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01/12/2009



European and North Atlantic Office

EUROPEAN AIR NAVIGATION PLANNING GROUP

FIFTY-FIRST MEETING

(Paris, 1 to 3 December 2009)

STATEMENT FROM GEORGIA

The attached letter from the Ministry of Economic Development of Georgia was addressed to Mr Roberto Kobeh González, President of the ICAO Council.

The EANPG is invited to note this information

საქართველოს
ეკონომიკური განვითარების
სამინისტრო



MINISTRY OF ECONOMIC
DEVELOPMENT
OF GEORGIA

№ 12/248

„30” 11 2009 წ.

To: Mr. Roberto Kobeh González
The President of the Council of the
International Civil Aviation Organization
999 University Street, Montréal,
Quebec H3C 5H7, Canada

Mr. President,

I would like to bring to your attention the resolving of one important issue related to the safety of the Air Traffic Management within Tbilisi FIR.

On behalf of the Ministry of Economic Development and the bodies involved in ensuring safety of Air Traffic Management, I would like to emphasize, that Georgia is fully supporting the activities of International Civil Aviation Organization and complies with Chicago Convention provisions and other international regulations requirements.

In 1994, Georgia became signatory party to the Chicago Convention (the entire civil aviation community is preparing for commemoration of its 65th anniversary). The 1st Article of Chicago Convention (sovereignty) states: “The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.” The Chicago Convention also states in Article 3 that “No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.”, and the territory “of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.”

All signatory parties to the Chicago Convention should observe the territorial integrity of Georgia, as recognized by the United Nations and the associated assigned airspace, where it holds the sole responsibility for the provision of safety to civil aviation activities.

It should be mentioned, that notwithstanding the fact that Georgian Air Navigation is investing significant financial efforts in implementing new high technologies and developing human resources, in order to ensure continuous and safe operations within Tbilisi FIR in full compliance with international civil aviation standards and recommended practices, a part of that airspace is closed to certain flight levels due to the fact that Georgian authorities cannot perform the safety oversight functions. In this respect, flights for all aircraft are prohibited since 2007 (from ground to flight level 280) over the territory of Abkhazia autonomous republic.

It is also well known that during the conflict between Russia and Georgia in August 2008, civil navigation infrastructure in Georgia has been severely damaged by the military aircraft strikes. The civil MSSR/PSR radar station located in the vicinity of the Tbilisi International Airport has been completely destroyed. This destruction endangered the safety of civil aviation operations, although it is worth mentioning that thanks to the support of the international community, immediate rehabilitation works were conducted; thus, currently the abovementioned infrastructure has been restored in a more advanced and reliable state.

After the occupation of Abkhazian and South Ossetian autonomous republics, which are integral parts of Georgia, although the airspace over Abkhazia is officially closed from ground to flight level 280, flights are performed to serve operations in Sokhumi Airport with the support of Russian Aviation Authorities. This is done by ignoring the Chicago Convention provisions and the closure of the airspace by the competent authorities. It is obvious that this type of unauthorized activities endanger safety of civil aviation.

We are of the opinion that Russian Aviation Authorities have no right to violate the Chicago Convention provisions, as a signatory party to it and this fact should be immediately addressed.

We hereby appeal to the ICAO Council, Member States and International Organizations (IATA, EUROCONTROL, ECAC etc.) to take action regarding the above-mentioned activities and call upon the airlines to fully comply with the international requirements.

Finally, I would like to use this opportunity to once again reaffirm our irrevocable support towards activities of International Civil Aviation Organization.

Yours faithfully,

Giorgi Karbelashvili
Deputy Minister

