



# How the Chicago convention worked for the last 80 – From the Academia Perspective –

April 17, 2024

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# I . Introduction

- **Eighty years ago, during the height of World War II, representatives from 54 nations were invited to attend the International Civil Aviation Conference in Chicago.**
- **The Chicago Convention established the legal framework for the development of international civil aviation.**



# I . Introduction

- **Entry into force: 4 April 1947.**
- **Status: 193 parties.**
- **There was no Republic of Korea in the 52 countries signed**

Afghanistan Australia Belgium **Bolivia Brazil**  
Canada China **Chile Colombia Costa Rica Cuba**  
Czechoslovakia  
Denmark **Dominican Republic**  
**Ecuador** Egypt **El Salvador**  
France Greece **Guatemala Haiti**  
Iceland India Iran Iraq Iceland  
Lebanon Liberia Luxembourg Mexico  
Netherlands New Zealand **Nicaragua** Norway  
**Panama Paraguay Peru** Philippine Poland Portugal  
South Africa Spain Switzerland Syria  
Thailand Turkey  
United Kingdom United States of America **Uruguay**  
**Venezuela** Yugoslavia

# I . Introduction

- **The Chicago Convention has been revised several times, but its spirit and philosophy are still maintained today.**

## **Amendments made to the Convention**

Article 3 bis (non-use of weapons against civil aircraft in flight)

Article 45 (permanent seat of the Organization)

Article 48 a) (frequency of Assembly Sessions)

Article 49 e) (powers of Assembly relating to annual budgets)

Article 50 a) (composition and election of Council)

Article 56 (Membership of Air Navigation Commission)

Article 61 (budget and apportionment of expenses)

Article 83 bis (transfer of certification function and duties in cases of lease, charter, or interchange of aircraft)

Article 93bis (expulsion from the International Civil Aviation Organization or suspension of membership in it); and the final paragraph, adding Russian to the authentic texts of the Convention

# I . Introduction

- Article 3 bis (non-use of weapons against civil aircraft in flight)
- The amendment of this article is the only case that played a decisive role in the accident of the Korea-registered aircraft.
- Since then, the number of interception accidents of fighter jets against civilian aircraft has been significantly reduced.



## II. Chicago Convention and the Republic of Korea

- **Ratification of the Chicago Convention by the Republic of Korea**
  - Date of deposit of the instrument of ratification or notification of adherence: 11 November 1952
  - The Korean War was fought between North Korea and South Korea from 1950 to 1953.
- **The ratification of the Chicago Convention despite the war indicates how much the Republic of Korea recognizes the importance of the Chicago Convention.**



## II. Chicago Convention and the Republic of Korea

- Chapter 1, Article 1 of the Aviation Safety Act of the Republic of Korea clearly states that it complies with the Chicago Convention Convention.

### **AVIATION SAFETY ACT [Enforcement Date 19. Oct, 2023.] [Act No.19394]**

#### CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to prescribe methods for safe and efficient navigation of aircraft, the obligations of the States, air operators, etc., and other matters in accordance with standards adopted and methods recommended by the **Convention on International Civil Aviation and Annexes** to the aforesaid Convention.



## II. Chicago Convention and the Republic of Korea

- Various aviation-related academic societies are actively work in the Republic of Korea
- Among them, the most related to the seminar is the **Korea Society of Air & Space Law and Policy**
- More than 300 scholars, lawyers, and legal representatives serve as members
- Publishing a paper book three times a year
- Conduct presentations and discussions by holding academic conferences twice a year

### III. 80 years ago, it's still very effective today

- The review of UAVs, which have only recently been rapidly developed, and the concepts were already reflected in the Chicago Convention 80 years ago.

#### **Article 8 Pilotless aircraft**

No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization.



### III. 80 years ago, it's still very effective today

- Pandemic 19 was the biggest impact event in the history of air transport.
- The COVID-19 pandemic has caused an unprecedented crisis for the air transportation industry, affecting millions of aviation users and stakeholders.
- It requires a useful framework for a coordinated global response to future disease outbreaks



### III. 80 years ago, it's still very effective today

- Global Pandemic was predicted 80 years ago

#### **Article 14 Prevention of spread of disease**

Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international Convention on this subject to which the contracting States may be parties.

## IV. For a new era to come

- Remove barrier

- Airline Substantial Ownership and Effective Control
- The “Nationality clause” criterion has been used since the 1940s.
- Over the past decades, liberalization, privatization and globalization have significantly changed the air transportation industry.
- States can liberalize airline ownership and control through various means.
- ICAO can initiate the development of an international agreement for States to liberalize airline ownership and control.

## IV. For a new era to come

- Remove barrier

- Liberalization of In International Civil Aviation
- Market Access
- Multilateral Convention
- Inter-regional Air Transport Agreement

## IV. For a new era to come

- **Remove barrier**

- Aviation consumer protection is important for the development of the aviation industry.
- The trend of selling and purchasing airline tickets is electronic.
- There are various players such as airlines, ticket sales agencies, travel agencies, and consumers.
- Consumer damage is also caused by the collision between the E-Commerce Act and the Aviation Business Act
- ICAO-level rule-making on electronic transactions of airline tickets is expected to be an important step forward for consumer protection

## IV. For a new era to come

- **Advanced Technology**

The Chicago Convention to Stop the Spread of Epidemics is a very important concept

However, in the face of a global pandemic such as COVID-19, air transport industries were very helpless, so we need additional solutions.

Non-contact technologies such as facial recognition are critical to preventing the spread of infectious diseases.

The development of these contactless technologies and the spread of their applications through ICAO are very important.



## IV. For a new era to come

- **Advanced Technology**

- **Artificial Intelligence**
- New techniques using AI are now beginning to be used in many parts of society.
- Attempts are being made to allow robots equipped with AI to perform repetitive and simple tasks instead of humans.



## IV. For a new era to come

- **Advanced Technology**

- **Artificial Intelligence**
- These attempts are expanding into more complex and comprehensive fields, which we call Strong AI.
- Legislative activities are needed to ensure that the application of these advanced technologies in the aviation sector is applied safely and effectively.



## V. Conclusions

- 1. The Chicago Convention was created 80 years ago but is still very useful today.**
- 2. The Republic of Korea recognizes the importance of the Convention even during the war and ratified it.**
- 3. The Chicago Convention needs to be revised progressively to develop the air transport industry in an orderly and effective manner**
- 4. The development of the Chicago Convention requires ICAO, government, industry, and academic experts to work together**



**Thanks for your attention !**

**감사합니다.**

