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Aviation safety and ICAO

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Aviation safety is a global concern. While air transport is considered a safe mode of travel, it is susceptible to inherent risks of flight, the use of force, and terrorist acts. Consequently, within the framework of the International Civil Aviation Organization (ICAO), global efforts have been made to establish individual and collective responsibility of States to provide safety oversight, to refrain from the use of weapons against civil aircraft in flight, and to prevent and punish the acts of hijacking and sabotage endangering the safety of civil aviation. Some of the duties in this respect are emerging as obligations erga omnes, and all States have a legal interest in their observance. The current study is intended to analyze, from a legal point of view, the mandate of ICAO relating to aviation safety. It describes the contributions of ICAO to the global safety regime and mechanisms. At the same time, on the basis of the experience and lessons learned from the past, suggestions have been made to rationalize ICAO's quasi-legislative function and enforcement function, in order to enhance aviation safety through the rule of law.

Jiefang Huang (1956) is a Chinese national graduated from Wuhan University, China, and holds an LL.M. from McGill University, Canada. He conducted his Ph. D. research at the Institute of Air and Space Law, Faculty of Law, Leiden University, the Netherlands, under the supervision of Prof. dr. P. P. C. Haanappel. He currently serves as a Legal Officer of ICAO.

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