

## **Remarks by Andrew Murphy, representative of the International Coalition for Sustainable Aviation (ICSA), to the twenty-third meeting of the Working Group of the Parties to the Aarhus Convention**

**June 28th 2019**

The International Coalition for Sustainable Aviation (ICSA) is the sole NGO observer to the UN's International Civil Aviation Organisation (ICAO). Aviation is a major and growing source of emissions - its CO<sub>2</sub> emissions equal those of Germany<sup>1</sup>, and combined with its substantial non-CO<sub>2</sub> climate effects, it is responsible for an estimated 5% of radiative forcing (global warming<sup>2</sup>).

These emissions continue to grow at an alarming rate, with an estimate by ICAO that they could treble by 2045<sup>3</sup>. This is no surprise, given the failure by that agency to fulfil its obligations under the Kyoto Protocol to adopt measures to limit and reduce emissions from this sector (Art 2.2).

Though ICAO have adopted some measures to limit aviation's climate impact, such as a CO<sub>2</sub> standard for new aircraft, such measures are so weak as to have no practical effect on the climate impact of the sector<sup>4</sup>.

This is partly due to the archaic and non-transparent process by which these measures are arrived. This has important implications for environmental policy for parties to the Aarhus Convention, as these measures often enter automatically into national law.

The ICAO process remains incredibly non-transparent. There are clear breaches of the Almaty Guidelines that "Environmental information contained in all official documents developed and produced within each international forum should be made available to the public" (para 20) and that "any member of the public should have access to environmental information developed and held in any international forum upon request" (para 23).

ICAO's Council and Environment Committee (CAEP) work to ensure there is next to no transparency: all meetings happen behind closed doors, journalists are barred from attending. ICSA is barred from speaking in public about what is discussed at the threat of being held financially liable. No documents are made public.

No statements are made following important decisions. Information following important meetings such as the triennial CAEP meeting are belated made available, but at cost, and on the condition that the information is not disseminated further. Recently ICAO's media team have taken to blocking on social media climate campaigners and climate scientists who disagree with their statements.

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<sup>1</sup> <https://www.carbonbrief.org/corsia-un-plan-to-offset-growth-in-aviation-emissions-after-2020>

<sup>2</sup> <https://elib.dlr.de/59761/1/lee.pdf>

<sup>3</sup> <https://www.greenaironline.com/news.php?viewStory=2622>

<sup>4</sup> <https://www.transportenvironment.org/press/un-agency%E2%80%99s-aircraft-co2-standard-%E2%80%98ineffective%E2%80%99-says-environmental-group>

The grounds for this secrecy is often “commercial confidentiality” - but the documents very rarely contain any information that is remotely “commercially confidential”, and even if it did, the airlines and manufacturers are all members of CAEP and so see this information automatically. Only the public, with no commercial interest, are locked out.

To rely almost exclusively on ICAO measures to address emissions from aviation is a choice voluntarily adopted by states. The Kyoto Protocol requests parties to work through ICAO, but this is not an obligation to work exclusively through ICAO – to date states and the EU have seen it almost as such.

Two give two examples of the lack of transparency:

1. The European Commission has refused to make public papers it has submitted to ICAO's Environment Committee. An MEP submitted a request for these papers, due to his role as a member of the Parliament's Environment Committee which had competence over aviation emissions. The Commission's Transport Directorate rejected this request, a rejection that was upheld by the Commission's Secretary General. The Commission claimed the ICAO rules, and the 'international relations' provisions in the relevant legislation, permitted them to refuse disclosure. In contrast, the US government has recently begun making such papers available upon request.
2. Draft rules adopted by ICAO's 36 member Council are communicated to ICAO's 193 contracting parties via state letters, as was the case in early 2018 when ICAO circulated draft rules for its offsetting scheme. Some member states, and the Commission, were open in the response they provided to these draft rules. Others, notably Germany, repeatedly refused to make public their response to these state letters. This is a clear inconsistency in how states interpret their obligations under Aarhus.

A root and branch reform to have ICAO operate, and how parties to the Aarhus Convention interact with it, is clearly required and long overdue.