

Contents

1 Relevance of Aerodrome Planning	1
1.1 Importance of Aviation	1
1.2 Airport Development	1
1.3 Airport Planning	5
1.4 International Aviation Law	5
1.5 Definition of the Terms “Airport” and “Aerodrome”	7
1.6 Objective and Motivation	8
1.7 Book Overview	10
References	13
2 History of Aerodrome Planning	15
2.1 The Term “Aviation Law”	15
2.2 Beginning of International Aviation Law	16
2.3 Aerodrome Planning Within International Regulation	17
2.3.1 The Air Navigation Conference (Paris 1910)	17
2.3.2 The Paris Convention 1919	22
2.3.3 The Ibero-American Convention 1926	28
2.3.4 The Pan-American Convention 1928	30
2.3.5 Short Summary of Aerodrome Requirements in International Regulation Before the Chicago Convention	32
2.4 Aerodrome Planning Within National Regulation	33
2.4.1 National Legislation Dealing with Air Navigation	33
2.4.2 Germany	33
2.4.3 France	40
2.4.4 Italy	45
2.4.5 Other European States	46
2.4.6 United States of America	46
2.4.7 The Target of Establishing International Aerodrome Requirements	53
References	54

3 Chicago Convention and Aerodrome Planning	57
3.1 The End of World War II	57
3.2 The International Civil Aviation Organization	59
3.2.1 The Organisation	59
3.2.2 The Assembly	60
3.2.3 The Council	61
3.2.4 The Air Navigation Commission	61
3.3 Binding Effect of ICAO Regulations for States and Aerodromes	62
3.3.1 Adoption of International Standards and Procedures (Article 37)	62
3.3.2 Definition of SARPs	63
3.3.3 Deviation from Regulation (Article 38)	64
3.3.4 Legal Effect of SARPs	66
3.4 Aerodrome Planning in the Articles of the Chicago Convention	82
3.4.1 Prohibited Areas	82
3.4.2 Military Aerodromes Serving International Air Service	83
3.4.3 Landing at Customs Airport	83
3.4.4 Airport and Similar Charges	84
3.4.5 The Chicago Convention Allowing Operation of an Unsafe Aerodrome	86
3.4.6 The Chicago Convention Allowing Construction of an Unsafe Aerodrome	90
3.5 Aerodrome Planning in the Technical Drafts of the Annexes	93
3.5.1 Establishment of Provisions for Aerodromes	93
3.5.2 Development of the Technical Draft Annexes	94
3.5.3 Annex A: Airways Systems	95
3.5.4 Annex B: Communication Procedures and Systems	98
3.5.5 Annex C: Rules of the Air	99
3.5.6 Annex D: Air Traffic Control Practices	100
3.5.7 Aerodrome Regulation Between 1944 and 1951	100
3.5.8 The Paris Convention: A Better Role Model for Aerodrome Regulation	103
3.5.9 Practical Example of a Perfect Legal Aerodrome System	105
3.6 Amendment to the Chicago Convention in the Twenty-First Century	106
3.6.1 The Chicago Aerodrome System	106
3.6.2 Necessity of Amending the Chicago Convention	107
3.6.3 Draft for Amendments to Articles 37, 38, 69 and 70 of the CC	109
References	112
4 Development of International Aerodrome Regulation	115
4.1 ICAO Regulatory Framework	115
4.1.1 Annexes to the Chicago Convention	115
4.1.2 Procedure for Air Navigation Services (PANS)	121

4.1.3	Regional Supplementary Procedures (SUPPS)	124
4.1.4	ICAO Manuals	125
4.2	ICAO Legal Aerodrome System	127
4.2.1	Essential Aerodrome Planning Requirements	127
4.2.2	Additional Aerodrome Planning Requirements and Legal Considerations	137
4.3	ICAO Rulemaking Process: Analysis and Recommendations	139
4.3.1	Rulemaking Phases	139
4.3.2	Analysis of Parties Involved in the Rulemaking Process	143
4.3.3	Strengthen States' Role in the ICAO Rulemaking Process	152
4.4	Integration of International Law into National Legislation	164
4.4.1	Introduction	164
4.4.2	Relation Between International and National Law	165
4.4.3	Interaction Between International and National Law	166
4.4.4	Integration of the Paris- and the Chicago Convention into National Law	169
4.4.5	Applicability of International Law and the Chicago Convention	170
4.4.6	Adoption of ICAO Annex 14 into National Legal Framework	175
4.4.7	The Ideal Method to Integrate ICAO's Annex 14 into National Law	182
4.4.8	Dealing with Standards and Recommended Practices on National Level	185
4.5	Law Enforcement of Aerodrome Regulation	186
4.5.1	International Level	186
4.5.2	National Level	195
4.6	Aerodrome Certification	196
4.6.1	Purpose of Aerodrome Certification	196
4.6.2	Legal Questions Associated with Aerodrome Certification	198
	References	206
5	Establishment of a Legal Framework Through Performance-Based Regulation	211
5.1	Maintaining and Demonstrating Compliance	211
5.1.1	Development of the Universal Safety Oversight Audit Programme (USOAP)	211
5.1.2	The First and Second USOAP Cycle	213
5.1.3	Continuous Monitoring Approach (CMA)	215
5.1.4	Legal Questions Associated with USOAP	219
5.2	Performance-Based Regulation	227
5.2.1	ICAO's Perspective	227
5.2.2	ACI's Perspective	230

5.2.3	EASA's Perspective	231
5.2.4	Challenge with Regard to Performance-Based Regulation	233
5.3	Proposals for the Implementation of Performance-Based Regulation	238
5.3.1	Runway End Safety Area (RESA)	238
5.3.2	Jetblast	243
5.3.3	Further Application Areas for Performance-Based Regulation	248
	References	249
6	Final Results	251
6.1	Executive Summary	251
6.2	Recommended Actions	257
6.3	List of Hypotheses	259