



A42-WP/654
EX/290
1/10/25

ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 22

The attached material on Agenda Item 22 is submitted for consideration by the Executive Committee.

Agenda Item 22: Other high-level policy issues to be considered by the Executive Committee**Policy matters pertaining to the Organization and the Chicago Convention**

22.1 A42-WP/505, presented by Argentina, invites Member States to initiate studies to evaluate and determine whether or not the Chicago Convention needs to be amended. The Secretary of the Executive Committee recalled that Resolution A4-3 adopted by the 4th Session of the Assembly in 1950, establishes the policy and programme for amendments to the Chicago Convention. In particular, the Resolution provides that an amendment of the Convention may be appropriate when either or both of the following tests are satisfied: i) when it is proved necessary by experience; and/or ii) when it is demonstrably desirable or useful. The Secretary also observed that since the entry into force of the Chicago Convention, Article 94 of the Chicago Convention had never been amended.

22.2 While one Delegation expressed support for the proposal to initiate work to amend the Chicago Convention, a clear majority of the Delegations that took the floor did not express support for the Working Paper. It was stressed that the timing for such a review was not appropriate given the geopolitical context and that it may pose important challenges for the Organization in terms of its current priorities and resource implications. It was also noted that the Chicago Convention has demonstrated sufficient flexibility over time and that any modernization efforts should be pursued within the existing framework. One Delegation also pointed out that, pursuant to its Article 4 (Non-retroactivity of the present Convention), the 1969 *Vienna Convention on the Law of Treaties* does not apply to the Chicago Convention.

22.3 In conclusion, the Chairperson noted that a majority of the Delegations that took the floor did not express support for the proposal to initiate work to amend the Chicago Convention. Accordingly, it was concluded that the Committee does not support the conclusions set out in the working paper.

22.4 The Executive Committee considered A42-WP/224, presented by New Zealand and Australia with support from Asia Pacific States, which addressed challenges faced by ICAO Member States in the Asia Pacific region in managing and responding to ICAO State letters. Based on a survey (A42-WP/625), the paper identified key issues such as limited technical expertise and staffing capacity, difficulties handling the volume of State letters, and the need for clearer prioritization of communications.

22.5 There was overwhelming support by the Committee for A42-WP/224, as a result of which the Secretariat committed to start working immediately on making State Letters more accessible and manageable. In particular, the Secretariat agreed to enhance communication by clearly labeling State Letters according to priority, and distinguishing high-priority letters related to adoption or amendment of Standards and Recommended Practices (SARPs). The Secretariat will also propose new ways to share information, especially on State Letters which could be described as “for information and appropriate action” (e.g., secondment opportunities, regional training frameworks, symposia).

Crisis Management

22.6 The Committee reviewed A42-WP/262, presented by Brazil and supported by Latin American Civil Aviation Commission (LACAC) Member States¹, on enhancing integration between

¹ Belize, Bolivia (Plurinational State of), Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela (Bolivarian Republic of).

national crisis monitoring systems and ICAO's global response mechanisms. The Committee recognized the importance of improving integration between national crisis monitoring structures and ICAO global response mechanisms to enhance resilience and responsiveness in aviation crisis management.

22.7 The Committee considered A42-WP/293, presented by Egypt, which highlighted Egypt's role in maintaining aviation safety during a regional crisis and emphasized the need for modernization and ICAO support. The Committee recognized Egypt's pivotal role in maintaining aviation continuity and safety during the regional conflicts and noted the urgent need for modernization of Egypt's airspace management infrastructure with ICAO support.

22.8 The Committee reviewed A42-WP/410, presented by Guatemala and supported by Central American Corporation for Air Navigation Services (COCESNA) Member States², on contingency planning for air navigation services in Central America. The Committee noted the alignment with ICAO Standards and the importance of regional safety and sustainability. The Committee, noting the comprehensive approach of COCESNA to contingency planning, emphasized the need for the alignment of the regulations of Member States with the ICAO provisions concerning contingency management to ensure safety, continuity, and efficiency of air navigation services.

22.9 The Committee expressed its appreciation to States for their efforts in responding to crisis and contingency events and for the excellent level of collaboration among all stakeholders for the management of airspace disruptions. The Committee recalled that the development of an ICAO global framework for crisis preparedness and response had been initiated and would include global guidance material, training programmes and implementation support plans to ensure that States, ICAO and all stakeholders are well-prepared to effectively respond and manage crisis and contingency events. The Committee invited States and international organizations to continue supporting ICAO's efforts, since their active collaboration was vital for enhancing effectiveness and fostering progress in this area.

Standards and Recommended Practices (SARPs) efficiency

22.10 The Committee considered A42-WP/281, presented by Brazil and supported by LACAC Member States³, which advocated for the adoption of Regulatory Outcome Assessment (ROA) procedures within ICAO's regulatory framework. The paper highlighted the need to complement existing compliance-based oversight mechanisms, such as Universal Safety Oversight Audit Programme (USOAP) and Universal Security Audit Programme (USAP), with outcome-oriented evaluations, to determine whether regulatory measures effectively achieve intended safety, security, efficiency, and environmental objectives. It underscored the importance of integrating clear objectives, baseline data, performance indicators, stakeholder participation and feedback mechanisms into the regulatory cycle to enhance transparency, accountability and institutional learning. The Committee recognized the importance of regulatory outcome assessments as tools to strengthen strategic oversight, promote institutional learning, and enhance accountability within the civil aviation sector.

22.11 The Committee considered A42-WP/288, presented by the United States, on the review and analysis of applicable international Standards to ensure their relevance and improve implementation. The paper highlighted the challenges posed by the increasing volume and complexity of ICAO Standards

² Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua

³ Argentina, Belize, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Nicaragua, Paraguay, Peru, Uruguay, Venezuela (Bolivarian Republic of)

and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS), which affect both ICAO's management and States' effective implementation. The Committee supported the need to conduct a prioritized review and analysis of ICAO Standards to identify and address obsolete, redundant, or unnecessarily prescriptive provisions to improve relevance, implementation, and reduce the burden on States and ICAO. The Committee, however, highlighted the importance of following the SARPS development and update process through the relevant bodies within ICAO in a transparent and inclusive manner.

Review of the implementation of Assembly Resolutions A41-1, A41-2 and A41-3

22.12 The Committee considered A42-WP/52, A42-WP/53, and A42-WP/54, all presented by the Council of ICAO. The Committee also reviewed A42-WP/95 presented by the Democratic People's Republic of Korea (DPRK).

22.13 A large number of Delegations expressed support for A42-WP/52, A42-WP/53 and A42-WP/54. Many of these Delegations referenced the rigorous, structured and transparent process conducted by the Council pursuant to Article 54 k) of the Chicago Convention, noting that in each case, the process was strictly technical and not political, and that the due process rights of the States concerned were fully respected. Although each of the three States concerned by the papers in question had been provided ample opportunity to demonstrate their compliance with the applicable Assembly Resolution, no such information had been received. Several Delegations expressed serious concern that unannounced missile launches by the DPRK had continued to occur following the adoption of Assembly Resolution A41-3, noting their serious implications for the safety and security of international civil aviation.

22.14 A number of Delegations did not support A42-WP/52, A42-WP/53 and A42-WP/54. Some of these Delegations questioned the continued validity of Assembly Resolutions A41-1, A41-2 and A41-3. One Delegation firmly rejected the Council's recommendations to the Assembly to restate that the referenced Resolutions remain in force and expressed the view that Assembly Resolution A41-3 is politically motivated. Others emphasized that the issues mentioned in Assembly Resolutions A41-1, A41-2 and A41-3 fall outside the scope of the technical mandate of ICAO and reiterated concerns about the politicization of the technical activities of the Organization. Other Delegations, who did not support A42-WP/52, A42-WP/53 and A42-WP/54, rejected the characterization of the actions referred to in Assembly Resolutions A41-1, A41-2 and A41-3 as infractions of the Chicago Convention.

22.15 With respect to A42-WP/95, an overwhelming majority of Delegations that took the floor opposed the paper, on the basis that the Committee's endorsement of the actions set out therein for approval by the Plenary would undermine the Council's role, compromise the Organization's credibility, and negatively affect the safe and orderly development of international civil aviation. One Delegation, supported by another Delegation, mentioned the promotion of safe and orderly development of international civil aviation through technical cooperation and opposed the politicization of air navigation services, aviation safety and technical cooperation. That Delegation also opined that sanctions are not an end in themselves and that, despite the sanctions, the relevant resolutions of the United Nations Security Council should be carried out in good faith, without excessive implementation. A few Delegations expressed support for A42-WP/95, citing the need to safeguard ICAO's neutrality and prevent the politicization of the Organization's work.

22.16 In summing up, the Chairperson noted that a large majority of States have again condemned the infractions of the Chicago Convention by the Republic of Belarus, the Russian Federation and the DPRK and have endorsed the conclusions and actions recommended by the Council in A42-WP/52, A42-WP/53 and A42-WP/54. The Chairperson therefore concluded that the Executive Committee has agreed to recommend to the Plenary to restate that Assembly Resolutions A41-1, A41-2 and A41-3 remain in force and to urge the Republic of Belarus, the Russian Federation and the DPRK to take appropriate actions to remedy the situation. The Chairperson also noted that the Committee did not agree to recommend to the Plenary the endorsement of the actions contained in A42-WP/95 including the draft Assembly Resolutions appended to the working paper.

22.17 The Committee took note of A42-WP/558 (Information Paper) presented by the DPRK.

22.18 One Delegation that did not agree with the Chairperson's summary of the Committee's deliberations, supported by another Delegation, requested that the Committee proceed to a vote by secret ballot in accordance with Rule 47 of the *Standing Rules of Procedure of the Assembly of the International Civil Aviation Organization* (Doc 7600/8) (Assembly Rules). At the invitation of the Chairperson, the Delegation confirmed that it wished to appeal against the Chairperson's ruling on the summary and conclusions of the Committee's deliberations. In accordance with Rule 36, the Chairperson immediately put the appeal to a vote by show of hands on the question "Do you wish to overrule my ruling that the summary and conclusions of the Chairperson reflect the discussions of the Executive Committee?". With a large majority of Delegations expressing their support for the Chairperson's ruling and a minority opposing it, the Committee therefore decided that the Chairperson's ruling shall stand.

22.19 A few Delegations sought clarification from the Secretariat as to why a vote by secret ballot was not conducted in accordance with Rule 47 of the Assembly Rules. In response, the Secretariat explained that while challenges and appeals against the Chairperson's rulings are primarily governed by Rule 36, a vote by secret ballot is possible under Rule 47, if so requested by two Delegations and the request is not opposed, in order to decide a specific question. The Chairperson recalled that as a subsidiary body of the Assembly, the role of the Executive Committee is to make recommendations to the Plenary which has full discretion to decide whether or not to adopt those recommendations. It was further clarified that any divergence of views would be recorded in the Report of the Executive Committee.

22.20 A few Delegations stated that the Committee's decision on A42-WP/52, A42-WP/53 and A42-WP/54 had been adopted in violation of the provisions of the Assembly Rules and urged the Chairperson to ensure that the Committee's deliberations are conducted in strict compliance with the Rules.

Matters concerning infractions of the Convention on International Civil Aviation by Contracting States: Global Navigation Satellite System (GNSS) Radio Frequency Interference (RFI)

22.21 The Committee reviewed A42-WP/44, presented by the Council, which invited the Assembly to endorse the Council's determination that the recurring incidents of GNSS-RFI on the Korean peninsula originating from the DPRK constitute an infraction by the DPRK of the Chicago Convention, and to adopt the draft Assembly Resolution proposed in Appendix B to the paper. The Committee also reviewed A42-WP/553, presented by the Council, which invited the Assembly to endorse the Council's determination that the recurring incidents of GNSS-RFI in the Baltic, Eastern and Northern European regions originating from the territory of the Russian Federation constitute an infraction by the Russian

Federation of the Chicago Convention, and to adopt the draft Assembly Resolution proposed in Appendix B to the paper.

22.22 The majority of the Delegations that took the floor acknowledged and condemned violations of the Chicago Convention by the DPRK and the Russian Federation, expressing strong support for A42-WP/44 and A42-WP/553 and the draft resolutions appended thereto. One Delegation, supported by several others, emphasized that the Council in presenting A42-WP/44 and A42-WP/553 to the Assembly followed a rigorous, transparent and structured process, consistent with the principles and procedures set out in the Chicago Convention, taking into account technical and legal advice from the Secretariat. That Delegation further observed that due process was fully respected in the Council's proceedings and that the two States concerned were given full opportunity to explain any actions they had taken to address their violations of the Chicago Convention. Regrettably, neither the DPRK nor the Russian Federation had responded to ICAO's letters to that effect. In that Delegation's view, the Council's actions taken to fulfill its mandate as set out in the Chicago Convention are not politically motivated.

22.23 Several Delegations who supported A42-WP/44 and A42-WP/553 expressed serious concern about the negative impacts of GNSS-RFI on the safety and security of international air navigation. In support of the determination of the Council on the infraction identified in A42-WP/553, one Delegation highlighted that the Radio Regulations Board of the International Telecommunication Union (ITU) had concluded that the incidents of GNSS-RFI referenced in the paper had been geo-located as originating from within the territory of the Russian Federation.

22.24 While acknowledging the seriousness of GNSS-RFI and its negative impacts on the safety and security of international civil aviation, one Delegation, supported by two others, emphasized the need to adopt a broader perspective with a view to considering such incidents wherever they occur, while bearing in mind that ICAO's primary role is to foster cooperation and mutual understanding among Member States. These Delegations called upon all States to enhance technical cooperation, strengthen coordination with industry partners to improve anti-jamming and anti-spoofing capabilities of airborne navigation systems, and to work together to establish a minimal operational network for GNSS.

22.25 A few Delegations strongly opposed A42-WP/44 and A42-WP/553, noting that the actions recommended therein are unfounded, selectively target certain States, undermine cooperation, and politicize ICAO's technical work. In the case of A42-WP/44, one Delegation asserted that the allegations presented therein are a political fabrication by the Republic of Korea and its allies, made without scientific evidence and aimed at tarnishing the international image of the DPRK. In the case of A42-WP/553, another Delegation stated that any incidents of GNSS-RFI that may have originated from the territory of the Russian Federation were the result of national security measures taken against Ukrainian unmanned aircraft. At the same time, it was asserted that the Russian Federation took all measures to limit the impact of such incidents of GNSS-RFI on civil aviation receivers. The Delegation emphasized its openness to cooperation, noting that as a State provider of the GLONASS system free of charge to the global aviation community, it firmly rejects the accusatory rhetoric presented in A42-WP/553 in regard to the functioning of GNSS.

22.26 One Delegation requested a vote by secret ballot on the draft Assembly resolution appended to A42-WP/553 in accordance with Rule 47 of the Assembly Rules. The request for a secret ballot vote was supported by two other Delegations and was not opposed by any Delegation. While seeking clarification about the question for the secret ballot vote, one Delegation, supported by several others, suggested that the question be rephrased as follows "Do you oppose the actions set out in A42-WP/553?".

Further to the Chairperson's clarification that the Committee's role was not to adopt resolutions but to make recommendations to the Plenary, the Committee agreed to proceed with a secret ballot vote on the question **"Do you support to recommend to the Plenary to adopt the draft Resolution as stipulated in the Appendix to A42-WP/553?"** The Chairperson of the Committee agreed to a suggestion by one Delegation, supported by another Delegation, that a member of the Delegation that requested the secret ballot be invited to observe the tallying of the votes. A total of 153 votes were cast, with 89 votes in favour, 19 against, 42 abstentions, 1 invalid vote and 2 blank ballots. Based on the outcome of the secret ballot vote, the Chairperson concluded that a clear majority of the Committee had expressed its support to recommend to the Plenary to adopt the draft Assembly Resolution appended to A42-WP/553, the text of which is as follows:

Resolution A42/xx : Infraction of the Convention on International Civil Aviation by the Russian Federation

Having considered the item concerning recurring Global Navigation Satellite System (GNSS) Radio Frequency Interference (RFI) in the Baltic, Eastern and Northern European regions originating from the territory of the Russian Federation;

Bearing in mind that the safety of international civil aviation remains the primary aim and objective of the *Convention on International Civil Aviation* as well as the International Civil Aviation Organization;

Recalling Assembly Resolution A41-8, Appendix C on ensuring the resilience of ICAO CNS/ATM systems and services, which recognized that GNSS should be free from harmful interference and urged States to refrain from any form of jamming, or spoofing affecting civil aviation;

Considering the paramount importance of preserving the safety and security of international civil aviation as enshrined in the principles and rules of the *Convention on International Civil Aviation* and its Annexes;

Noting that the ICAO Council, on 26 March 2025, recalled and reaffirmed its serious concerns regarding the harmful impact of GNSS-RFI on the safety and security of international civil aviation, which is against the principles enshrined in the *Convention on International Civil Aviation*;

Noting that the ICAO Council, on 13 June 2025, expressed its grave concern regarding the recurring incidents of GNSS-RFI originating from the Russian Federation, affecting international air navigation in the Warszawa (EPWW), Vilnius (EYVL), Riga (EVRR), Tallinn (EETT), Helsinki (EFIN), and Sweden (ESAA) Flight Information Regions (FIRs);

Noting that the Russian Federation was notified that the recurring incidents of GNSS-RFI went against the principles enshrined in the *Convention on International Civil Aviation* and yet failed to respond to the Council's request to implement its decision and comply with the Russian Federation's obligations under the *Convention on International Civil Aviation*;

Considering that the ICAO Council decided to submit this matter to the 42nd Session of the ICAO Assembly, in accordance with Article 54 k) of the *Convention on International Civil Aviation*;

The Assembly:

1. *Endorses* the determination of the ICAO Council that GNSS-RFI in the Baltic, Eastern and Northern European regions originating from the territory of the Russian Federation and its harmful impact on the safety and security of international civil aviation goes against the principles enshrined in the *Convention on International Civil Aviation*, and constitutes an infraction of that Convention;
2. *Condemns* the Russian Federation for the recurring GNSS-RFI originating therefrom that is jeopardizing the safety and security of international civil aviation;
3. *Urgently calls* upon the Russian Federation to comply strictly with its obligations under the *Convention on International Civil Aviation*, in order to cease the recurrence of such GNSS-RFI activities;
4. *Requests* the Council to remain seized of this matter and report back to the Assembly as appropriate; and
5. *Instructs* the Secretary General to immediately draw the attention of all Contracting States to this resolution.

22.27 With regard to A42-WP/44, the Chairperson noted that a majority of Delegations that took the floor expressed their support for the draft Assembly Resolution appended to the Working Paper. Based on the foregoing, the Chairperson concluded that the Committee has agreed to recommend to the Plenary to adopt the draft Assembly Resolution proposed in Appendix B to A42-WP/44, the text of which is as follows:

Resolution A42/xx: Infraction of the Convention on International Civil Aviation by the Democratic People's Republic of Korea (Appended to A42-WP/44)

Having considered the item concerning recurring Global Navigation Satellite System (GNSS) Radio Frequency Interference (RFI) on the Korean Peninsula originating from the Democratic People's Republic of Korea;

Bearing in mind that the safety of international civil aviation remains the primary aim and objective of the *Convention on International Civil Aviation* as well as the International Civil Aviation Organization;

Recalling Assembly Resolution A41-8, Appendix C on ensuring the resilience of ICAO CNS/ATM systems and services, which recognized that GNSS should be free from harmful interference and urged States to refrain from any form of jamming, or spoofing affecting civil aviation;

Considering the paramount importance of preserving the safety and security of international civil aviation as enshrined in the principles and rules of the *Convention on International Civil Aviation* and its Annexes;

Noting that the ICAO Council, on 26 March 2025, recalled and reaffirmed its serious concerns regarding the harmful impact of GNSS-RFI on the safety and security of international civil aviation, which is against the principles enshrined in the *Convention on International Civil Aviation*;

Noting that the ICAO Council, on 13 June 2025, reiterated its grave concern that notwithstanding its previous decisions of 18 June 2012, 31 May 2016, 14 June 2024 and 26 March 2025 relating to the incidents of GNSS-RFI on the Korean Peninsula originating from the Democratic People's Republic of Korea, these incidents had continued to recur in the intervening period and had been ongoing since 2 October 2024, jeopardizing the safety of international civil aviation in the Incheon Flight Information Region (FIR);

Noting that the Democratic People's Republic of Korea was notified that the recurring incidents of GNSS-RFI went against the principles enshrined in the *Convention on International Civil Aviation* and yet failed to respond to the Council's repeated decisions and requests to implement its decisions and comply with the Democratic People's Republic of Korea's obligations under the *Convention on International Civil Aviation*;

Considering that the ICAO Council decided to submit this matter to the 42nd Session of the ICAO Assembly, in accordance with Article 54 k) of the *Convention on International Civil Aviation*;

The Assembly:

1. *Endorses* the determination of the ICAO Council that, GNSS-RFI on the Korean Peninsula originating from the Democratic People's Republic of Korea and its harmful impact on the safety and security of international civil aviation goes against the principles enshrined in the *Convention on International Civil Aviation*, and constitutes an infraction of that Convention;
2. *Deplores* that, in disregard of the concerns repeatedly expressed by the ICAO Council, the Democratic People's Republic of Korea has continued to engage in actions resulting in recurring GNSS-RFI on the Korean Peninsula;
3. *Condemns* the Democratic People's Republic of Korea for the recurring GNSS-RFI originating therefrom that is jeopardizing the safety and security of international civil aviation;
4. *Urgently calls* upon the Democratic People's Republic of Korea to comply strictly with its obligations under the *Convention on International Civil Aviation*, in order to cease the recurrence of such GNSS-RFI activities;
5. *Requests* the Council to remain seized of this matter and report back to the Assembly as appropriate; and
6. *Instructs* the Secretary General to immediately draw the attention of all Contracting States to this resolution.

22.28 The Committee noted A42-WP/557 (Information Paper) presented by the DPRK.

Unilateral measures

22.29 The Committee considered A42-WP/256, presented by the Russian Federation, A42-WP/514, presented by the Bolivarian Republic of Venezuela and A42-WP/250, presented by the Interstate Aviation Committee on behalf of the Republic of Belarus, the Russian Federation and Tajikistan.

22.30 Some Delegations expressed support for the three Working Papers, emphasizing the negative impact of unilateral coercive measures on international civil aviation and drawing attention to the fact that those measures are in contradiction with the principles enshrined in the *Convention on International Civil Aviation* (Chicago, 1944). It was stated that such unilateral measures weaken international cooperation and undermine efforts towards the sustainable and equitable development of international civil aviation. Concerns were also raised with respect to the disruptive effect of unilateral coercive measures on air traffic flows, as well as the potential exclusion of certain Member States from the benefits of the Organization's initiatives. These Delegations called upon the Assembly to instruct the Council to take appropriate measures to address the adverse consequences of these unilateral actions, including under Article 55 c) and e) of the Chicago Convention.

22.31 A majority of the Delegations that took the floor did not support the action items contained in A42-WP/256, A42-WP/514 and A42-WP/250, noting that many of the issues raised directly or indirectly overlapped with the subject matter of disputes pending before the Council of ICAO or ongoing bilateral negotiations between States. Accordingly, these Delegations emphasized that the Assembly is not the appropriate forum to discuss items that are subject to ongoing Council deliberations, including matters pertaining to the settlement of differences under Chapter XVIII of the Chicago Convention. Concerns were also expressed that a decision by the Assembly on these topics could set an undesirable precedent that might undermine and prejudice the Council's authority and the Organization's governance framework.

22.32 In summing up, the Chairperson concluded that a majority of the Delegations that took the floor did not express support for recommending to the Plenary to adopt the action items contained in A42-WP/256, A42-WP/514 and A42-WP/250.

22.33 A few Delegations expressed their disagreement with the Chairperson's summary that a majority of the Delegations that took the floor did not support A42-WP/256, A42-WP/514 or A42-WP/250. One such Delegation clarified that, in their view, the many interventions calling for the Council to continue its consideration of matters pertaining to unilateral coercive measures supported the request for the Council to conduct a study of the impact of unilateral restrictive measures on international civil aviation pursuant to Article 55 of the Chicago Convention. The Chairperson noted the concerns expressed by those Delegations.

Other policy matters pertaining to international air transport

22.34 The Committee reviewed A42-WP/93 and A42-WP/96 presented by the DPRK. A42-WP/93 requested the Assembly to fully investigate meetings of the Council relating to the DPRK from 2022 to 2025, including the 13th meeting of 234th Session, and, also, to take measures to prevent double standards within the ICAO Council. A42-WP/96 reported an alleged infraction of the Chicago Convention following the infiltration of unmanned aircraft by the Republic of Korea into the territory of the DPRK in October 2024, thereby infringing upon the national sovereignty and jeopardizing the safety of civil aviation of the DPRK and requested the Assembly to take technical measures to prevent the recurrence of such cases.

22.35 The Committee also reviewed A42-WP/525, presented by the Interstate Aviation Committee on behalf of Armenia, Belarus, Kyrgyzstan, Russian Federation, Tajikistan and Uzbekistan, concerning the fulfilment by certain Member States of their obligations under certain ICAO Standards and Recommended Practices. In particular, the working paper outlined that some States are not responding to

notifications sent to them or requests for technical information for the purposes of air accident investigations. The working paper also invited the Council to review cases of non-fulfilment by Member States of their obligations and to report such cases to ICAO Member States pursuant to Article 54 j) of the Chicago Convention.

22.36 At the invitation of the Chairperson, the President of the Council informed the Committee on the outcome of the 13th meeting of the 234th Session of the Council relating to A42-WP/96. During that meeting, the Council had considered C-WP/15688, presented by the DPRK, regarding alleged incidents involving the use of drones and unmanned balloons in its airspace. The President further clarified that the matter was given full consideration and the Council observed that no sufficient or substantive evidence had been provided to conclude that the alleged incidents had any tangible impact on the safety of international civil aviation in the region and agreed that no action by the Council was required. The President also mentioned that the minutes of the said Council meeting, which do not contain any evidence of the alleged double standards, are available on the ICAO portal and are accessible to all Member States.

22.37 A clear majority of delegations that took the floor did not support A42-WP/93, A42-WP/96 or A42-WP/525. Several delegations opposed the discussion of A42-WP/93 and A42-WP/96 considering that the Council had already given full consideration to the subject and concluded on the lack of substantiated evidence from the DPRK. One delegation, that did not support A42-WP/93, expressed that further to the invitation of the Council, it remained open to engage in technical discussions with the DPRK to prevent the recurrence.

22.38 Two delegations expressed support for A42-WP/93, A42-WP/96 and A42-WP/525. One delegation further opined that the problem of double standards and politicization has affected an increasing number of States and undermined interactions among States, threatening aviation safety. Two other delegations supported A42-WP/525.

22.39 One delegation expressed concerns on the decision taken by the Council when considering C-WP/15688 and questioned whether it was the Council's definitive conclusion that military drones fall outside the purview of the mandate of ICAO; and additionally, whether the Assembly is mandated to review any decision taken by the Council. It was clarified that the information on this matter provided by the President of the Council is the outcome of the discussions of the Council; the detailed deliberations of which can be found in the relevant minutes.

22.40 Given that a clear majority of delegations who took the floor did not support A42-WP/93, A42-WP/96 or A42-WP/525, the Chairperson concluded that the Committee did not endorse the actions proposed therein. The Committee also took note of A42-WP/559 (Information Paper) presented by the DPRK which supplemented the information in A42-WP/96.

Military aggression endangering international civil aviation

22.41 The Committee reviewed A42-WP/533, Revision No. 1, presented by the Islamic Republic of Iran. With reference to Article 3 c) of the Chicago Convention and Article 52 of Additional Protocol I to the Geneva Conventions of 1977, the Delegation called upon the Assembly to reaffirm that civil aviation, including airport infrastructure and aircraft, must be safeguarded from any threats.

22.42 A majority of the Delegations that took the floor did not support the actions contained in A42-WP/533, Revision No. 1, including the draft Assembly Resolution appended thereto. It was outlined that the issues raised in the working paper concern international peace and security and are better addressed in other fora such as the United Nations Security Council (UNSC) or the United Nations General Assembly (UNGA). The view was also expressed that the proposed actions pertaining to the Universal Security Audit Programme Continuous Monitoring Approach (USAP-CMA) were not appropriate in this context since the said programme focuses solely on assessing a State's aviation security oversight and its compliance with Annex 9 – *Facilitation* and Annex 17 – *Aviation Security*. It was further stated that the working paper was politically motivated. One Delegation categorically rejected A42-WP/533, Revision No. 1, questioning the use of derogatory language rather than the proper name to describe the Member State concerned. That Delegation also stated that the events described in the paper fell outside the purview of the Assembly in view of Article 89 of the Chicago Convention. Another Delegation opined that it was premature for the Assembly to address the issues contained in A42-WP/533, Revision No. 1.

22.43 A few Delegations expressed concern about the negative impact of the events outlined in the working paper. While condemning all acts of armed attack against civil aircraft and civil aviation infrastructure, some of these Delegations called upon the Assembly and other ICAO bodies to avoid double standards and the politicization of the Organization's work, noting that such trends undermine cooperation between States in the area of civil aviation. In referring to the suggestion by some Delegations that the matters raised in A42-WP/533, Revision No. 1 are better addressed in other fora, one Delegation enquired about the specific aspects of the disruption of civil aviation that should be dealt with by the ICAO Assembly and those that should be addressed by the UNSC or UNGA.

22.44 Based on the Committee's deliberations, the Chairperson noted that while a majority of the Delegations that took the floor did not support the actions contained in the working paper, including the draft Assembly Resolution, most of the Delegations who took the floor were of the view that the issues raised in the paper should be considered in other fora. Accordingly, the Chairperson concluded that while the Committee did not agree to recommend to the Plenary that it adopts the draft Assembly Resolution appended to this Working Paper, the Committee, nonetheless, agreed to recommend to the Plenary that the matter be referred to the Council of ICAO and other relevant technical bodies for further analysis.

— END —