

National Interest and International Aviation

By Erwin von den Steinen

This is the first book of an author who has produced numerous studies and written many articles on civil aviation. As the author states at the outset, this is not an academic study, but rather a set of observations and findings based on general education and extensive experience gained as a consultant and expert on the impact of international relations on aviation. As such, the reader can look forward to a substantive discourse on an important area of civil aviation that is continuing to draw the interest of the international community.



A book review by Ruwantissa Abeyratne

With the exponential growth of the air transport industry, the significance of national interest in a global industry such as aviation has grown over the years. More importantly, recognition of national interests is entrenched in international treaties. This fact is explicitly reflected in article 6 of the Convention on International Civil Aviation, signed in Chicago on December 7, 1944. The provision effectively precludes scheduled international air services from being operated over or into the territory of a contracting state, except with the special permission or authorization of that state, and in accordance with the terms of such permission or authorization. This brings to bear the need to ask whether national interests bestowed by international treaty have to give way to a multilateral framework.

The author gets to grips with this question right at the outset of his work where, in the preface, he asks the question and answers it in the negative, stating that national interests will not, and should not, fade away. He gives four reasons for his position, all of which amply demonstrate his experience and knowledge in the field of international relations and aviation. To supplement his thesis, the author structures his analysis on six formative ideas which permeate through the book. This makes the text flow logically and allows the reader a sustained absorption of the author's line of thought.

A successful author has two approaches: focus on the central theme from the start; and chart a distinct course thereafter. This

is clearly shown in the preface where the author attenuates the key principles of change and adaptation and applies them to international aviation. This strong focus and direction makes for a robust introduction to the book and whets the reader's appetite.

Book discussion

The book comprises eight chapters starting with an introductory chapter that addresses the political angle of international aviation. The formative part of the first chapter on aviation and globalization discusses the overall effects of globalization with focus on the history of governance and the shaping of interests of nations in aviation. The historical analysis is both educative and invigorating and the introduction chapter has one of the best free flowing leads to a book detailing the politics of aviation and diplomacy I have come across. At the end of the chapter, the author deftly conveys the overall message, with logical reasoning, that national interest is defined by international relationships and challenges.

The second chapter on national relationships and international regulation takes the reader through the basics of air traffic rights, bilateral air services agreements and the issue of whether market access should be in a multilateral regime under the World Trade Organization and its Annex on Trading Services. This chapter refreshes the seasoned professional and serves the uninitiated as a reader-friendly and informative introduction. It is for this reason that I would prescribe this

book to my graduate students as compulsory reading for their course in Aero-political and legal Environment.

Chapter three leads the discussion on to national interest from a producer perspective, bringing to bear the roles played by key players in the aviation industry, such as airports and air navigation service providers. The link drawn between the component elements of the bilateral air services such as the Bermuda Principles and the pre-determination of capacity and operating subsidies would provide the reader with a sense of perspective with regard to national interest from the point of view of the producer. In this regard, the reader would find the discussion on protectionism particularly illuminating.

As one would expect, the fourth chapter focuses attention on the consumer. It starts with a discussion on the Airline Deregulation Act of 1978 of the United States and addresses consumer issues and the national interests in safeguarding consumer interests from the perspective of the United States. The historical study that follows is valuable, particularly in the context of discussions on competition, pricing, user charges and quality control.

The fifth chapter takes the reader across the Atlantic to a most important region. The role of the European Union, the Single European Sky, and the European Aviation Safety Agency, (EASA) all of which have an important bearing on

global aviation, are discussed in a manner that brings out the author's erudition and ability to convert complex issues into simple, readable text. Chapter six meshes the North Atlantic market from the perspective of the US and the EU. The importance of this chapter lies in the excellent discussion on regulatory convergence and the link to political overtones that have shaped the aviation history of the two regions. The two most important issues for the regions, namely market share and competition, are discussed against the backdrop of burgeoning low-cost carriers and investment in airlines. There is also an interesting discussion on London Heathrow, which gives the reader a broad picture of challenges faced by European and American airports.

The penultimate chapter addresses issues that emerge from global threats to aviation that might impact national interests. The reader is treated to some current issues regarding border clearance and the relationship between facilitation and security, which are not subjects usually found in books on aviation and policy. Of particular interest would be the discussion on pre-clearance. The chapter succeeds in putting emphasis on the importance of threat analysis as a critical

factor in national security and interest.

The concluding chapter, aptly termed "The Way Forward", clearly brings out the author's position that liberalization for the sake of opening the market has to be approached cautiously, while at the same time giving prominence to freedom and mobility. Finally, the author gives five recommendations towards a way forward, which makes for one of the many reasons that makes the book compelling reading.

Conclusion

The book has a respectable bibliography and serves its purpose as a sound introductory study to a complex issue. Although I would have liked to have seen some discussion on ownership and control of airlines and autonomous airports and air navigation service providers, which are critical national interest issues, the book is not rendered destitute of its effect as a valuable contribution to aviation literature in the absence of such discussion. There are a few citation errors in the footnoting, which are not serious, since, by the author's own admission, this is a non-academic work.

There are two kinds of writers: those that make you think, and those that make you

wonder. Through his book the author has shown that he is both types rolled into one. I commend this book to aviation lawyers, diplomats and students of aeropolitics and law.

About the authors

Erwin von den Steinen is an experienced policy analyst in the field of international aviation policy and regulation. Von den Steinen is the author of many articles in this field. He was director of the Office of Aviation Policy and Programs.

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