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### **A role of international organisations in the initial stages of building the institutional structure in the aviation industry**

*The authors make research in the context of historical development of a role of international intergovernmental organisations in building the institutional structure in the aviation industry.*

Today, there are a large number of global and regional organisations that regulate international legal aspects related to the air transport operation. Among these organisations are: the International Civil Aviation Organisation (ICAO), International Air Transport Association (IATA), Airports Council International (ACI), Civil Air Navigation Services Organisation (CANSO), the International Coordinating Council of Aerospace Industries Associations (ICCAIA), Air Transport Action Group (ATAG), European Union Aviation Safety Agency (EASA), European Civil Aviation Conference (ECAC), European Agency for the Safety of Air Navigation (EUROCONTROL) and others.

One of the first international organisations in this area was the International Legal Committee on Aviation, founded in Paris in 1909, which drafted the first International Air Code. This document promoted the principle of freedom of flight recognising the rights of countries to ensure their own security. An important part of this project was the provision that each aircraft had to be registered in a particular country, giving it a nationality. But, the draft of the International Air Code was not adopted before the outbreak of the World War I [1].

On October 13<sup>th</sup>, 1919 in the Salon de l'Horloge of the Ministry of Foreign Affairs, Quai d'Orsay at Paris a Convention Relating to the Regulation of Aerial Navigation (the Paris Convention), was signed. This new Convention (with texts in French, English and Italian) consisted of 43 articles that dealt with all technical, operational and organizational aspects of civil aviation and constitutes the first successful attempt at common regulation of international air navigation and lays the foundations of air law.

In order to support and control the implementation of the Paris Convention, the International Commission for Air Navigation (the ICAN or CINA) was established in 1922. Although in law the ICAN was placed, and remained, under the direction of League of Nations, in practice direction was replaced by friendly cooperation. The League never attempted to exercise any authority on the ICAN, and the ICAN never attempted to break away from the League. Cooperation was mostly carried on through the League's Committee on Transit and Communications. This Committee and the ICAN were represented at each other's meetings, when any question of common interest was under discussion.

This organisation was vested with various functions, including the following ones: receiving and sending the proposals to the contracting countries to amend the provisions of the Paris Convention, notifying them of the amendments adopted;

collecting the information on aircraft registration; issuing the rules on airworthiness certificates; regulating the use of radiotelegraphic devices; collecting the data on aerodromes designated for international flights; informing on reservations and restrictions imposed by the countries on cabotage, aerial photography and transport of objects; settlement of disputes related to the technical annexes to the Paris Convention; making the amendments to these annexes; ensuring the dissemination of information necessary for international air traffic, including radiotelegraphic, meteorological and medical information; publication of maps for air traffic in accordance with the norms [2].

Later, in 1923 and 1929, the Paris Convention was amended by means of the Protocols of the ICAN, which entered into force in 1926 and 1929 respectively. Under the documents, no participating countries should have more than two representatives in the Commission, and each country represented in the Commission has one vote [3].

We should note that some prominent experts in the field of international aviation law consider the ICAN as the direct predecessor of the International Civil Aviation Organisation (ICAO), which is underlined by the universal nature of its activities and contribution to the development of civil aviation [1].

In the 1920s the countries that were not the parties to the Paris Convention sought to develop the alternative international agreements at the regional level with the aim to establish the specialised bodies to ensure compliance with these agreements. At the Madrid Conference of 1926 the Ibero-American Convention on Aeronautical Navigation was concluded, which was in fact not much different from the provisions of the Paris Convention. The Ibero-American Convention provided for the establishment of the Ibero-American Aeronautical Commission, which was composed of representatives of the participating countries. However, only 7 from 21 countries that participated in the Madrid Conference ratified the it and such small amount of approvals made it impossible for the Convention to enter into force and resulted in the Ibero-American Aeronautical Commission never being established. One of the reasons for this was the lack of need for a new Convention that would differ little from the existing Paris Convention, as well as the limited development of the aviation industry at that time, which made international air traffic between the countries of the Iberian Peninsula and Latin America less relevant [4].

In early 1928 the Pan American Convention on Commercial Aviation (the Havana Convention) was signed in Havana with the participation of several countries of North and South America. The content of this Convention was similar to the provisions of the Paris Convention [5]. The institutional mechanism for cooperation defined by the Havana Convention was the Pan-American Union, an international organisation founded in 1890 to promote interaction between the United States and Latin American countries. Initially, the organisation was called the Commercial Bureau of the American Republics, and in 1948 it was transformed into the Organisation of American States (OAS) which continued its mission of promoting the regional cooperation and integration [1].

The World War II was a powerful impetus for the development of the aviation industry, in particular, the development of technology and the creation of an extensive network of passenger and cargo air services. In early 1944 the United States government initiated discussions with the Allied powers to develop an effective

strategy for the further development of the aviation industry. These preliminary discussions led to a meeting in Chicago in November 1944 resulted in the signing of the Convention on International Civil Aviation, also known as the Chicago Convention [6]. The Chicago Convention entered into force on April 4<sup>th</sup>, 1947 and became a fundamental document that laid the foundations for the regulation of international civil aviation and the promotion of its development in the post-war period. One of the key provisions of the Chicago Convention is the recognition of the full and exclusive sovereignty of each country over the airspace above its territory. The International Civil Aviation Organisation (ICAO) based in Montreal, Canada, was founded on the basis of the Chicago Convention.

A key aspect of the ICAO's success is its cooperation with other universal intergovernmental international organisations, including the International Maritime Organisation, the International Telecommunication Union, the World Meteorological Organisation, the Universal Postal Union and the International Air Transport Association.

In general, the international organisations cooperate through various mechanisms which typically includes the exchange of information, the development and implementation of common standards and guidelines, as well as conferences and meetings to discuss the topical issues related to the new global challenges. For example, in the context of the Covid-19 pandemic, the ICAO and the World Health Organisation have been working together to develop the international standards and recommendations related to aviation security and the protection of passengers and crew in a pandemic. Through the collaboration of these international organisations, recommendations for health and security on board aircraft, as well as measures to reduce the risk of infection transmission, are developed and continuously updated [1].

**Conclusions.** As a conclusion, we should note that in the context of historical development the international intergovernmental organisations played a key role in the initial stages of building the institutional structure in the aviation industry. Considering the issue of improving the cooperation and interaction between international organisations, the following measures could be considered: increasing the information exchange, which will ensure the effective information exchange between different international organisations to respond quickly to new challenges and threats; joint development of standards, which will strengthen cooperation in the development and implementation of the international standards and regulations to ensure the unified system of security and efficiency; creation of effective mechanisms for responding to emergency situations, including the development of joint action plans and mechanisms for rapid response to crisis situations, such as pandemics or terrorist threats; engagement of countries and industry players in order to ensure active participation of countries and industry representatives in the work of international organisations to take into account various interests and needs; etc.

## References

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