



International Civil Aviation Organization

WORKING PAPER

A42-WP/558

EX/253

12/9/25

(Information paper)

English only

ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

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

RESPONSE TO A42-WP/54

MISSILE LAUNCHES BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ARE EXERCISE OF LAWFUL RIGHTS IN ACCORDANCE WITH UN CHARTER AND CONVENTION

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

EXECUTIVE SUMMARY

This paper states that missile launches by the Democratic People's Republic of Korea (hereinafter "the DPRK") are the exercise of lawful rights in accordance with the Charter of the United Nations (San Francisco, 1945 – the "UN Charter") and the *Convention on International Civil Aviation* (Chicago, 1944 – the "Convention").

<i>Strategic Goals:</i>	This information 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>	Charter of the United Nations Doc 7300, <i>Convention on International Civil Aviation</i>

1. ROOT OF UNANNOUNCED MISSILE LAUNCHES ("UML")

1.1 Military threat by the United States (US)

1.1.1 US sited various missiles including the missiles with nuclear warhead in the Republic of Korea (ROK) since just after the armistice in 1953 and jeopardises the safety environment of DPRK and aviation safety of Pyongyang FIR by using these.

1.1.2 US's military threat brought about consequently the missile development of DPRK, as the exercise of self-defensive right.

1.1.3 The DPRK is legally and technically at the belligerent status with US and ROK. The reason for being that, the prior or advance notification on the military activities in Korean peninsula including the missile launches cannot be realized.

1.2 Questions to notice in advance

1.2.1 Whenever the DPRK launched the satellites, the DPRK notified in advance the ICAO and concerned States.

1.2.2 However, US, Japan and ROK abused the satellite launches of DPRK as "long range missile launches" and "violation of UNSCR", and dare alleged to intercept the satellites of DPRK.

1.2.3 Above described manoeuvres in military and political nature of US, Japan and ROK, who dare attempted to intercept satellites by criticizing the peaceful satellite launches, made the DPRK doubting about the regulations related to advance notification.

1.3 Political prejudice and double standard within ICAO Council

ICAO is not the political platform. But the Council issues excessively the decisions and resolutions as being political in nature, availing themselves of allegation which is politically calculated by some Council Member States, who are hostile to the DPRK. (Refer to A32-6, A41-3, C-DEC 223/4)

1.3.1 The Sovereignty is fundamental basis of the Convention. But Council did not condemn the ROK's infringement to Article 1, Chapter 1 of the Convention, which is the most crucial infraction to the Convention of the ROK's UA infiltration. The Council denied the ROK's infraction to the Convention by patronizing the ROK that its UA infiltration was the military issue, that there was no enough evidence on the harm or damage to the civil aviation and that the infiltration is the political issue.

1.3.2 In spite of the several denials by the DPRK in 2011, 2012 and 2024, the Council, before the cases of GNSS RFI were proved evidently, committed politicized behaviour by criticizing the DPRK, one of the ICAO member states under the pretext of "GNSS RFI" which reflected unilaterally allegation of ROK. This is unprecedented for 80-years of ICAO history.

1.4 The legal limitation of the Convention

1.4.1 Should follow the logic of the Council's decision on the ROK's UA infiltration, the "UML" of the DPRK is also the military issue, there is no enough evidences of the casualty or damage to the civil aviation and this is also the political issue, so that it is not the subject of the Convention.

1.4.2 The DPRK requested ICAO to verify the legal basis of C-DEC 223/4 in several times. The ICAO officer acting for Director of the Legal Affairs and External Relations Bureau (LEB) informed recently that the decision is in accordance with the para n), Article 54 of the Convention. In the context of Article 54 (n) there is no word and expression on avoiding technical activities with a Member State. At present, the legal judgement is required to verify C-DEC 223/4 precisely under the context of Article 54 (n) of the Convention whether the Decision is compatible with the mission and purpose of ICAO.

1.4.3 The regulation of advance notification is incompatible with the Korean peninsula, at which war status is being technically and legally continued.

1.4.4 The Article 44, the Convention prescribed to avoid discrimination between Contracting States. But ICAO Council did not take the measures in accordance with the Convention towards the internationally recognized air navigation services (SITA, SADIS, CRV and etc.) suspended by the domestic laws of some Member States including US under the pretext of implementation of UNSCR.

1.4.5 The laws and regulation of the DPRK does not also allow to notice in advance to the belligerent side its national military activities which is legally exercised under the self-defensive right of a sovereign state, as being recognized in UN Charter.

1.4.6 ICAO is also faced with contradiction by its own C-DEC 223/4. ICAO cannot conduct USOAP-CMA, USAP-CMA and other projects relating to their strategic goals. This is one of the obvious mistakes of the Council.

2. THE ENDEAVOR OF THE DPRK

2.1 The DPRK notified in advance every satellite launch, but ICAO Council issued excessively decisions and resolutions in political nature, always unilaterally criticizing the DPRK by following the allegation of US, Japan and ROK who are hostile to the DPRK.

2.2 The DPRK presented its stand on a numerous occasion that the root of the "UML" is the hostile policies of US, Japan and ROK against the DPRK and the military confrontation by those policies. But ICAO Council repeatedly dictated allegation of those states.

2.3 The DPRK emphasized that the regulation of advance notification cannot solve the "UML" in Korean peninsula where the belligerent status is being technically and legally existed.

2.4 The DPRK proposed to hold dialogues to this matter, but ICAO Council did not accept it.

3. CONCLUSION

3.1 UN Charter

3.1.1 The “UML” is originally caused by the hostile policy of US against the DPRK and the DPRK’s military activities is the legal exercise of self-defensive right of the sovereign state in accordance with UN Charter.

3.1.2 UNSCR toward DPRK fabricated by US, Japan and ROK is the violation of UN Charter.

3.2 Chicago Convention

3.2.1 The “UML” is not the subject of the Convention. The reason is that it is military subject, that there is no casualty or no damage and that it is political issue.

3.2.2 If it should be the subject of the Convention, the “UML” by the DPRK is the legal exercise of the right in accordance with Article 89, Chapter 19, the Convention and self-defensive right specified in UN Charter.

4. ACTIONS

4.1 The Withdrawal of US’s hostile policy against the DPRK

US’s hostile policy against the DPRK and the threat of invasion should be come to the end in order to solve the issue of “UML”.

4.2 International justice and impartiality

The international justice and impartiality should be realized in ICAO, especially in Council, in order to solve the issue of “UML”. In other words, the decision to avoid technical activities with the DPRK and the suspended international air navigation services should be resumed.

4.3 Adherence to the principle of “Uniting Aviation”

ICAO must prove its “Uniting Aviation” spirit through their real actions by standing in impartial position. In other words, ICAO should be aware of the root of the “UML” and should not be in favour of the allegation of US, Japan and ROK who are hostile to DPRK.

4.4 ICAO and Council should avoid adoption of any decision and resolution that could be misconstrued as being political in nature or misinterpreted as extending beyond technical concerns.