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## **New Directions in Air Transport Economics and Policy: A Critical Examination of State Submissions to the 42<sup>nd</sup> ICAO Assembly**

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### **Abstract**

The liberalization of international air transport remains a cornerstone of the International Civil Aviation Organization's mandate, yet its operationalization continues to present complex legal, economic, and policy challenges. This article critically examines the submissions of three Member States—the United Kingdom, Brazil, and the Republic of Korea—presented to the 42nd ICAO Assembly, each proposing innovative frameworks to advance liberalization while ensuring equitable participation and economic development. The United Kingdom advocates the transformation of the Template Air Services Agreement into a dynamic, multi-option “toolbox” to guide negotiators and harmonize diverse national policies. Brazil situates liberalization within a broader developmental context, emphasizing cross-cutting integration of economic objectives across ICAO workstreams to support capacity-building, inclusivity, and sustainable growth. The Republic of Korea highlights the necessity of standardized indicators to monitor fair competition and safeguard consumer welfare in increasingly complex global air transport markets. Drawing upon the Preamble to the Chicago Convention, the article analyses these proposals through epistemic and teleological lenses, assessing their normative coherence, operational feasibility, and potential to reconcile sovereignty with collective progress. Ultimately, this article offers constructive insights for ICAO's evolving

role in fostering liberalization that is economically sound, socially inclusive, and legally robust.

Keywords: Air Services Agreements, air transport liberalization; Chicago Convention; economic development; fair competition; ICAO; international civil aviation

## **1. Introduction**

The evolution of international civil aviation is inseparable from the interplay between national sovereignty, collective regulation, and the imperatives of liberalization. From the first tentative agreements between States in the early twentieth century to the codification of principles in the Chicago Convention of 1944, the trajectory of global air transport has been shaped as much by legal imagination as by economic pragmatism. In this light, the 42nd Session of the ICAO Assembly, convened from 23<sup>rd</sup> September to 3<sup>rd</sup> October 2025, represents not merely an administrative or procedural event, but a moment in which Member States have the opportunity to reflect upon, reassess, and recalibrate the foundational principles that continue to govern their interactions in the air. The following discussion, focusing on key submissions of three ICAO member States, seeks to undertake a critical, analytical, and teleologically informed examination of their submissions—namely those of the United Kingdom, Brazil, and the Republic of Korea—each of which illuminates distinct dimensions of liberalization while collectively advancing the vision articulated in the Preamble of the Chicago Convention<sup>1</sup>.

At its core, liberalization of air transport encompasses more than the expansion of market access or the elimination of restrictive bilateral measures. It represents a normative project, a legal and policy-oriented aspiration to reconcile the competing claims of sovereignty, economic development, and equitable opportunity. The Preamble to the Chicago Convention<sup>2</sup> eloquently encapsulates these objectives, emphasizing the avoidance of economic waste, the promotion of equality of opportunity, and the facilitation of orderly and sustainable development of international air transport. Yet, nearly eight decades after the Convention's adoption, the realization of these aspirations is neither automatic nor self-evident. Contemporary challenges—ranging from market asymmetries, technological disruption, and environmental imperatives to geopolitical volatility and disparities in State capacity—require a nuanced, multifaceted approach that moves beyond simplistic binaries of liberalization versus protectionism.

This article argues that the three State submissions under review collectively exemplify the evolving conceptual and practical frameworks through which ICAO can operationalize liberalization in a manner consonant with both legal principle and

developmental justice. The United Kingdom's submission<sup>3</sup> foregrounds the necessity of flexible and responsive regulatory instruments, particularly through the proposed transformation of the Template Air Services Agreement into a dynamic, multi-option "toolbox." The British approach emphasizes that regulatory innovation is essential to accommodate the diversity of national circumstances and the sophistication of contemporary air transport networks, including the proliferation of airline alliances, joint ventures, and code-sharing arrangements. Implicit within this proposal is a normative assertion that ICAO's role should extend beyond passive observation to the proactive shaping of instruments capable of guiding States toward sustainable liberalization. Such an approach, epistemically grounded in the recognition of regulatory asymmetries and teleologically aligned with the Convention's commitment to equality of opportunity, underscores the interplay between law, policy, and economic strategy in the modern aviation ecosystem.

In contrast, Brazil's submission<sup>4</sup> situates liberalization within the broader context of national and regional development. Here, liberalization is not an end in itself, but a vehicle through which economic growth, social integration, and institutional capacity-building can be realized. Brazil contends that liberalization divorced from development risks perpetuating inequality and engendering asymmetries that undermine both market efficiency and the equitable distribution of opportunity. Accordingly, the Brazilian proposal advocates for the integration of economic development into the full architecture of ICAO's functions, emphasizing the necessity of cross-cutting strategies that link technical standards, capacity-building, consumer protection, environmental responsibility, and regulatory harmonization. From a teleological perspective, this approach reflects a deeply humanistic understanding of air transport: the sector is not merely a network of markets and routes, but a means of connecting peoples, fostering national resilience, and facilitating global participation. In this sense, Brazil's submission situates liberalization as an instrument of justice and inclusion, consonant with the Convention's dual imperatives of equality of opportunity and the sound development of international air transport.

The Republic of Korea<sup>5</sup>, meanwhile, draws attention to the procedural and normative dimensions of liberalization, specifically the need for transparency and fairness in competitive practices. While the expansion of market access is critical, it is insufficient if market participation is neither equitable nor governed by common principles of fair competition. Korea's proposal for the development of standardized indicators of fair competition reflects a sophisticated understanding of the operational and normative challenges posed by diverse market structures, State-owned enterprises, subsidy regimes, and regulatory disparities. By advocating for empirical metrics rather

than prescriptive rules, Korea advances a framework that respects national sovereignty while fostering trust, predictability, and accountability. Such a framework is instrumental in ensuring that liberalization operates as a mechanism for cooperation rather than domination, thereby reinforcing the foundational goals of the Chicago Convention and mitigating the structural disadvantages that might otherwise inhibit meaningful participation by less-resourced States.

Taken together, these three submissions illuminate complementary dimensions of liberalization: regulatory innovation, developmental integration, and competitive fairness. They underscore the recognition that liberalization is not a uniform process but a constellation of interdependent strategies, each addressing discrete challenges while contributing to the larger objective of equitable and sustainable air transport. From a jurisprudential standpoint, the submissions highlight the dual character of ICAO's mandate: to respect the sovereignty of individual States while simultaneously nurturing the conditions necessary for collective progress. They reflect an understanding that legal instruments, policy frameworks, and institutional practices are not static; they must evolve to accommodate technological advancements, environmental imperatives, and shifting global economic landscapes. Moreover, they affirm that the realization of liberalization is contingent not solely upon formal agreements or aspirational language but upon the careful orchestration of instruments, strategies, and cooperative mechanisms that enable all States to benefit meaningfully from participation in global air transport markets.

Epistemically, the submissions are assessed not only for their stated objectives but for the underlying assumptions, methodological frameworks, and practical implications they embody. Teleologically, the analysis situates each proposal within the overarching purpose of international civil aviation governance: to balance sovereignty with cooperation, to harmonize economic efficiency with social and developmental justice, and to ensure that the liberalization of air transport serves as an instrument of shared prosperity rather than unilateral advantage. By examining these submissions in concert, the article seeks to draw out their normative coherence, their operational feasibility, and their potential to guide ICAO toward the realization of the principles enshrined in the Preamble to the Chicago Convention<sup>6</sup>.

It is important to emphasize that the following discussion does not merely summarize or catalogue the content of the State submissions. Rather, it offers a critical engagement with the conceptual, legal, and operational dimensions of liberalization as reflected in the submissions. It interrogates the ways in which each proposal addresses structural asymmetries, fosters cooperative capacity, and aligns with the broader objectives of equitable access, sustainable development, and orderly growth. It situates

these proposals within the historical and doctrinal context of the Chicago Convention, while also projecting their relevance to contemporary and future challenges in international civil aviation. In doing so, the article seeks to provide a coherent framework through which ICAO, its Member States, and the broader aviation community can conceptualize, operationalize, and sustain liberalization as both a legal and a policy imperative.

Thus, this article serves as both an analytical lens and a normative guide. By critically examining the submissions of the United Kingdom, Brazil, and the Republic of Korea, the article lays the groundwork for a nuanced, teleologically informed discussion of liberalization in international air transport, bridging the realms of law, policy, and economic strategy. In its subsequent sections, the article will delve into each submission in detail, highlighting their distinctive contributions, exploring their implications for the global air transport system, and considering how their recommendations can be synthesized to advance the enduring promise of the Chicago Convention.

## **2. The United Kingdom Recasting TASA as a Dynamic Multilateral Instrument**

The submission of the United Kingdom<sup>7</sup> to the 42nd Session of the ICAO Assembly is a reminder that in international civil aviation, regulatory structures do not merely mirror the evolution of industry—they are active agents in shaping the direction, temper, and legitimacy of that evolution. The United Kingdom, with its long history as both an architect and custodian of global civil aviation thinking, approached the Assembly with a level of conceptual clarity and institutional self-awareness that demands close examination. What the United Kingdom sought was not the mere refinement of a working paper but the renewal of a normative instrument—the Template Air Services Agreement (TASA)—that has long existed in a liminal space between soft law and diplomatic reference tool. Its proposal was grounded in the view that the TASA, in its current form, has become an artefact of a bygone regulatory age, anchored in conceptions of air transport sovereignty and bilateralism that no longer reflect the complex, dynamic, and interdependent nature of contemporary air transport markets.

The United Kingdom's Working Paper argued that the TASA, rather than serving as a static template, should be transformed into a versatile “regulatory toolbox”—a concept that subtly but unmistakably shifts the TASA from an observational instrument into a practical facilitator of liberalization. By urging the Assembly to mandate the Air Transport Regulation Panel's Working Group 4 (ATRP WG/4) to undertake this transformation, the United Kingdom made it clear that the TASA should become a more agile instrument, capable of assisting States with diverging levels of regulatory

maturity, economic capacity, and market ambition. In unequivocal terms, the paper requested that ICAO: (1) mandate ATRP WG/4 to redesign TASA as a multi-option regulatory toolbox; (2) require a full project plan by mid-2026 complete with drafting pathways and implementation considerations; and (3) encourage Member States to engage substantively with the redesign process to ensure that the instrument reflects global, rather than regional or ideological, realities.

Although framed in the neutral and diplomatic style that characterizes ICAO's working culture, the United Kingdom's proposal is epistemically bolder than it appears at first glance. Historically, the TASA has been treated as a document meant to capture existing bilateral practice rather than direct it. But the proposal implicitly contends that ICAO should not limit itself to a passive descriptive role but instead exercise normative influence—guided by the Chicago Convention's Preamble and its aspiration to foster “equality of opportunity” and the “sound development of international air transport.” Within this teleological framework, the United Kingdom suggests that the TASA should offer differentiated options, providing States with pathways for incremental or ambitious liberalization depending on their readiness, strategic posture, or domestic regulatory constraints.

The rationale underpinning the British argument is shaped by several contemporary realities. First, the rise of multinational airline alliances, joint ventures, cross-border investment structures, and complex code-sharing arrangements has broadened the definition of what constitutes an air services agreement. The TASA, frozen in a template era of reciprocal traffic rights and basic operational clauses, does not speak adequately to these developments. Second, the aviation sector is increasingly interlaced with environmental obligations, technological transitions, digitalization, and evolving concepts of passenger rights. These elements demand that States consider not only commercial freedoms but the broader ecosystem within which those freedoms are exercised. Third, the European context, within which the United Kingdom participated for decades and from which it now stands apart post-Brexit, has demonstrated that market liberalization is not merely a set of negotiated freedoms but a dynamic regulatory process requiring monitoring, alignment, and periodic recalibration.

The United Kingdom therefore situates TASA reform at the intersection of sovereignty, cooperation, and regulatory foresight. It recognizes that while air transport remains structurally dependent on bilateral agreements—a reality that will not soon vanish—the multilateral character of the global economy necessitates tools that transcend bilateral rigidities. The proposed “toolbox” approach is thus an attempt to reconcile the bilateral pedigree of air transport with the multilateral discipline of coherent regulatory design. It provides States with pathways, models, and guidance to

facilitate progressive liberalization while allowing ICAO to remain the impartial mediator of global standards and expectations.

In essence, the British proposal is an invitation for ICAO to reclaim a leadership role in shaping the future of commercial aviation. Rather than permitting liberalization to unfold through patchwork bilateralism, competitive unilateralism, or regionally bounded ideological models, the TASA toolbox would function as a structured, equitable, and globally vetted instrument. In this sense, the proposal reflects a jurisprudential commitment to balancing the sovereign prerogative with the collective good, a theme that sits at the heart of the Chicago Convention and the broader ethos of international civil aviation.

### **3. Brazil: Economic Development as an Integrative Lens for Liberalization**

The submission of Brazil<sup>8</sup> to the 42nd ICAO Assembly reflects a markedly different philosophical posture, one grounded in the belief that the path to fair and meaningful liberalization must be anchored in the economic aspirations, developmental imperatives, and institutional capacities of States. While the United Kingdom focused on the transformation of a specific instrument, Brazil's Working Paper sought to reframe ICAO's approach to air transport from a more holistic and systemic perspective. In doing so, Brazil challenged not only the mechanics of ICAO's economic regulatory frameworks but the underlying assumptions that inform them. It drew attention to a truth that often goes unspoken in global aviation governance: liberalization without development is an empty promise; development without integration is structurally impossible.

Brazil's core proposal was deceptively simple: the Strategic Goal on Economic Development of Air Transport must not remain a siloed aspiration but should instead be woven into the full spectrum of ICAO's regulatory, technical, and policy functions. In concrete terms, Brazil requested the Assembly to: (1) instruct the ICAO Council and Secretariat to adopt a cross-cutting implementation plan that integrates economic development across all dimensions of ICAO's work; (2) incorporate developmental perspectives into technical standards, safety initiatives, consumer protection frameworks, data governance policies, and environmental strategies; and (3) ensure that the Consolidated statement of continuing ICAO policies in the air transport field explicitly and comprehensively reflects these integrated approaches.

Underlying these requests is a profound teleological argument. For Brazil, economic development is not merely one of several goals but the conceptual backbone that supports liberalization, market access, and equity. Without development, the very notion of "equality of opportunity"—one of the Chicago Convention's most cherished

principles—becomes a hollow rhetorical device. Developing States cannot meaningfully participate in global markets, negotiate equitable air services agreements, or implement complex fair-competition mechanisms if their air transport sectors are structurally disadvantaged. For this reason, Brazil insists that ICAO's economic mandate cannot be confined to a narrow domain of bilateral negotiation templates or non-binding policy statements. Instead, it must encompass the full architecture of civil aviation governance, including technical assistance, capacity-building, regulatory harmonization, training, data systems, and the telematic infrastructures that support market transparency.

Brazil's submission is also a critique—albeit a diplomatic one—of ICAO's historical tendency to fragment its work across numerous committees, panels, working groups, and specialized domains. This institutional fragmentation, while often procedurally necessary, has resulted in silo effects that obscure the interconnectivity of the air transport system. Liberalization is treated as an economic issue, safety as a technical issue, environmental protection as an ecological issue, and consumer rights as a policy issue. Brazil challenges this compartmentalization by arguing that sustainable liberalization demands a systemic approach. Safety, for instance, cannot thrive without economic stability; consumer protection loses meaning without viable markets; environmental aspirations are diminished by underdeveloped technological and operational capacities. In this sense, Brazil's submission resonates with a jurisprudential tradition that views legal and institutional structures as integrated frameworks rather than discrete regulatory compartments.

Furthermore, Brazil's proposal reflects a deeply humanistic understanding of air transport as a catalyst for national development, social integration, and global participation. Brazil's own aviation history—marked by periods of rapid expansion, technological investment, domestic market restructuring, and eventual integration into global commercial networks—provides a living example of the benefits and challenges of combining liberalization with development. In positioning economic development as the central axis of ICAO's work, Brazil is not advocating for protectionism or for a retreat from market liberalization but rather for the creation of conditions that allow all States to benefit from liberalization in a manner that is equitable, sustainable, and aligned with the common good.

From a teleological perspective, Brazil's proposal reflects the Chicago Convention's call to ensure that international air transport “may be developed in a safe and orderly manner” and operated “soundly and economically.” These aspirations require that liberalization be grounded in fairness, capacity-building, and inclusive



participation—precisely the elements that Brazil identifies as essential to the future of ICAO’s economic regulatory agenda.

#### **4. The Republic of Korea Standardizing Fair Competition for Transparency and Trust**

The Republic of Korea’s submission<sup>9</sup> to the 42nd ICAO Assembly addressed one of the most contentious and persistent issues in international air transport: fair competition. Unlike safety standards or technical specifications, which derive from established scientific principles and empirical testing, fair competition sits at the intersection of economics, law, sovereignty, and geopolitics. Its interpretation varies widely among States, shaped by differences in market structure, the role of State-owned enterprises, subsidy regimes, national industrial policies, and degrees of regulatory sophistication. In this environment, Korea’s proposal to develop standardized monitoring indicators for fair competition is both timely and pragmatic.

In its Working Paper<sup>10</sup>, Korea requested that the Assembly: (1) mandate ICAO to develop universal and transparent indicators for monitoring fair competition in international air transport; (2) encourage States to share best practices in implementing fair-competition provisions within their national and bilateral frameworks; and (3) consider integrating these indicators into future revisions of the Global Air Transport Policy (GATP). The essence of this proposal is not the imposition of new rules but the establishment of a common lexicon for assessing how States interpret, apply, and uphold the principles of fair competition.

The need for such indicators is rooted in several contemporary developments. Global air transport markets are characterized by asymmetrical competition between privately owned airlines, State-owned carriers, hybrid corporate structures, and airlines operating under varying degrees of regulatory oversight. Subsidies, preferential airport access, differential slot allocations, disparities in tax regimes, and variations in labour standards complicate the competitive landscape. The absence of uniform indicators means that accusations of unfair competition often arise not from clear violations but from divergent interpretations of what constitutes competitive equity.

Korea’s proposal attempts to inject objectivity into this discourse by providing measurable criteria that can serve as reference points. Such indicators, if properly designed, would enhance transparency, reduce misunderstandings, and create a baseline for policy dialogues. Importantly, the proposal respects State sovereignty. Unlike previous efforts to impose mandatory fair-competition provisions—efforts that have repeatedly faltered due to political resistance—Korea’s approach relies on empirical assessment rather than legal prescription. It enables ICAO to serve as an honest broker rather than an enforcement body.

The jurisprudential value of Korea's submission lies in its recognition that fair competition is essential for meaningful liberalization. Liberalized markets require trust, and trust requires transparency. Inconsistent interpretations of fair competition create an uneven playing field that discourages States from engaging in progressive liberalization. By contrast, standardized indicators would encourage States to adopt common principles, share data, and use comparable methodologies when assessing compliance. These indicators would not only support bilateral negotiations but strengthen ICAO's role as the custodian of global air transport's normative architecture.

From a teleological standpoint, Korea's proposal strengthens the Chicago Convention's commitment to equality of opportunity. Without fair competition, equality of opportunity is unattainable. And without equality of opportunity, liberalization becomes a vehicle for dominance rather than a tool for shared growth. Korea's Working Paper therefore positions fair competition not as a constraint but as an enabling condition for the kind of orderly, cooperative, and balanced international air transport system envisioned by the Convention's founders.

## **5. Conclusion**

When considered together, the submissions of the United Kingdom, Brazil, and the Republic of Korea constitute an intricate and mutually reinforcing framework that illuminates the trajectory of liberalization in international civil aviation. Each contribution addresses a distinct dimension of the liberalization process—regulatory flexibility, integrative economic development, and the safeguarding of competitive equity—yet all are united by a shared aspiration to reinvigorate the promise of the Chicago Convention within a global context vastly more complex and interconnected than that envisaged by the drafters in 1944.

The Preamble to the Chicago Convention articulates enduring principles: to prevent economic waste, to ensure equality of opportunity, to foster safety and order, and to promote the sound development of international air transport for the benefit of all peoples. While these aspirations are timeless, the instruments and mechanisms for their realization must necessarily evolve. Liberalization should not be understood simply as the opening of markets; it must be conceived as the careful construction of a system in which market access, fair competition, safety, consumer protection, environmental sustainability, and equitable participation operate in harmonious balance.

The United Kingdom's proposal for a multi-option Template Air Services Agreement underscores the imperative of regulatory instruments that are flexible and adaptive, capable of accommodating diverse national circumstances while advancing progressive liberalization. Brazil's perspective situates liberalization within a broader

developmental lens, reminding us that meaningful liberalization can only flourish when the capacities, infrastructures, and institutions of all States are strengthened, rather than privileging those already positioned to thrive in competitive markets. The Republic of Korea's advocacy for standardized indicators to monitor fair competition highlights the critical role of transparency and trust, which are indispensable for sustaining liberalized regimes over time.

From these proposals, several constructive recommendations emerge for the advancement of liberalization in consonance with the Chicago Convention. First, ICAO should adopt a comprehensive liberalization framework that integrates regulatory flexibility, economic development, and competitive fairness into a coherent whole. Fragmented or isolated initiatives risk undermining the very coherence upon which successful liberalization depends and may erode the confidence of Member States in participating fully.

Second, ICAO must place sustained emphasis on the developmental needs of its members. Liberalization that neglects developmental asymmetries risks exacerbating inequalities and undermining international solidarity. Through targeted capacity-building programs, technical assistance, professional training, and collaborative funding mechanisms, ICAO can help establish the conditions necessary for meaningful engagement in global air transport markets, ensuring that all States can participate on a substantive and equitable basis.

Third, the deployment of clear, measurable, and reliable indicators is essential. Korea's proposal for fair-competition monitoring should be extended to encompass additional dimensions of liberalization, including market access, consumer protection, environmental performance, and the digitalization of aviation services. Indicators of this nature serve as critical instruments for evidence-based policy, promote transparency, and cultivate trust among Member States and stakeholders.

Fourth, consumer welfare and environmental sustainability must remain central to liberalization initiatives. Open and liberal markets cannot operate effectively without robust institutions, informed and protected consumers, and adherence to environmental accountability. Embedding these concerns within the liberalization framework ensures that progress is sustainable, socially responsible, and aligned with the broader objectives of international civil aviation.

Finally, ICAO must reaffirm the cooperative ethos that animates the Chicago Convention. Sovereignty remains the foundational pillar of international air law, but cooperation constitutes its vital animating principle. The successful liberalization of international air transport hinges on ICAO's capacity to facilitate dialogue, mediate

between diverse interests, and articulate shared objectives that respect both national prerogatives and collective goals.

Taken together, the submissions of the United Kingdom, Brazil, and the Republic of Korea chart a vision of liberalization that is neither a competitive race to the bottom nor a unilateral exercise of power, but a collective journey toward equity, opportunity, and sustainability. They challenge ICAO to reinterpret its foundational mandate in the context of contemporary global challenges, and to shape the future of international civil aviation with the same foresight, courage, and global vision that guided its founders in 1944. In doing so, ICAO can ensure that the world's air transport system functions not merely as a network of routes and markets, but as a bridge connecting peoples, economies, and cultures. When pursued thoughtfully, ethically, and inclusively, liberalization becomes a living testament to the enduring promise of the Chicago Convention: that the airways of the world, like the world itself, belong to all humanity.

## Endnotes

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<sup>1</sup> The Preamble to the Chicago Convention, in its last paragraph says: “*Recognizing that international air transport services should be established on the basis of equality of opportunity and operated soundly and economically, with due regard to the needs of the peoples of the world for safe, regular, efficient, and economical air transport, and for the orderly growth of international civil aviation, we, the Governments represented at this Conference, hereby agree on the following principles and arrangements for the safe and orderly development of international civil aviation.*”

<sup>2</sup> Convention on International Civil Aviation, signed at Chicago on 7 December 1944, hereinafter referred to as the Chicago Convention. See 61 Stat. 1180, 15 U.N.T.S. 295, and ICAO Doc 7300, 9<sup>th</sup> Ed. 2006.

<sup>3</sup>A “TOOLBOX” TO HELP AIR TRANSPORT LIBERALIZATION, (Presented by the United Kingdom), 42-WP/89, EC/3 28/7/25. See also, CONTINUING WORK ON MARKET LIBERALIZATION EC/16 1/8/25 (Presented by Brazil and supported by 16 Latin American Civil Aviation Commission (LACAC) Member States), A42-WP/178, EC/16 1/8/25. In this paper the LACAC States contributed to the Consolidated Statement of Continuing ICAO Policies in the air transport field by analyzing the findings of ICAO's Survey on Barriers to Market Access and Foreign Investment in Airlines (State Letter Ref. No. 2025/10). The States contended that the survey reveals both the prevailing uncertainties among several States regarding the benefits of a Convention on Foreign Investment in Airlines and the recognition by a significant number of States that such a Convention would materially advance the development of international civil aviation. In light of these findings, the paper underscores the necessity for ICAO to persist in its work on this initiative. It invites the Assembly to acknowledge the survey results, recognize the constructive interest of States in promoting liberalization of airline ownership and control, and request the Council to continue developing a model instrument within the Template Air Services Agreement, thereby enabling willing States to operationalize liberalization measures and amending the Consolidated Statement of Continuing Policies to reflect this progressive agenda in international civil aviation.

<sup>4</sup> See A CROSS-CUTTING IMPLEMENTATION AGENDA FOR THE STRATEGIC GOAL OF ECONOMIC DEVELOPMENT OF AIR TRANSPORT (Presented by Brazil), A42-

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WP/141, EC/10 31/7/25. See also, NEED FOR ADDRESSING CHALLENGES TO EQUAL OPPORTUNITY IN INTERNATIONAL OPERATIONS (Presented by India), A42-WP/144, EC/13 31/7/25, where India submitted to the ICAO Assembly that enduring practices and artificial barriers at capacity-constrained airports which, despite existing bilateral Air Services Agreements, effectively subvert the principle of “equal opportunity” enshrined in the Chicago Convention, particularly undermining carriers from developing States. Current slot allocation regimes, coupled with non-tariff obstacles, render traffic rights nominal, contravening Article 44’s guarantee that each contracting State should have a fair opportunity to operate international airlines. In response, India advocated for ICAO to promulgate a regulatory framework ensuring equitable and transparent slot allocation, reforming entrenched grandfather rights, and fostering market access for developing-country carriers. Moreover, India’s paper requested the Assembly to direct the Air Transport Regulation Panel to produce specific guidance for States and request the Council to advise on competitive, non-discriminatory operational conditions at international airports, including fair ground-handling practices and flexible GSA arrangements, thereby operationalizing the Convention’s core principles of non-discrimination, fairness, and equal opportunity in contemporary international civil aviation.

<sup>5</sup> See PROPOSAL FOR THE DEVELOPMENT OF STANDARD MONITORING INDICATORS TO PROMOTE FAIR COMPETITION IN INTERNATIONAL AIR TRANSPORT (Presented by the Republic of Korea), at A42-WP/180, EC/17 1/8/25. See also, Ruwantissa Abeyratne, *Economics of air Law: Intersections of Commerce, Policy, and the Governance of the Skies*, Ethics International Press U.K., 2025, Chapter 7 on Market Access and Economics.

<sup>6</sup> For an in depth analysis see Ruwantissa Abeyratne, *Reading the Chicago Convention: From Originalism and Textualism to contemporary Relevance*, Ethics International press: U.K: 2024. This book posits that The Convention on International Civil Aviation (Chicago Convention) remains one of the most frequently misunderstood and misquoted multilateral treaties. Its language carries nuances that are at times ambivalent and challenging to interpret. Yet, after more than eighty years, it endures as a visionary instrument, offering insights into the past, present, and future of civil aviation when read through the lenses of originalism, textualism, and contemporary relevance. This work, by dissecting the Convention’s provisions to their essentials and presenting a coherent interpretation, serves both as an academic resource and a professional guide, enabling a deeper understanding of the treaty’s purpose and enduring significance.

<sup>7</sup> *Supra*, note 3.

<sup>8</sup> *Supra*, note 4.

<sup>9</sup> *Supra*, note 5.

<sup>10</sup> *Ibid.*