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**CURRENT DEVELOPMENT IN AIR LAW**

Civil aviation has a major impact on in 21st century. It shapes national  
economics. Trade is carried on by aircraft and air routes. Tourism promoted by  
aviation helps economics of countries like Thailand, Spain, Singapore,  
Malaysia, Nepal and many other countries in Europe, Africa and Asia.  
It is impossible to imagine life today without these fast and safe airplanes  
crisscrossing all states irrespective of their claims of sovereignty. In spite of all  
their divisions, the world has been united as never before. Solution to problems  
of international civil aviation was a matter of future. In the field of air law,  
security has been an overriding goal in aviation relations. The space exploration  
began in 1957 and the increasing confidence being shared by nations in recent  
years, there is greater emphasis on the economic and commercial benefits of  
aviation. Most of these issues are being dealt with by UN and its specialized  
agency, the ICAO. It is of general interest to recapitulate the Charter of ICAO,  
its objectives and important role in the development of air law. These include  
issues connected with economic development, the Chicago Convention,  
regional developments, security aspects, bilateral agreements, impact of outer  
space on aviation and development of the space transport, some aviation  
policies of other leading countries, and perspectives on Indian air law mostly  
derived from international air law.  
Indeed, it is a multi-dimensional discipline and involves inter-dependent  
factors like (i) knowledge of aviation technology; (ii) economics; (iii) air space  
management; (iv) private air raw; (v) public air raw; (vi) raw making by ICAO;  
(vri) security and safety laws; (viii) liability aspects; (ix) air routes structure; (x)  
regulation of air services and bilateral air agreements; and (xi) a complete  
knowledge of licencing of pilots, airports and regulation of aircraft components.  
The key world is “system” — for air transportation is a system, and a very  
complex one at that. It is made up of many parts, or subordinate systems, each  
closely related to another and each capable of creating a problem to the  
detriment of the other. Unless these many closely interrelated parts are. made to  
work in harmony, one with the other, the imbalance of one part will upset the  
ability of the total system to fulfil its intended purpose. The Chicago  
Convention of 1944 have set forth the essential principles of international air  
raw which have helped develop air raw in keeping with global community  
expectations. This convention is a charter of world aviation. This is combining  
history with new values, new policies, new perspectives, new conventions in  
super-aviation makes a contribution to legal futurology. Much less is however  
written on the Chicago Convention than it deserves to be. The following

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important regal principles of Chicago Convention which help us realize the  
goals of international civil aviation. The preamble states: 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… It stress cooperation, peace, safe and orderly manner in which  
international air service may be established. Article 1 represents the air  
sovereignty of states. It reads: The contracting states recognize that every state  
has complete and exclusive sovereignty over the airspace above its territory. It  
merely reflects the history of aviation raw ever since such an article was  
incorporated in the Paris Convention on civil aviation in 1919. Today air  
sovereignty is modified by space exploration. Security and privacy enjoyed by  
states as a result of air sovereignty is being substituted by international  
cooperation. Article 2 refers to definition of territory which includes land areas  
and territorial waters. Article 3 differentiates civil and military aircraft.  
Article 4 prohibits misuse of aviation Article 5 the rights for non-scheduled  
flights for non traffic purposes without the necessity of obtaining prior  
permission and subject to the right of state overflow to require landing.  
Article 6 by special written permission of states. Article 7 prohibits sabotage.  
Under Article 8 pilots aircraft are not permitted to fly though this provision  
does not apply to spacecraft without pilots/astronauts. Article 9 prohibited  
areas. Article 10 makes it necessary for foreign aircraft to land at customs  
airports. Article 26 provides of international interest is investigation of  
accidents. The state in which an accident occurs institutes an enquiry into the  
circumstances in accordance with its laws and procedure recommended by  
ICAO. Some critics says the provision of Chicago Convention are mostly  
technical in nature.  
Air laws is very intimately connected with modern economic development  
of states. Air transport is developed on factors like export and import of cargo,  
passenger movement, tourism promotion and host of other national activities. In  
this manner air law looks to equality of opportunity between states. It helps  
facilitate competing interests between counties and ensures cooperation.  
Collection of statistics, forecasting on traffic development and other relevant  
factors call for application of a systems approach to international air law for  
creative process. Thus air law has to include a study of international  
organizations like ICAO and IATA. The former regulates world aviation as  
already described and the latter makes possible a plethora of tariff regulations  
and procedures which enable airlines to issue a single ticket transcending  
national boundaries. IATA is also a big clearing house for airlines. Therefore,  
international air law is to be explored and applied to day to day problems of  
aviation relations and help plan future growth of aviation order in the world.  
The 26rh session of ICAO Assembly in 1986 had the following agenda  
items relating to air transport problems of global interest: (i) model clause in  
bilateral agreement; (ii) regulation of non-schedule air transport; (iii) guidance

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material on sixth freedom; (iv) unilateral measures affecting civil aviation; (v)  
IATA paper on trade in services; (vi) unilateral application of competition laws;  
(vii) air transport fares rates; (viii) taxation in air transport industry and (ix)  
automation in airline industry.  
In the matter of work programmes of the Legal Committee, the Assembly  
has emphasized the following problems for study: (i) development of  
instrument for suppression of unlawful acts of violence at airports serving  
international aviation. For this purpose a diplomatic conference was held in  
ICAO in 1988 and the Montreal Convention of 1971 was amended to include  
suppression of airport violence; (ii) the United Nations Convention on the law  
of the sea implication for the Chicago Convention and its annexes and other  
international air law conventions; (iii) liability of air traffic control agencies;  
(iv) study of instruments of the Warsaw Convention; and (v) preparation of a  
draft instrument on the interception of civil aircraft.  
A great degree of uniformity is needed in national laws to enable mass air  
transport operate across national boundaries without delay. Time factor for  
travel in air and on ground handling has assumed great importance. Information  
and reservation systems in aviation are being overhauled with new  
computerized technology. Air law has to ensure equality of opportunity for  
airlines of the world as provided in the objectives of ICAO. Aviation has a  
major role in the economic development of states and people. International  
trade, economics and development that modern air law has a major  
contribution.