

# **INTERNATIONAL AIR LAW**

TB 201 Airline business and ticketing

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# WHAT IS AIR LAW?

- It is a branch of law that is concerned with air transport operations, and all the associated legal and business concerns. This is a series of rules that governs the use of airspace for aviation, and its benefits for the general public and the nations of the world.
- The first attempt to set the air law was made around 1910, when German air balloons repeatedly trespassed over French territory. The French government wanted both the governments to come together to form an agreement to resolve the problem. The Paris Conference of 1910 was in favor of the sovereignty of states in the space above their territories.
- It started developing further when after the World War I, the first scheduled flight from Paris to London took its first flight in 1909.

# PUBLIC INTERNATIONAL AIR LAW: CHICAGO CONVENTION

- A Convention on International Civil Aviation was signed at Chicago on 7th December, 1944. It established specific principles in order to develop international civil aviation in a safe and orderly manner. It also ensures that international air transport services are established on the basis of fair opportunity for participating countries.

- The convention formed the International Civil Aviation Organization (ICAO), the Canada-based agency of the United Nations. It sets the principles of international air navigation and works to:
- Ensure a well-ordered growth of international civil aviation throughout the world.
- Encourage aircraft design and operation for peaceful and constructive purposes.
- Promote the development of airways, airports, and air navigation facilities for international civil aviation.
- Meet the safety, regularity, efficiency, and economical air transport needs of the people around the world.
- Prevent unplanned economic decisions and in turn waste.
- Ensure that each Contracting State has an opportunity to operate international airlines.
- Encourage flight safety in international air transport.
- Foster the development of all aspects of international civil aviation.

# INTERNATIONAL AIR LAWS

- **Public International Law** It refers to the process which binds the states and international organizations to agreements with respect to their aviation activities. The activities may be among various problems of political, technical, economical, financial, social or legal nature. For example, the Chicago Convention, the Geneva Convention, and some international conventions.
- **Private International Law** It is the series of rules pertaining to the relations between private persons involved in the operation and the use of aircraft. It applies to the travelers and airline staff. For example, the Tokyo Convention frames the prohibition of unlawful acts committed on the aircraft.
- **Supranational Law** It is a law that a higher body can impose with legal force on one or more states. For example, EU air laws.

# INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

- ICAO consists of an Assembly of representatives from the contracting states, a Council of governing bodies out of various subordinate bodies, and a Secretariat. The chief officers are the President of the Council and the Secretary General. ICAO conducts meeting every three years to discuss about the work and to set future policies.
- The suggestions, standards, and recommendations are amended by the convention. ICAO identifies nine separate geographical regions to plan the provision of air navigation facilities and on-ground services the aircrafts require for flying in these regions.

- There are five different freedoms of the air. The first two are technical freedoms followed by three commercial freedoms:
- First Freedom: The right of aircraft from State A to overfly State B without landing.
- Second Freedom: The right of aircraft from State A to land in State B for technical reasons.
- Third Freedom: The right of aircraft from State A to accept paying traffic from State A and put it down in State B.
- Fourth Freedom: The right of aircraft from State A to pick up paying traffic in State B and put it down in State A.
- Fifth Freedom: The right of aircraft from State A to take paying traffic from State B to State C.

# CONCERNS IN AVIATION

- Any public transport relies on planetary resources, which are finite. Aviation cannot assume a long term sustainability as it also relies on those finite resources such as fuel.
- Latest technology is aiding today's aircrafts to fly efficiently over long distances. The demand of air transport around the world is increasing because of the improvement in the lifestyle. In the bargain, the society and the nature needs to pay the price, accept some drawbacks such as noise, pollution, and use of resources.



# SOCIAL CONCERNS OF AVIATION

- Noise is the prime environmental challenge for aviation. Though it does not leave a permanent impact on the environment, people living near the airports are subjected to communication interference, insomnia, and deafness. The students show problems in learning acquisition and the patients in the nearby hospitals show have to face physiological impacts because of the noise.
- It is observed that the aircraft flying at least 10,000ft high above the ground does not produce significant noise.

# ENVIRONMENTAL CONCERNS OF AVIATION

- Aircraft engines operate by combusting fuel to a great extent. Due to the emission produced by fuel combustion, the quality of air around few kilometers of the airport gets affected significantly. It is about 3km up at the time of departure and 6km down at the time of landing the air quality is hampered. In addition, the baggage and food carts moving on the taxiway produce smoke if not maintained well.

# CONTRIBUTION OF AVIATION TO CLIMATE CHANGE

- Climate change is the alteration in average weather conditions that a given region undergoes. It involves consideration of various factors such as temperature, storm frequency, winds, and rains. Aircrafts emit greenhouse gases such as Carbon Dioxide (CO<sub>2</sub>). They also emit water vapor, which traps chemically active gases that change the natural greenhouse gases Ozone (O<sub>3</sub>) and Methane (CH<sub>4</sub>).