



International Civil Aviation Organization

WORKING PAPER

A38-WP/289

EX/101

12/9/13

English only

ASSEMBLY — 38TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 17: Environmental Protection

TRANSPARENCY AND PROCESS ON ENVIRONMENTAL ISSUES

(Presented by the International Coalition for Sustainable Aviation (ICSA))

EXECUTIVE SUMMARY

The environmental impact of aviation emissions is sufficiently large and growing that ICAO's work to address it demands greater public scrutiny and openness. ICAO transparency and process lags significantly behind the practices in other UN bodies. Contracting States have commitments in this respect under the original Agenda 21 agreed at Rio de Janeiro in 1992, as well as the Rio+20 Declaration adopted last year. The commitment of 46 ICAO contracting states to the Aarhus Convention also requires such civil society access and participation. With this paper, the International Coalition for Sustainable Aviation (ICSA) calls for establishing a more effective committee-based decision-making process on environmental issues and enhancing transparency by embracing opportunities for positive public participation in ICAO's work on the climate change impacts of international civil aviation.

Action: The Assembly is invited to request Council to start a process involving stakeholders after the 38th Assembly to design a more effective committee-based decision-making approach on environmental issues and regulations that is fully open, transparent and accessible to observers and to the extent possible members of the wider public, consistent with international obligations and practices observed in other international organisations.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective C – <i>Environmental Protection and Sustainable Development of Air Transport.</i>
<i>Financial implications:</i>	No additional resources required.
<i>References:</i>	No references.

1. INTRODUCTION

1.1 Science has estimated the radiative forcing impact of aviation at 5% of the (2005) global total. This figure will continue to grow given that ICAO forecasts show traffic growth well outstripping mitigation efforts for the foreseeable future. If aviation were a country, its emissions would be ranked 7th – between Germany and the Republic of Korea, on CO₂ alone. In addition, aviation significantly contributes to local and regional air pollution and noise nuisance. This paper calls on existing ICAO processes to address the environmental impact of international aviation to be improved by providing greater transparency and openness, so as to foster a full and open discussion about the environmental effects of aviation now and in the future.

1.2 The Rio+20 ‘Future we want’ Resolution adopted by the UN General Assembly on 27 July 2012 strongly supports the full participation of civil society in all environmental decision-making. It also re-endorsed the 1992 Rio Declaration Principle 10, stating the importance of citizen participation and access to environmental information. In addition, 46 Member States of ICAO are Parties to the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention). This Convention calls even more strongly for the incorporation of civil society participation in all aspects of environmental decision-making. Specifically, the Aarhus Convention requires the signatory States to take national measures to disseminate “international treaties, conventions and agreements on environmental issues; and other significant international documents on environmental issues, as appropriate.” In addition, the Aarhus Convention requires that its Parties “shall promote the application of the principles of this Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment.”

1.3 This paper calls on ICAO States to consider providing greater opportunity for civil society to interact with ICAO when climate change and other environmental issues are discussed. ICSA believes that a structure is needed which brings fully empowered representatives of member states together with Observers in an open committee system where decisions and papers are freely available. CAEP is already tasked with a technical role on questions mainly relating to environmental standards but its membership and remit are limited. ICSA understands that responsibility for policy issues resides, in the first instance, with Council, and thence with the Assembly. Yet opportunities for civil society to provide views to, and to interact with, Council and Assembly are quite limited.

2. ADDRESSING THE ISSUE

2.1 The most pressing issue is one that the 38th Assembly can address.

2.2 As indicated in ICSA working paper on market-based measures (MBMs), civil society urges the Assembly to agree, at its 38th Session, to adopt, by 2016, a global MBM which can be implemented forthwith. ICSA respectfully requests that the Assembly put in place a comprehensive, transparent and well resourced (human and financially) process to examine and resolve the many outstanding technical and policy issues including the recommended choice of an MBM such that it would be effective in reducing emissions. The process should present its work to a special Assembly in 2015, which should be empowered to adopt the global MBM at that session in order to ensure implementation in 2016.

2.3 Council sessions are generally open to the public to observe, creating opportunities for more meaningful civil society participation – including through enhanced access to relevant

documentation. There is no reason why the submissions of Council members should not be available on the ICAO website. Civil society, as ICSA, participates in CAEP through its working groups and plenary sessions. ICSA (and IATA) were also represented in the expert group on market-based measures and later invited to present to Council at its informal session this spring but excluded from the rest of that session. There is no reason in ICSA's view why such groups should meet behind closed doors or why ICSA has no right to provide input at Council when important decisions on the environment are taken and must wait for an invitation – as is also the case with other Observers. Moreover, at the 37th Assembly, ICSA was accorded only a very few brief minutes to speak. Openness will, as a general rule, make Council more productive and transparent, and therefore enhance the legitimacy of its decision-making.

3. DECISION MAKING

3.1 It will be important to ensure that the process for agreeing an MBM is able to complete both the technical and policy work needed in a timely manner. As States Parties meet only triennially at Assembly where, to as large an extent as possible, decisions are prepared and agreed in Council prior to the meeting, this detailed MBM development process needs to be undertaken in a consultative way that allows and encourages the work to be completed in time for the MBM to be implemented starting in 2016. CAEP's consideration of market-based measures to address CO2 emissions from aircraft has been limited to "technical issues only", with "political" issues being taken at Council or referred to high level groups (GIACC, DGCA, HGCC) where in every case civil society and indeed industry participation has been extremely limited. Splitting the process introduces delay: it is evident that "political" issues are sometimes taken up by Council before the appropriate technical advice is made available, or alternatively, Council is unable to decide because "political" issues are in fact rather technical as well. Permanent Representatives to ICAO have a large range of responsibilities to discharge and can only function effectively if decisions are properly examined and recommendations agreed and prepared at the expert working level. If the work is to be done in CAEP, as ICSA has suggested, full consideration should be given to proposals submitted by Australia in a paper to the 2009 CAEP Steering Group towards increasing the committee's responsiveness.

4. TRANSPARENCY AND DOCUMENTATION

4.1 The legitimacy of the process will be enhanced if greater information is made public as regards emission forecasts and climate impact assessments. Often what information that is made available, is only available for purchase. For example, the only public versions of the FESG and MDG forecasts lack the granularity of the original data, depriving public users of a valuable resource to help further the debate. Rather than encourage the use of ICAO statistics and material, this has the opposite effect, pushing states and organisations to use publicly available data sets from other sources.

4.2 We accept that CAEP WPs and IPs should remain within CAEP while they are working documents, but in our view ICAO has an obligation to release documents publicly once decisions have been made.

4.3 It is clear that ICAO documents fall within the remit of the Aarhus Convention and should be available at the national level, but preferably at the international level as well. This would be in keeping with the spirit of the UN Rio+20 Resolution. At a minimum, all official documents concerning climate change issues should be in the public domain. All research on aviation and climate change commissioned by ICAO should be freely published (or made available on the website) either by ICAO, by the authors or preferably both.

4.4 Any reading of ICAO's program of action and work on the basket of measures reveals an almost exclusive focus on measures to address CO2 emissions despite the ongoing work to clarify the non-CO2 impacts. CAEP was informed last February by the ISG co-rapporteur of the 5% radiative forcing estimate in 2005 but that figure has yet to find its way into any of the ICAO published literature. The ISG work is impressive and while these papers are the intellectual property of the authors it has been agreed that they could be used for reporting the outcome of CAEP, for the Environmental report and in an ICAO saleable document (the CAEP 9 report). ICSA respectfully notes that restricting important information on aviation's climate impact to publications costing up to \$900 greatly limits the public's ability to review and evaluate this information.

5. CONCLUSION

5.1 ICAO has an obligation under international commitments to involve civil society in its deliberation of climate change issues but often this is not the case in practice. ICSA has observer status in CAEP but on several occasions key decisions have been taken by CAEP members meeting in private. ICSA can observe Council sessions but not participate. Infrequent and ad hoc invitations to present NGO views briefly to Council are not the solution. ICSA was effectively excluded from direct participation in the GIACC, DGCA and HGCC meetings. Both UNFCCC and the IMO afford civil society access more appropriate to the international treaty obligations mentioned above. There is also a clear need for ICAO to review and design a more effective, committee-based and transparent decision-making process on environmental issues.

6. ACTION BY THE ASSEMBLY

6.1 The Assembly is invited to request Council to start a process involving stakeholders after the 38th Assembly to design a more effective committee-based decision-making approach on environmental issues and regulations that is fully open, transparent and accessible to observers and to the extent possible members of the wider public, consistent with international obligations and practices observed in other international organisations.

— END —