

# Air Navigation Law

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# Preface

From the recorded inception of international civil aviation to date—i.e. the signing of the Convention on International Civil Aviation (Chicago Convention) in 1944 and the start-up of the International Civil Aviation Organization (ICAO) in April 1947, to the adoption of the various Annexes to the Convention over the past 66 years, the law of air navigation has evolved through the principles of these instruments and transformed into domestic law within their jurisdictions by member States of ICAO. Therefore, domestic air navigation law, however founded, has its origins in the Chicago Convention and its 18 Annexes (at the time of writing, the latest Annex (Annex 19 on Safety Management Systems was being developed).

These laws, both international and national derive their legitimacy from the fundamental principle found in Article 1 of the Chicago Convention—that ICAO member States recognize that each State has complete and exclusive sovereignty over the air space above its territory. Within this overriding principle of State sovereignty, this book takes the reader on a journey through the principles of air navigation law as enunciated by the Chicago Convention, the Annexes to the Convention and relevant ICAO Assembly resolutions.

Naturally, discussions throughout this work will address the principle of State sovereignty as relevant, but more importantly, as any discussion of the law would involve rights and liabilities, this book regularly addresses and discusses the liability of the protagonists in air navigation, be it the State, the airport, the air navigation services provider, the controller of air traffic or the pilot and other crew.

The book immediately preceding this written by me entitled *Strategic Issues in Air Transport* (Springer: ISBN 978-3-642-21959-7), which was released in January 2012, contains discussions on such subjects as safety management systems, the use of airspace, aviation medicine, unmanned aircraft systems, regional safety in air transport, and safety oversight audits. Therefore I will not address these subjects in this book, although the various aspects of law related to those subjects also form an integral part of air navigation law. The subjects which I discuss in this book are flight information and air defence identification zones, rules of the air, personnel licensing, meteorological services, operations of aircraft, air traffic services,

accident and incident investigation, aerodromes, the efficiency aspects of aviation and environmental protection, aeronautical charts and information, the carriage of dangerous goods and *NextGen* and *SESAR*—the two initiatives of the United States and Europe respectively. All these subjects form the titles of the Annexes to the Chicago Convention that particularly involve the rights and liabilities of the key players involved in air navigation.

On a personal note, since I joined ICAO as a professional in April 1990, I have published 19 books and numerous journal articles on air transport and air law. This book is written at a time when I am approaching retirement, which will be after nearly 25 years of service to the Organization. Therefore, I believe it is opportune for me to recognize and thank two special and exceptional ICAO professionals, Ghislaine Giroux and Diane Bertrand of the ICAO library whose continued support, appreciation and approval of my literary pursuits have encouraged me throughout to maintain an academic dimension to my otherwise predictable functions as a legal officer in the Organization. This book is dedicated to Ghislaine and Diane with my deepest appreciation.

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