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Abstract

Air Transport Law and Economics: A Paradigm Shift from Sovereignty to Equality of Opportunity

Ruwantissa Abeyratne

*DCL (McGill) PhD (Colombo), LLM (Monash), LLB (Colombo) FRAeS, FCILT
Former Coordinator, Air Transport Programmes and Senior Legal Officer,
International Civil Aviation Organization.*

The Seventh Worldwide Air Transport Conference (ATConf/7), to be convened by the International Civil Aviation Organization in November 2026, presents an opportunity to revisit the economic constitution of international civil aviation after a thirteen-year interval since ATConf/6. This article contends that the contemporary air transport industry has evolved far beyond the economic and political assumptions that informed the Chicago Convention of 1944, while its fundamental legal architecture concerning market access remains substantially rooted in State sovereignty and bilateralism. The resulting tension between Article 6, which preserves State control over scheduled international air services, and Article 44, which mandates ICAO to foster the planning and development of international air transport, reveals an unfinished economic constitution within the Convention. The article argues that the issue before ATConf/7 is therefore not simply whether liberalization should proceed, but whether sovereignty itself should acquire a more contemporary economic meaning. Sovereignty should remain the constitutional foundation of international civil aviation, but its exercise should increasingly be conditioned by transparency, proportionality, non-discrimination, competitive neutrality and equality of opportunity. The article proposes a transition from sovereignty conceived as unrestricted discretion to sovereignty understood as responsible stewardship, thereby reconciling national interests with the economic, technological and societal imperatives of a transformed global aviation system.

Keywords: air transport liberalization; ATConf/7; Chicago Convention; equality of opportunity; international aviation law; State sovereignty

*Editorial Office: Estey Journal of International Law and Trade Policy, College of Law,
University of Saskatchewan, 15 Campus Dr., Saskatoon, SK, S7N 5A6, Canada
Phone (306) 966-6879; email: estey.j.editor@usask.ca*