



International Civil Aviation Organization

A42-WP/95

EX/40

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WORKING PAPER

ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 22: Other high-level policy issues to be considered by the Executive Committee

POLITICIZATION OF ICAO'S TECHNICAL ACTIVITIES SHALL NOT BE TOLERATED

(Presented by the Democratic People's Republic of Korea)

EXECUTIVE SUMMARY

This working paper demands to prevent the politicization of technical activities emerging within ICAO and to conduct the technical activities in accordance with the mission of ICAO and the Convention.

Action: The Assembly is invited to:

- a) consider this working paper;
- b) prove the legal basis of the relevant Council Decisions;
- c) adopt the resolution to resume the technical activities with the DPRK as in Appendix.

<i>Strategic Goals:</i>	This working paper relates to Strategic Goal: <i>Every Flight is Safe and Secure</i>
<i>Financial implications:</i>	This working paper has no direct financial implications.
<i>References:</i>	Doc 7300/9 – <i>Convention on International Civil Aviation</i> Doc 10184 – Assembly Resolutions in Force C-DEC 223/4

1. INTRODUCTION

1.1 Taking issue with the “unannounced missile launches by the DPRK” as the infraction to the Convention and UNSCR, the Council adopted a Decision to avoid technical activities with the DPRK at the 4th Meeting of its 223rd Session on 9 June 2021. (ref. C-DEC 223/4).

1.2 Assembly Resolution A41-3 was adopted noting the above C-DEC 223/4.

2. HISTORICAL ANALYSIS

2.1 ICAO politicized the technical activities by adopting the Decision which is incompatible with its mission, ICAO’s 80 year-long history, functions, and jurisdiction prescribed in the Convention.

2.2 “Unannounced missile launches by the DPRK” is the self-defensive measure in response to the anti-DPRK manoeuvres of the hostile States including the United States and it is a politico-military issue which can never be solved in accordance with the Convention and its Annexes as long as the technical armistice and belligerent status on the Korean peninsula continues. The remaining choice now is how to interpret and apply Article 89, Chapter 19 of the Convention.

2.3 ICAO has not yet replied until now to the several demands from the DPRK to demonstrate the legal basis of the Council Decision (C-DEC 223/4) which affirmed the ICAO Secretariat to avoid all technical activities with the DPRK, an ICAO Member State.

2.4 The Assembly is invited to direct the Council to prove the legal basis of its Decision to all Member States.

3. CONSIDERATION OF THE IMPLICATION

3.1 ICAO proposed USAP-CMA audit in 2024 according to the Agreement with the DPRK (2018), however, it had to abandon the audit by itself after realizing the contradiction between the Council Decision and the Audit.

3.2 ICAO’s projects such as COSCAP-NA, CAPSCA, CRV, CORSIA are forced to stopped or suspended to be implemented.

3.3 It is the result by the error of the anti-DPRK hostile forces including the United States, which abused the name of the Council, and it is interfering the realization of ICAO’s strategy otherwise.

3.4 If the Decision to avoid technical activities with a Member State is tolerated as it is, such politicization of the technical activities aiming to another state and another region could occur in the future by the hegemonist forces including the United States who are abusing ICAO for their realization of the political objectives.

4. ACTION REQUIRED

4.1 The Assembly is invited to take action in the executive summary.

APPENDIX

DRAFT ASSEMBLY RESOLUTION

Resolution A42/xx: Resumption of technical activities with the Democratic People's Republic of Korea

Having considered the item concerning that politicization of ICAO's technical activities shall not be tolerated;

Recognizing that the technical activities with the Member States constitute the fundamental mission of ICAO to provide the safety, regularity and efficiency of the international civil flights;

Recalling that the matter in relation to avoiding technical activities with a Member State is beyond the technical scope and will never obtain any positive results to safety of the international air navigation;

Recalling that the basis of Assembly Resolution A41-3 is the ICAO Council Decision (C-DEC 223/4) on 9 June 2021 that affirmed the ICAO Secretariat should avoid all technical activities with the DPRK, and this Council Decision of sanction nature was adopted without any legal basis within the framework of international civil aviation laws;

Acknowledging that ICAO has no jurisdiction on the political or military issues and the cause of "Unannounced Missile Launches by the Democratic People's Republic of Korea" is the consistent political and military confrontation on the Korean Peninsula where the technical belligerent status exists;

Recognizing that the cooperative activities of ICAO to ensure the safety of the international civil flights shall not be misused for any political purpose;

Considering that the technical activities with the Member States have played decisive role in ensuring the compliance of the ICAO SARPs and in ensuring the safety of civil aviation;

The Assembly:

1. *Requests* the Council to conduct the necessary corrective action to resume the technical activities with the DPRK in compliance with the "Uniting Aviation" and "No Country left behind" initiative, acknowledging the incompatibilities of avoiding technical activities with the DPRK;
2. *Instructs* the Secretary General to take all possible measures so that the technical activities with the DPRK will be conducted without any prejudice;
3. *Instructs* the Secretary General to take technical measures to resume the suspended international air navigation services to the DPRK which was produced under the pretext of various sanctions;
4. *Calls on* all Member States to recognize the resumption of technical activities with the DPRK as valid;
5. *Declares* that this Assembly Resolution supersedes the Resolution A41-3.

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