

CIVIL AVIATION AS POLITICAL CONTROL:  
**LEGALITY** OF FEDERAL INTERVENTION IN  
SOMALIA'S DOMESTIC AIR TRAVEL



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*Ahmed Kheir Osman*

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## 1. INTRODUCTION

On 1 March 2026, a Daallo Airlines flight departed from Aden Adde International Airport in Mogadishu carrying more than 120 passengers and was scheduled to land in Garowe, a city in northeastern Somalia. The flight attracted particular attention due to the presence on board of over (20) twenty Members of the Federal Parliament of Somalia who were reportedly boycotting a parliamentary sitting convened to deliberate upon, and potentially finalize, a contentious constitutional revision on Wednesday, 4 March 2026. It was alleged that the contemplated intervention in respect of the flight was motivated by an intention to prevent the concerned Members from absenting themselves from the sitting and thereby to secure their attendance (*A. Nor, 2026*)

In addition to the parliamentarians, the aircraft was scheduled, upon arrival in Garowe, to transport 140 pilgrims onward to the Kingdom of Saudi Arabia for the purpose of performing Umrah during the month of Ramadan. The passenger list further included civilians with no connection to the parliamentary dispute, among them a woman who had resided outside Somalia for approximately thirty-six years and had returned after transiting through multiple jurisdictions, reportedly intending to reunite with acquaintances after a prolonged absence.

On the same date, approximately thirty Members of the Federal Parliament representing constituencies in the State of Jubaland traveled separately from Mogadishu to Kismayo without incident or administrative obstruction. Although subsequent efforts were reportedly undertaken to direct the aircraft in question to return to Mogadishu, such measures proved ineffective, as the plane had already landed at its designated destination in Kismayo.

The instrumentalization of civil aviation for political purposes in Somalia has not been confined to a single episode. Over the past seven years, similar incidents have reportedly recurred within the country's fragile federal framework. A notable instance occurred in 2019, when Hassan Sheikh Mohamud and Sharif Sheikh Ahmed, both former Presidents at the time, were traveling together to Beledweyne and were reportedly exposed to security-related risks in circumstances widely perceived as politically motivated. (*Goobjoog, 2019*) The order giving rise to the travel restriction was attributed to the then sitting President, Mohamed Abdullahi Mohamed (commonly known as Farmaajo).

This episode intensified concerns regarding the safety, neutrality, and legal governance of domestic air transport in Somalia, particularly where executive authority intersects with political contestation.

The issuance of such directives has not been confined to the Federal Government of Somalia; comparable measures have also reportedly been undertaken by certain Federal Member States. On 11 July 2022, the current First Deputy Speaker of the House of the People, Saadiya Yasin Haji Samatar, whose electoral constituency is in Garowe, Puntland, was reportedly compelled to return to Mogadishu. The incident was understood to have arisen in the context of political disagreements with the leadership of Puntland (*SBC, 2022*).

The Members of Parliament who were returned yesterday had, during the preceding two years, consistently participated in the deliberations concerning the proposed constitutional amendments. They have, however, reportedly withdrawn their support after determining that their individual or political interests were no longer adequately accommodated within the reform process. Furthermore, a distinct group of Members who openly opposed the proposed amendments was prohibited from attending twelve parliamentary sittings. In total, twenty-six Members were excluded, following disturbances that arose during the proceedings.

## 2. Puntland Revokes Daallo Airlines License

The Ministry of Civil Aviation and Airports of the Puntland State of Somalia has formally issued a directive withdrawing the operating license of Daallo Airlines within Puntland's territorial jurisdiction. The decision was grounded on allegations that, on two separate occasions, the airline engaged in conduct deemed to have jeopardized the safety of public authorities and other individuals in Puntland. The revocation took effect on 1 March 2026, the same date on which the incident occurred.

The legality of Puntland's license revocation raises acute rule-of-law and aviation safety concerns. From a rule-of-law perspective, the legality of the measure depends on whether the revoking authority possessed clear statutory competence, adhered to due process requirements, and acted in accordance with principles of procedural fairness and proportionality (*Alexandra Flynn, 2024*). Administrative sanctions of this magnitude ordinarily require prior notice, disclosure of the factual basis for the decision, an opportunity for the affected party to respond, and a reasoned determination grounded in established legal standards. Where such safeguards are absent, the measure risks being characterized as arbitrary rather than lawfully exercised regulatory authority (*Australian Law Reform Commission, 2016*)

From an aviation governance standpoint, safety oversight must conform to internationally accepted standards developed within the framework of the International Civil Aviation Organization under the Convention on International Civil Aviation. These standards require that alleged violations be addressed through structured technical investigation, coordinated action among competent aviation authorities, and the protection of operational decision-making from political or non-technical interference. These standards are codified in the Standards and Recommended Practices (SARPs) adopted under **Article 37 of the Convention on International Civil Aviation** and contained in ICAO Annexes 1-19, particularly Annex 6 (Operation of Aircraft) and Annex 19 (Safety Management) among others (*Abeyratne, R. 2014*).

Under **Article 31 of the Civil Aviation Act 2020**, the Civil Aviation Authority (HDR) is required to implement the provisions set out in Annex 19 of the Convention on International Civil Aviation (ICAO), including the establishment and oversight of a Safety Management System (SMS) and the development of a Quality Management System (QMS) to ensure that aviation operations comply with applicable national aviation regulatory standards.

A prompt cancellation of an operating licence, imposed without a prior technical review, may compromise rather than enhance aviation safety oversight. Its legality must therefore be assessed in light of both domestic constitutional standards and Somalia's international aviation safety obligations. In this instance, a scheduled flight from Mogadishu to Garowe was reportedly ordered to return after departure and close to arrival, a mid-flight directive capable of disrupting established safety planning and generating avoidable operational risk for passengers and crew.

Under **Annex 6 (Operation of Aircraft), Part I to the Convention on International Civil Aviation** adopted by the International Civil Aviation Organization, operators are bound by mandatory safety obligations. These include the prohibition on simulating emergency or abnormal situations when passengers or cargo are on board and the requirement that crews use approved checklists during all phases of flight. These provisions ensure that commercial operations remain structured, technically grounded, and free from unnecessary risk. Pilots must follow formal procedures from pre-flight through landing in accordance with the aircraft flight manual (*ICAO, 2018*)

A further legality issue arises from conflicting commands. If the internationally recognized national aviation authority (Somalia's civil aviation administration) instructed the aircraft to return to Mogadishu, and the crew complied as a matter of operational control and safety oversight, Puntland's subsequent revocation apparently premised on that compliance places the operator in an impossible position: obeying one competent authority becomes the basis for sanction by another. This type of fragmented control is precisely what international aviation governance seeks to prevent, because it undermines predictability, safety oversight, and the integrity of licensing (*Hamid Kazemi, 2022*).

Once a flight has lawfully departed in compliance with approved manuals and checklist procedures, any sudden mid-flight directive issued by an external authority particularly one requiring reversal of course or deviation from the planned route may materially interfere with the structured safety framework mandated by Annex 6. (ICAO, 2018)

In 1944, at the height of the Second World War, the **Chicago Convention** affirmed that civil aviation should foster cooperation and mutual understanding rather than serve as a source of conflict between states. Although framed in the context of international relations, that principle is equally relevant within states facing internal political divisions (Sharon Petersen, 2024).

In Somalia's federal setting, civil aviation functions as a vital connective infrastructure linking citizens across regions, supporting trade, enabling humanitarian operations, and reinforcing national economic integration. When aviation governance becomes entangled in disputes between federal and member state authorities, it risks departing from this integrative purpose and transforming an essential public service into an arena of internal political contestation.

### 3. Definition and scope of civil aviation in Somalia

The term civil aviation encompasses both private and commercial aviation activities, excluding military operations. Its functioning is generally governed by the common standards and regulatory framework developed by the **International Civil Aviation Organization (ICAO)**. In the Somali context, there is no explicit statutory definition of civil aviation (Marina Basimakopoulou et al, 2022).

However, **Article 2(9) of the Civil Aviation Act of Somalia** defines air transport services as any service conducted by a commercial aircraft for the carriage of passengers, mail, or cargo. Somalia hosts approximately 30 domestic airline operators and around 10 foreign international carriers. These international operators include airlines from Ethiopia, Qatar, Türkiye, Djibouti, Kenya, Uganda, as well as African Express, Fly-Dubai, and Egypt-based carriers (*Airline Index Somalia, 2026*). Somalia's aviation sector must operate under robust regulatory supervision to mitigate risks at every stage of flight operations.

Somalia maintained a national carrier, Somali Airlines, which was established on 5 March 1964 and operated until 1990. The airline was responsible for providing both domestic and international air transport services, including the carriage of passengers, mail, cargo, and goods, in accordance with **Article 3 of Law No. 2 of 17 December 1979 (Amendment to the Law of Somali Airlines)**

Last year, Somalia experienced considerable tension surrounding the centralization of federal authority over entry and exit procedures. At the same time, differences between national civil aviation regulations and regionally applied rules have produced regulatory fragmentation. These inconsistencies create compliance difficulties for both domestic and international airlines, particularly where federal directives and sub-national practices are not harmonized (*Somali Guardian, 2026*).

In practical terms, regulatory fragmentation has produced instances in which an aircraft operating within the airspace of Somaliland reportedly received conflicting operational instructions from two authorities within the same territorial space, thereby exposing the operational risks inherent in divided control. **Article 23 of the Convention on International Civil Aviation** requires Contracting States to align customs and immigration procedures with ICAO practices. In Somalia's case, fragmented federal and regional entry controls risk undermining the Convention's objective of uniform and coordinated international air navigation procedures.

#### 4. State responsibility under the Chicago Convention

First, under the framework of the Convention on International Civil Aviation, primary responsibility for licensing and safety oversight rests with the ‘**State**’ as the recognized signatory charged with regulating aviation within its territory. Somalia has been a Contracting State to the Convention since March 1964 and is therefore bound by its obligations (UNTS, 1944). In this regard, **Article 4 of the Convention** requires that each Contracting State refrain from using civil aviation for any purpose inconsistent with the aims of the Convention, reinforcing the principle that regulatory authority must be exercised in a manner consistent with international aviation safety and lawful oversight standards.

Under **Article 17 of the Convention on International Civil Aviation**, an aircraft acquires the nationality of the State in which it is registered, and international aviation law requires that such registration be maintained by a single State authority. The existence of parallel or competing regulatory practices among regional administrations may therefore generate legal ambiguity, since the Convention recognizes only one State of registration responsible for regulatory oversight and compliance with international aviation obligations.

In practice, however, regional authorities may exercise control over local airport operations, landing permissions, or access to aerodromes within their territory. Consequently, a regional administration such as Puntland may deny an airline the ability to operate at its airports, a measure that may be publicly characterized as ‘revoking a licence,’ although it more accurately constitutes a restriction on airport access rather than the formal cancellation of the airline’s Air Operator Certificate (*International Civil Aviation Organization, 2014*).

Second, aviation restrictions must be based on demonstrable safety concerns, implemented through structured and procedurally fair oversight mechanisms, and clearly communicated in line with established supervisory standards. This approach is consistent with Article 12 of the Convention on International Civil Aviation, which requires States to ensure compliance with the Rules of the Air, and Article 37, which mandates the adoption of international Standards and Recommended Practices (SARPs). These obligations are operationalized through Annex 6 (Operation of Aircraft) and Annex 19 (Safety Management), which establish binding frameworks for safety oversight, operational control, and structured regulatory supervision (*Devinder K & Hamid NIKRAZ, 2014*).

Third, the issuance of contradictory directives such as ordering an aircraft to return to its point of origin while another authority simultaneously revokes the operator’s right to land within the destination territory creates substantial legal uncertainty within the regulatory framework governing civil aviation. In the absence of a clearly established hierarchy of regulatory authority and coordinated decision-making procedures, such conflicting instructions effectively transfer the operational and legal burden to the flight crew and the airline operator, whose primary obligation remains the safe operation of the aircraft (*Anthony Aust, 2021*).

This situation raises concerns under **Article 3 bis of the Convention on International Civil Aviation** (Chicago Convention 1944), which requires States to refrain from actions against civil aircraft that may endanger the safety of passengers and crew. Accordingly, regulatory or political directives that create operational confusion or compel unsafe flight decisions risk contravening the safety-oriented obligations imposed by **Article 3 bis** (*Havel BF et al, 2014*).

## 5. Constitutional Implications of Restrictions on Air Travel

Restrictions on air travel imposed by executive authorities may raise constitutional concerns under the Provisional Constitution of the Federal Republic of Somalia, particularly in relation to fundamental rights and procedural guarantees. **Under Article 12(2) of the Provisional Constitution of Somalia**, the State has a duty both to refrain from violating fundamental rights and to take reasonable measures to protect individuals from rights abuses by others.

The Constitution safeguards the right to freedom of movement, affirming that every person is entitled to move freely, determine their place of residence, and depart from the country. It further guarantees that citizens have the right to enter and return to the country, as provided under **Article 21**, thereby protecting individuals including elected representatives from arbitrary restrictions on domestic travel.

It also guarantees due process and equality before the law, requiring that any limitation of rights be grounded in lawful authority, applied fairly, and subject to appropriate procedural safeguards. In this context, executive measures that prevent elected representatives from travelling by air especially in the absence of judicial authorization or a formally declared state of emergency may be viewed as inconsistent with constitutional protections. Such actions risk undermining both individual liberties and the broader constitutional principles of political participation and accountable governance, these rights are enshrined in **Chapter Two of the Constitution, which addresses Fundamental Rights** (*The Constitution of Somalia, 2012*).

### 6.1. Airline Passenger Rights

Passenger rights generally refer to the entitlements granted to air travelers for protection or compensation when airlines or airports take actions that negatively affect them. These rights are typically established through government regulations, airline contracts of carriage, or other publicly stated commitments. They are often considered within the broader framework of consumer protection (*Alkhaldeh M. Naser., 2024*).

In aviation law, passengers are legally treated as consumers of air transport services. Therefore, the concept of consumer protection applies to airline passengers in the same way it applies to customers purchasing other services. Passenger rights are essentially a specific branch of consumer protection within the aviation sector (*ICAO's Core, 2015*)

Under **Article 5(m) of the Civil Aviation Act of Somalia (2020)**, the Civil Aviation Authority is mandated to regulate and determine air transport tariffs, safeguard the rights of passengers and residents, and oversee the handling and resolution of related complaints. The same provision further assigns the Authority responsibility for the investigation and monitoring of civil aviation accidents, with the objective of identifying their underlying causes and developing measures aimed at preventing similar occurrences in the future.

Historically, passenger protection has been addressed through international treaties, notably the **Warsaw Convention**, later replaced by the **Montreal Convention of 1999**, which governs airline liability in cases of accidents, baggage loss, and delays. As international air transport has become increasingly liberalized, the protection of passenger rights has gained greater importance, particularly in major aviation markets, with implications for the competitiveness of airlines from developing countries (*Alkhaldeh M. Naser., 2024*).

In response to declining service standards, many States have introduced regulations addressing issues such as denied boarding compensation, cancellation transparency, on-time performance reporting, accessibility for passengers with disabilities, and transparency in airline tariffs and advertising. At the same time, airlines have adopted voluntary measures to improve customer service, including clearer policies on refunds, delays and cancellations, baggage handling, complaint resolution, and assistance for passengers with special needs, often to strengthen consumer confidence and reduce the need for stricter regulation.

## 5. Conclusion, Findings and Recommendations

The Daallo Airlines incident of 1 March 2026 highlights the complex intersection between aviation governance, constitutional rights, and federal political dynamics in Somalia. The episode demonstrates how civil aviation infrastructure intended to facilitate mobility, economic exchange, and national connectivity can become entangled in political disputes between federal and regional authorities. When aviation regulation is influenced by competing political directives, the safety framework governing civil aviation and the rule-of-law principles that underpin regulatory oversight may be undermined.

These concerns are particularly significant in Somalia's security environment, where overland travel across large areas of South and Central Somalia remains extremely difficult due to the presence of Al-Shabaab. As a result, air transport often represents the only practical means of travel for politicians, public officials, business leaders, humanitarian actors, and civilians. In such circumstances, the neutrality and reliability of civil aviation become essential to both governance and economic activity.

At the same time, restrictions on movement are not entirely new in Somalia. Limitations at security checkpoints where individuals may be instructed to **'make communication or make a U-turn'** unless authorized by influential intermediaries illustrate longstanding challenges to the effective realization of freedom of movement. When similar practices begin to affect civil aviation operations, however, the implications become far more serious, as aviation safety and international regulatory obligations may also be implicated.

International aviation law, particularly the **Convention on International Civil Aviation** (Chicago Convention 1944), requires that aviation oversight remain coordinated, technically grounded, and insulated from non-technical interference. In Somalia's federal system, the absence of a clearly defined hierarchy of regulatory authority between federal and regional institutions risks producing fragmented aviation governance, legal uncertainty for operators, and potential safety concerns for passengers and crew.

Ultimately, civil aviation must remain a neutral public infrastructure governed by legal standards, safety considerations, and internationally recognized regulatory frameworks. Ensuring clear institutional competence, coordinated decision-making, and respect for constitutional freedoms will be essential for maintaining both aviation safety and the rule of law within Somalia's evolving federal system.

**First**, Somalia's aviation governance framework currently reflects institutional fragmentation between federal and regional authorities. While international aviation law recognizes the State as the primary regulatory authority, regional administrations may exercise operational control over airports within their territory, which may lead to overlapping or competing directives. **Second**, the revocation of an airline's operating privileges without prior notice, technical investigation, or procedural safeguards raises serious rule-of-law concerns. Administrative sanctions affecting commercial aviation operators should normally follow transparent procedures grounded in statutory authority and technical safety assessment.

**Third**, the issuance of conflicting operational instructions such as directing an aircraft to return to its origin while simultaneously restricting its ability to land at the destination creates legal and operational uncertainty that may endanger aviation safety and place airline crews in an impossible regulatory position. Fourth, restrictions on air travel imposed for political reasons may interfere with fundamental constitutional rights, particularly the right to freedom of movement guaranteed under Article 21 of the Provisional Constitution.

**Fifth**, the increasing politicization of domestic air travel risks undermining public confidence in aviation governance, which is critical for economic development, humanitarian operations, and national connectivity

## **Recommendations**

**Clarification of Regulatory Authority:** The legal framework governing civil aviation in Somalia should clearly define the respective roles of the Federal Government and Federal Member States, particularly regarding licensing authority, airport access, and operational oversight. Institutional coordination mechanisms should be established between federal and regional aviation authorities to prevent contradictory directives affecting aircraft operations. Civil aviation infrastructure should be treated as neutral public infrastructure, protected from use as an instrument of political leverage or contestation.

**Strengthening the Independence of Aviation Regulation:** Civil aviation regulatory decisions should be insulated from political influence and guided exclusively by technical safety standards and established regulatory procedures.

**Procedural Safeguards in Regulatory Enforcement:** Administrative measures such as the suspension or revocation of airline operating rights should comply with principles of due process, including prior notice, an opportunity to respond, and reasoned decisions based on evidence.

**Alignment with International Aviation Standards:** Somalia should continue strengthening its compliance with ICAO safety oversight standards, including harmonizing domestic aviation regulation with international aviation governance frameworks.

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Mogadishu, Somalia  
Email: [info@lsc.so](mailto:info@lsc.so).  
Website: [www.lac.so](http://www.lac.so)

