrangements contained in the Chicago Convention, which was signed by 55 States on 7 December 1944, were established in order that international 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. Moreover, the Contracting States signatories to the Convention agree not to use civil aviation for any purpose inconsistent with the

aims of this Convention (article 4). The Convention entered into force with the rectification of 28 States on 4 January 1947. By the end of 2005, 189 States had rectified the Convention making it one of the most widely accepted legal instruments in the world.

2. The Chicago Convention established specialized organization to deal with the civil aviation affairs, the International Civil Aviation Organization (ICAO). According to article 44 of the Convention, its aims and objectives are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

- a) Insure the safe and orderly growth of international civil aviation throughout the world;
- b) Encourage the arts of aircraft design and operation for peaceful purposes;
- c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;
- d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;
- e) Prevent economic waste caused by unreasonable competition;
- f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines.
- g) Avoid discrimination between contracting States;
- h) Promote safety of flight in international air navigation;
- i) Promote generally the development of all aspects of international civil aeronautics.

3. The Chicago convention recognizes that civil aviation is a tool for peace and communication between all peoples of the world. It aims to achieve international cooperation so as to promote technical and economic progress all over the world. Civil aviation is one of the main peelers of the fulfilments of obligations by any State. By reproofing such principles, it recognizes that humanity has the right to take advantage of all aspects of progress in civil aviation. Humanity from all regions of the world has the right to make use of air transport as a mood of safe, regular and equitable transportation. The Convention has given the right to every State of the world to establish air transport organizations and operate domestic and international earliness in recognition of the international characters of this industry and it must work with other States to safe guard its security and safety without any discrimination.

4. All international conferences and gatherings in the field of civil aviation stress the need to comply with the Chicago Convention and its Annexes by implementing their standards and recommended practises particularly the meetings on gatherings organized by the International Civil Aviation Organization. However, we see that some States use international civil aviation as a tool to exert pressure and achieve political goals and objectives that are quite distant from the goals and objectives of the Chicago Convention in a complete disregard of the threat this poses to the safety and security of passengers and aircraft and to the stability of the international air transport industry.

5. The concentration of aircraft, engines, and the different avionics industries in the developed countries, the inability of the developing countries to provide for such industries led to the reliance of the latter on the developed countries, which in turn controlled these industries and their market, which is located mostly in the third-world countries. A number of the developed countries is exploiting the current situation, the prevention of sales or leases of aircraft to certain countries or companies and the imposition of restrictions on such countries' ability to obtain spare parts for aircraft previously purchased in addition to several kinds of political and economic pressures placed on such countries to achieve economic and political objectives. Furthermore, such developed countries sometimes impose a full curfew on the activities of civil aviation of certain countries and attempt to put pressure on other entities to follow suit. They even use the United Nations as a means to implement such policies, which is characterized by selectiveness and discrimination. Such practices have caused damages to Arab countries, including the Syrian Arab Republic.

6. A ban on the sales of commercial aircrafts and spare parts as well the lease of such aircrafts and the attempts to prevent the transfer of modern technologies related to airport facilities and air navigation services as well as technical support services are considered as policies that contain discriminatory measures and violate the standards and principles of the Chicago Convention, in particular the paragraphs of article 44. Such discriminatory policies cause a threat to the safety and security of air operations and inflict huge losses for the companies of the countries that are under such curfew. They also limit the development of the air transport sector of such countries and directly threaten the safety of both aircraft and individuals.

7. During the 1997 Assembly of IATA the Director General of IATA called upon all the states that impeded the delivery of aircrafts spare parts to reconsider their situation and to review such a policy that contradicts the spirit and objectives of the Chicago Convention and threatens the safety and security of air operations. In addition, the 30th Annual Meeting of the Assembly of the African Airline Federation, held in Durban, South Africa on 1 and 2 June 1998 had reiterated the need for eliminating the obstacles to obtain support products impending spare parts by any company certified to provide air transport services. It also emphasized the right of such companies to ensure the safe and secure transportation of the passengers.

## **8. NEGATIVE EFFECTS**

8.1 The Syrian Arab Republic emphasizes that air navigation services, air transport facilitations and aviation security are provided according to the Convention to all users of the Syrian Arab Republic airspace and airports and that consecutive sanctions and embargo which continues to date had a negative effect not only on the activities of the Syrian General Organization of Civil Aviation and the Syrian Arab Aviation Organization but also on all international airliners using the airspace and airports of the Syrian Arab Republic. Negative effects included the following aspects:

- a) facilities, equipment, software, navigational aids and radars which help to provide air navigation services and ensure the safety of air traffic of aircraft in transit, taking off or landing;
- b) passenger services facilities at airports;
- c) equipment to ensure civil aviation security services;

- d) fire fighting, rescue and first aid mechanisms;
- e) bank transfers to cover the activities of civil aviation, the carrier and the Syrian Arab Aviation Organization;
- f) disinclination of American, European and other international companies (in which's products American technology participates with a certain proportion) to participate in requests for price quotations made by the Syrian Arab Aviation Organization to satisfy its needs;
- g) prevention by the American embargo of the Syrian Arab Aviation Organization to renew its air fleet, noting that 40% of its current aircraft are about 30 years old, thus it suffers of a severe decrease of the number of aircraft to cover stations, orders and the continuous growth of air transport traffic and to satisfy the needs of the market;
- h) inability to repair spare parts of American origin because the requirement of export certificates which take more than six months to obtain and sometimes cannot be obtained at all which affects the technical preparedness of the Organization's aircraft;
- i) delay of making the mandatory transportations of navigation systems of the Organization's aircrafts because of the delay by the American authorities to grant the export certificates necessary for the installation of these instruments of American origin.

8.2 Based on what has been mentioned in this paper, the States Members of the ACAC call for abstention from the use of the policy of imposing restrictions on the purchase or leasing of aircraft or their obtention of the necessary spare parts and maintenance and the provision of the information, documents and software necessary to ensure the safety of aircraft and air transport, in view of the contravention that represents to the principles of the Convention and the threat it poses to the security and safety of passengers and aircraft, and call for the necessity of conformity to the letter and the spirit of the Convention on International Civil Aviation (the Chicago Convention 1944).

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