



A41-WP/676
P/71
7/10/22

ASSEMBLY — 41ST SESSION

REPORT OF THE PLENARY ON AGENDA ITEM 28

(Presented by the Chairman of the Plenary)

The attached report on Agenda Item 28 has been approved by the Plenary. Resolutions 28/1, 28/2 and 28/3 are recommended for adoption by the Plenary.

Note.— After removal of this covering sheet, this paper should be inserted in the appropriate place in the report folder.

(12 pages)

Agenda Item 28: Other high-level policy issues to be considered by the Executive Committee

28.1 One delegation requested that the working papers be taken individually and in the following order: WP/284, WP/295, WP/429, WP/455, WP/456 and WP/430. The Executive Committee agreed that working papers under this Agenda Item would be considered individually but in the following order: WP/429, WP/284, WP/295, WP/430, WP/455 and WP/456. Accordingly, the Committee began by reviewing WP/429, presented by the Council, which reported to the Assembly an infraction of the Chicago Convention by the Republic of Belarus in connection with the event involving Ryanair Flight FR4978 in Belarus airspace on 23 May 2021. Further to a fact-finding investigation, the Council had determined that, on 23 May 2021, the Government of Belarus committed an act of unlawful interference that deliberately endangered the safety and security of Ryanair Flight FR4978 and the lives of all those on board. The Council also decided that the actions of the Government of Belarus amounted to a flagrant and serious violation of the Chicago Convention to be reported to the Assembly pursuant to Article 54 k) of the Convention. WP/429 therefore invited the Assembly to acknowledge the infraction by Belarus of the Chicago Convention and to adopt an Assembly Resolution as proposed in the Appendix to the paper.

28.2 A large majority of the delegations that took the floor supported WP/429 and the draft Assembly Resolution appended to it, thereby endorsing the Council's determination that the actions of the Government of Belarus leading to the diversion of Ryanair Flight FR4978 to land at Minsk Airport on 23 May 2021 amounted to a flagrant and serious violation of the Chicago Convention and an act of unlawful interference against the safety and security of international civil aviation. Several delegations commended the Fact-Finding Investigation Team (FFIT) for conducting the investigation in a professional and impartial manner and expressed appreciation for its Report which was based on objective evidence and reflected a balanced methodology.

28.3 In expressing support for WP/429, one delegation stressed that while diplomatic resolution of conflicts is preferable in multilateral settings, an amicable solution was not possible in this case in view of the flagrant infraction of the Convention by Belarus. A few delegations emphasized that the international community should not tolerate conduct such as that exhibited by the Government of Belarus and that there should be consequences when a contracting State violates the Chicago Convention. One delegation called upon other delegations to support the draft Assembly Resolution noting that it pertained to an important issue of relevance to international civil aviation and should therefore be addressed by the Assembly.

28.4 A small number of delegations who took the floor did not support WP/429, nor the draft Assembly Resolution appended to it. Some of these delegations mentioned that the methodology and conclusions of the FFIT Report were unprofessional, biased and lacked objectivity. Some delegations expressed the view that the matter at hand was a political issue and that, contrary to ICAO's long-standing reputation as a technical body, some delegations were using the Assembly as a platform to advance their political interests and to marginalize other States. While observing that the draft Assembly Resolution appended to WP/429 was in contravention of the principles underlying the Chicago Convention, those delegations urged the Assembly to stay out of politics and focus its deliberations on technical matters aimed at promoting international civil aviation and friendship among nations. One delegation argued that the FFIT had neither a mandate nor terms of reference for the purported investigation that it claims to have conducted. In that delegation's view, although the FFIT claimed to have interviewed the air traffic controller who left Belarus after the event, no evidence was provided to show that the controller's testimony was obtained without duress or to support the authenticity of the audio recording that he allegedly made on his cell phone

in the air traffic control centre as the event unfolded. In light of the foregoing, the delegation concluded that WP/429 and its appended draft Resolution are based on unfounded information and therefore amount to a direct provocation against the sovereignty of Belarus. The delegation questioned why ICAO did not investigate an incident that happened some years ago when an aircraft carrying the President of Bolivia landed in a European State.

28.4 *Bis* One delegation noted that on the day following the incident, eight European States introduced unilateral restrictive measures against Belarus without any prior investigation.

28.5 One delegation mentioned that contrary to what had been stated, the FFIT's mandate was based on Article 55 of the Chicago Convention and it was provided clear terms of reference, which were approved by the Council. That delegation also stressed that the FFIT Report, contained clear evidence that Belarus violated the Chicago Convention as well as the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation*, signed at Montreal on 23 September 1971. Another delegation recalled that the Council endorsed WP/429 following rigorous deliberations and scrutiny during which an overwhelming majority of Council Members expressed support for the actions recommended therein. One delegation recalled that, during discussion in Council, that delegation had noted the accusatory and biased nature of the FFIT Report. One delegation indicated that the case involving the landing in Europe of an aircraft carrying the President of Bolivia is distinguished from the present case since the aircraft in question was a state aircraft and not a civil aircraft. As such, in accordance with its Article 3, the provisions of the Chicago Convention did not apply to that case.

28.6 The Committee concluded that a large number of States had acknowledged and condemned the infractions by the Republic of Belarus of the Chicago Convention. A clear majority of States had expressed their support for the draft Assembly Resolution appended to WP/429. A small number of States supported neither WP/429 nor the related draft Assembly Resolution contained in the Appendix. The Committee then agreed to recommend to the Plenary that it adopts the following Assembly Resolution text:

Resolution A28/1: Infraction of the Convention on International Civil Aviation by the Republic of Belarus

Recalling the Decision of the ICAO Council of 27 May 2021 concerning the Incident involving Ryanair Flight FR4978 in Belarus airspace on 23 May 2021;

Having considered the report of the Fact-Finding Investigation Team (FFIT) instituted by the Secretary General pursuant to that decision of the ICAO Council; Bearing in mind the provisions and principles of the Convention on International Civil Aviation, while the primary objective of ICAO continues to be that of ensuring the safety and security of international civil aviation worldwide;

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

Noting that the ICAO Council, on 18 July 2022, determined that, based on the facts established by the FFIT, a number of senior officials of the Government of Belarus had knowingly participated or were involved in providing information about a false bomb threat to Ryanair Flight FR4978 leading to its diversion to land at Minsk Airport;

Further noting that the ICAO Council concluded with grave concern, that based on the facts established by the FFIT, the safety of Ryanair Flight FR4978 was endangered when a false bomb threat was communicated to the flight crew, on the instructions of senior government officials of Belarus, and that the actions of the Government of Belarus in committing an act of unlawful interference that deliberately endangered the safety and security of Ryanair Flight FR 4978 and the lives of all those on board, amounted to a flagrant and serious violation of the Convention on International Civil Aviation;

Recalling that the use of civil aviation by any State for any purpose inconsistent with the aims of the Convention on International Civil Aviation would contravene the spirit of the said Convention, its Preamble as well as its Article 4;

Considering that the ICAO Council further decided to submit this matter to the 41st 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, based on the findings of the FFIT Report, the actions of the Government of Belarus in knowingly participating in or being involved in providing information about a false bomb threat to Ryanair Flight FR4978 leading to its diversion to land at Minsk Airport, and thereby deliberately endangering the safety and security of a commercial passenger aircraft and the lives of all those on board, amounted to the use of civil aviation by Belarus for a purpose inconsistent with the aims of the Convention on International Civil Aviation which is a flagrant and serious violation of its Article 4;
2. *Condemns* the actions of the Government of the Republic of Belarus in committing an act of unlawful interference that deliberately endangered the safety and security of Ryanair Flight FR4978 and the lives of all those on board;
3. *Deplores* the fact that, notwithstanding notice of the infraction of Article 4 of the Convention on International Civil Aviation, the Republic of Belarus has failed to take appropriate action within a reasonable time after notice of the said infraction;
4. *Urgently calls* upon the Republic of Belarus to take appropriate action in view of this infraction of Article 4 of the Convention on International Civil Aviation;
5. *Requests* the Council to remain seized of this matter and to 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.

28.7 At the request of some delegations, the Committee then proceeded to consider WP/284 together with WP/295, presented by Belarus.

28.8 In WP/284, Belarus described certain actions by other States as amounting to sanctions or unilateral measures which it alleged are in breach of, or otherwise incompatible with, the provisions of the Chicago Convention, and invited the Assembly to endorse an Assembly Resolution text presented in the

Appendix which called upon ICAO Member States to take measures aimed at denouncing and halting the imposition and application of sanctions and other unilateral measures. In WP/295, Belarus stated that certain States of Design of aircraft registered in Belarus are failing to comply with their obligations under Annex 8 to the Chicago Convention to provide information necessary for maintaining the continuing airworthiness and safe operation of the aircraft in question. WP/295 invited the Assembly to endorse an Assembly Resolution text presented in the Appendix thereto which called upon ICAO Member States to take measures aimed at halting alleged activities by States of Design that would put them in default of their obligation to implement the requirements of the Standards and Recommended Practices (SARPs) of Annex 8 to the Chicago Convention and that would override the mechanism established by the Chicago Convention.

28.9 A large majority of delegations who took the floor did not support the actions indicated in WP/284 and WP/295. With regard to WP/295, several States of Design expressed disagreement with the claim that they had refused to provide information necessary for maintaining the continuing airworthiness and safe operation of aircraft. One delegation objected to WP/295 on the ground that it confuses the obligations of the State with the obligations of the manufacturer. That delegation along with those of other States of Design indicated that much of the applicable information pertaining to continuing airworthiness and safe operation of aircraft is provided directly to all States of Registry including Belarus and publicly made available through their respective websites. One delegation noted that the access to this information is restricted as far as States under sanctions or unilateral restrictive measures are concerned since access to their accounts is frozen.

28.10 A few delegations expressed support for WP/284 and WP/295 and the appended draft Resolutions. In so doing, one delegation expressed concern about the imposition by other States of unilateral and coercive measures against other States. That delegation also informed the Committee that as a victim State of such unilateral and coercive measures, it had submitted a working paper WP/366 on a similar topic for consideration by the Committee. In its view it was unfortunate that the working paper had been moved to the Economic Commission. Another delegation that supported WP/284 and WP/295 indicated that the sanctions and other unilateral measures against Belarus indicated in those two working papers were imposed by certain States in the immediate aftermath of the event involving Ryanair Flight FR4978, at a time when an investigation into the matter had not even commenced. One delegation questioned why ICAO did not investigate when in 2016 a Belavia aircraft landed in Kyiv and a passenger was arrested.

28.11 It was clarified that the reference to IATA in WP/284, paragraph 2.3, did not originate in any way from input by, or exchanges with, IATA.

28.12 At the request of one delegation supported by another delegation, the Committee agreed to proceed with a vote with respect to the actions requested in WP/284 and WP/295 respectively. Following two votes by show of hands, there was no clear majority of States in support of either WP/284 or WP/295, nor the Assembly Resolutions appended to them. Accordingly, the Committee did not agree to recommend to the Plenary the adoption of the Assembly Resolution texts proposed in the Appendices to WP/284 and WP/295.

28.13 A small number of States did support WP/284 and WP/295 and the draft Assembly Resolutions contained in the Appendices thereto. A small number of States also expressed concern that sanctions and unilateral measures adopted by States are incompatible with the principles and provisions of

the Chicago Convention. The Committee requested the Assembly to urge all States of Design to continue to comply with relevant requirements addressed to them in Annex 8.

28.14 Before turning to its consideration of WP/430, one delegation requested that that WP/455 and WP/456 should be reviewed. Consistent with the established practice of the Committee, that request was not acceded to. The Committee then reviewed WP/430, which reported on the violation by the Russian Federation of the exclusive sovereignty of Ukrainian airspace, as well as the dual registration of aircraft and permitting aircraft to fly without the required documents on board, which the Council considered as constituting infractions of Articles 1, 18, 19, 29 and 31 of the *Convention on International Civil Aviation* to be reported to the Assembly under Article 54 k) of the Convention. WP/430 invites the Assembly to condemn those infractions, to call upon the Russian Federation to immediately cease the infractions, and adopt the draft Assembly Resolution presented in Appendix C.

28.15 One delegation, supported by two other delegations, presented a motion that the Committee should decide on the question “Do you support the actions contained in WP/430 presented by the Council of ICAO?” The same delegation, supported by another delegation, requested that the vote on that question be conducted by secret ballot in accordance with Rule 47 of the *Standing Rules of Procedure of the Assembly of the International Civil Aviation Organization*. That request was not opposed. A total of 124 valid votes were cast, with 82 votes in favour, 15 against and 27 abstentions. With a clear majority of the Committee expressing its support for the actions contained in WP/430, the Committee therefore recommended to the Plenary that it adopts those actions, including the draft Assembly Resolution proposed in Appendix C to WP/430, the text of which is as follows:

Resolution A28/2: Infractions of the Convention on International Civil Aviation by the Russian Federation

Having considered the item concerning infractions of the Convention on International Civil Aviation by the Russian Federation;

Recalling that the United Nations General Assembly in adopting Resolution A/ES-11/L.1 on aggression against Ukraine reaffirmed its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine and deplored in the strongest terms the aggression by the Russian Federation against Ukraine in violation of the Charter of the United Nations;

Bearing in mind the provisions and principles of the *Convention on International Civil Aviation*, while the primary objective of ICAO continues to be that of ensuring the safety of international civil aviation worldwide;

Considering the paramount importance of preserving the safety of international civil aviation, and that once a Contracting State has registered an aircraft, a number of safety-related obligations fall upon it by virtue of the *Convention on International Civil Aviation* and its Annexes;

Noting that the ICAO Council, on 25 February 2022, expressed its condemnation of the violation of the territorial integrity and sovereignty of Ukraine, including its sovereign airspace, which is inconsistent with Article 1 of the *Convention on International Civil Aviation* and urged the Russian Federation to cease its unlawful activities, to ensure the safety and security of international civil aviation in all affected areas and to respect its obligations under the *Convention on International Civil Aviation*;

Noting that on 15 June 2022, ICAO confirmed a Significant Safety Concern that remained unresolved by the Russian Federation, and on 22 June 2022 the ICAO Council considered a working paper submitted by 19 ICAO Council Member States which, in addition to the infraction of Article 1 of the *Convention on International Civil Aviation*, outlined infractions of Articles 18, 19, 29 and 31 pertaining to the dual registration of aircraft by the Russian Federation and, in turn, permitting the operation of those aircraft without valid certificates of airworthiness, and that in this connection the Council called on the Russian Federation to immediately cease and urgently remedy its infractions of the *Convention on International Civil Aviation*;

Considering that the Russian Federation failed to take appropriate action within a reasonable time after notice of the infractions, despite strong condemnations by the Council and its calls for compliance with the *Convention on International Civil Aviation*;

Considering that the ICAO Council further decided to submit this matter to the 41st Session of the ICAO Assembly, in accordance with Article 54 k) of the *Convention on International Civil Aviation*;

The Assembly:

1. *Endorses* the decision of the ICAO Council that the violation of the territorial integrity and sovereignty of Ukraine by the Russian Federation, including its sovereign airspace, and the dual registration of aircraft by the Russian Federation and, in turn, permitting the operation of those aircraft without valid certificates of airworthiness constitute infractions of Articles 1, 18, 19, 29 and 31 of the *Convention on International Civil Aviation*, conforming to its Article 54 k);
2. *Deplores* that, in disregard of the concerns and condemnations expressed by the ICAO Council, the Russian Federation has continued these infractions of Articles 1, 18, 19, 29 and 31 of the *Convention on International Civil Aviation*;
3. *Condemns* the Russian Federation for the violation of the sovereignty of the airspace of Ukraine and the dual registration of aircraft by the Russian Federation and, in turn, permitting the operation of those aircraft without valid certificates of airworthiness, amounting to infractions of the *Convention on International Civil Aviation* and seriously threatening the safety and security of international civil aviation;
4. *Urgently calls* upon the Russian Federation to cease the actions leading to the infractions of the *Convention on International Civil Aviation* in order to comply strictly with the provisions of the Convention and its Annexes;
5. *Urgently calls* upon the Russian Federation to resolve the issues related to the leased aircraft registered in other Contracting States that have been re-registered in the Russian Federation and to prevent the operation of those aircraft without valid certificates of airworthiness, so as to remedy the infractions of Articles 18, 19, 29 and 31 of the *Convention on International Civil Aviation*;
6. *Requests* the Council to remain seized of this matter and report back to the Assembly as appropriate; and
7. *Instructs* the Secretary General to immediately draw the attention of all Contracting States to this resolution.

28.16 The Committee also reviewed WP/455 Revision no. 1, presented by the Russian Federation and WP/456, presented by the Russian Federation and co-sponsored by Nicaragua. WP/455 characterizes actions by a group of ICAO Member States as unilateral restrictive measures which the Russian Federation asserted as infractions of Articles 4, 9, 22, 44 and 82 of the Convention. WP/456 characterizes certain actions by several States as unilateral restrictive measures which the Russian Federation asserted undermines the foundations of the Convention and proposes a Resolution covering the same subject matter.

28.17 Before the discussion on WP/455 and WP/456 commenced, one delegation, supported by another delegation, presented a motion that the Committee should decide the question “Do you support the actions contained in WP/455 and WP/456 presented by the Russian Federation?” One delegation requested that the vote on that question be conducted by roll call. Another delegation proposed that the vote be taken on each of the working papers separately, expressing concern that States may have different positions on the two papers. Although, this view was supported by a number of delegations, another delegation was of the view that the papers should be voted on together. Pursuant to a vote by show of hands on the question “Do you agree that the two working papers should be considered separately?” there was a clear majority in favour of the vote being taken on the two papers together. It was subsequently clarified that there had been no intention to present a motion for consideration but simply a request for an explanation on whether the vote on the working papers would be taken separately. One delegation requested to make a statement on WP/455 and WP/456 before proceeding to the vote. That request was supported by a few delegations who expressed concerns that no discussion of these two papers would be carried out in view of the pending motion, consistent with the Standing Rules of Procedure. The Committee agreed to proceed in accordance with its established practice that papers are taken as read and not presented and therefore to proceed directly to the vote. On the original motion presented, there were 97 votes cast, with 8 votes in favour, 62 against and 27 abstentions. With a clear majority of the Committee deciding against supporting the actions contained in WP/455 Revision No. 1 and WP/456, the Committee therefore recommends to the Plenary that it does not support those actions, nor adopt the draft Assembly Resolution proposed in the Appendix to WP/456. Following the vote, one delegation observed that the vote amounted in effect to a vote against the Convention, Assembly Resolutions and other relevant international instruments.

28.18 The Committee reviewed WP/78, presented by the Council, which invited the Assembly to acknowledge the infraction by the Democratic People’s Republic of Korea (DPRK) of its obligations under the Chicago Convention and to endorse a draft Assembly Resolution on Unannounced missile launches by DPRK as proposed in the Appendix. At the same time, the Committee reviewed WP/191 presented by DPRK. The working paper invited the Assembly to note the serious concerns regarding the provision of civil aviation of DPRK. It also invited the Assembly to authorize the ICAO Secretariat to take measures, under the liaison of the responsible ICAO Member States and the UN 1718 Committee, to ensure that aeronautical services such as SITA, SADIS, JEPPESEN and Collins, currently suspended in the DPRK be resumed as soon as possible. Moreover, the Assembly was also invited to request ICAO to resume its technical activities in the DPRK, including its planned civil/military workshop.

28.19 A large majority of the delegations that took the floor acknowledged and condemned the violations of the Chicago Convention by DPRK, as set out in WP/78, and supported the draft Assembly Resolution appended thereto. The Committee urged DPRK to comply strictly with the provisions of the Chicago Convention, its Annexes and related Procedures, as well as the United Nations Security Council (UNSC) Resolutions, in order to cease the recurrence of such potentially hazardous activities. Several delegations also made reference to recent unannounced missile launches by DPRK not reported in the working paper.

28.20 The delegation of DPRK strongly rejected WP78 and asserted that full prior consideration was given to civil aviation safety and that no fatal accident or incident occurred as a result of their missile launches. It was also mentioned that these missile launches were aimed at ensuring regional peace. The delegation further asserted that for more than half a century, its State was technically at war with the United States and that the missile launches were conducted around the Korean peninsula to ensure security. One delegation expressed the view that the Executive Committee was seized of a matter which was beyond its jurisdiction and that the newly elected Council should reconsider this subject so that it could be handled in an impartial manner. That delegation also stated that by examining this matter, the Assembly was not contributing to the objectives of the Chicago Convention. This view was supported by one delegation which indicated that, while it does not support any unannounced missile launches, the imposition of sanctions against DPRK may have negative impacts for that State. It also did not support voting on this issue and suggested that ICAO should continue to engage with the DPRK to try to resolve the issue.

28.21 One delegation expressed the view that the Assembly was not the proper forum to discuss the sanctions imposed on DPRK. Another delegation emphasized that unannounced missile launches have been made in the past on several occasions and that these actions were of a barbaric nature.

28.22 One delegation mentioned that it has noted the divergent positions and called upon ICAO as a UN Specialized Agency to promote the orderly development of international civil aviation. That delegation also opined that, the civil aviation should not be politicized and sanctions are not to be the goal. Since the aviation industry was recovering from the COVID-19 pandemic, States should be invited to collaborate and pursue a constructive dialogue.

28.23 With respect to WP/191, the Committee noted the concerns expressed by DPRK in its paper while, not supporting the action items contained therein. In this regard, one delegation recalled that all UN Member States as well as UN Specialized Agencies have the international legal obligations to implement UNSC sanctions and neither ICAO nor its Member States can lift such measures.

28.24 The delegation of DPRK, supported by another delegation, highlighted that the United States has suspended air navigation services such as SITA and JEPPESEN in its State since 2019 and that this was a clear infraction of Articles 28 and 44 of the Chicago Convention, which should be reported to the Assembly under Article 54 k). That delegation also stressed that the “No Country Left Behind” initiative could not be achieved without any support for technical activities.

28.25 The Executive Committee then agreed to recommend to the Plenary the adoption of the following resolution:

Resolution A28/3 : Unannounced missile launches by the Democratic People’s Republic of Korea

Having considered the item concerning recurring unannounced missile launches by the Democratic People’s Republic of Korea;

Recalling Assembly Resolution A32-6 concerning safety of navigation;

Recalling that the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, demanded that the Democratic People’s Republic of Korea not conduct any launch using ballistic missile technology and has strongly condemned the Democratic People’s Republic of Korea when

doing so in violation and flagrant disregard of the Security Council's Resolutions 1718 (2006), 2087 (2013), 2270 (2016), 2321 (2016) and 2371 (2017), inter alia;

Bearing in mind the provisions and principles of the Convention on International Civil Aviation, while the primary objective of ICAO continues to be that of ensuring the safety of international civil aviation worldwide;

Considering the paramount importance of proper coordination of activities potentially hazardous to civil aircraft with all parties concerned (Annex 11 — Air Traffic Services), due promulgation of information when the establishment of prohibited, restricted or danger areas is unavoidable (Annex 15 — Aeronautical Information Services), and effective implementation of relevant Procedures for Air Navigation Services — Aeronautical Information Management (Doc 10066);

Noting that the ICAO Council, on 6 October 2017, expressed its strong condemnation of the continued launching of ballistic missiles by the Democratic People's Republic of Korea over or near international routes without advance notification, which seriously threatens the safety of international civil aviation;

Considering that the ICAO Council remained seized of the matter, expressing concern at episodes involving unannounced missiles being launched by the Democratic People's Republic of Korea, which represent a serious risk to international civil aviation and which occurred in defiance of the relevant United Nations Security Council Resolutions, and affirmed that the ICAO Secretariat should avoid all technical activities with the Democratic People's Republic of Korea, of a direct or indirect nature;

Noting that the ICAO Council, on 1 June 2022, condemned in the strongest possible terms the recent spate of unannounced missile launches and urged the Democratic People's Republic of Korea to act in accordance with and respect for the Convention on International Civil Aviation, and to comply with applicable ICAO Standards and Recommended Practices;

Considering that the ICAO Council further decided to submit this matter to the 41st Session of the ICAO Assembly, in accordance with Article 54 k) of the Convention on International Civil Aviation;

The Assembly:

1. *Endorses* the decision of the ICAO Council that, aside from the incompatibility of ballistic missile launches with the applicable United Nations Security Council Resolutions, unannounced missile launches by the Democratic People's Republic of Korea constitute an infraction to the Convention on International Civil Aviation, conforming to its Article 54 k);
2. *Deeply deplores* that, in disregard of the concerns and condemnations expressed by the ICAO Council, the Democratic People's Republic of Korea has continued the unannounced launches of missiles;
3. *Strongly condemns* the Democratic People's Republic of Korea for launching missiles without advance notification, violating the Convention on International Civil Aviation and seriously threatening the safety of international civil aviation;

4. *Urgently calls upon* the Democratic People's Republic of Korea to comply strictly with the provisions of the Convention on International Civil Aviation, its Annexes and its related Procedures, in order to cease the recurrence of such potentially hazardous activities;
5. *Reaffirms* the intention of ICAO to continue and maintain close and cooperative relationship with the United Nations on this matter, fulfilling the objectives set forth in the Agreement between the United Nations and the International Civil Aviation Organization;
6. *Requests* the Council to remain seized of this matter and report back to the Assembly as appropriate; and
7. *Instructs* the Secretary General to immediately draw the attention of all Contracting States to this resolution.

28.26 The Committee considered WP/225, presented by New Zealand, which highlighted difficulties faced by delegations in submitting hard copy credentials for the Assembly, which could be mitigated by allowing the use of technology. Following a number of supportive interventions by delegates, the Secretariat clarified that the working paper did not invite the Assembly to immediately decide on such use of technological means, but rather requested the Council to consider technological alternatives to hard copy credentials. In the Secretariat's opinion, such alternatives should be considered in light of standardized technology offering certainty and of availability of necessary funding. The Secretariat further recalled that the current ICAO requirement for originals, which is in line with the process at the United Nations General Assembly, already provided a good degree of flexibility through local options, such as issuance of credentials by Ambassadors in Canada or Heads of permanent missions to the United Nations or to ICAO.

28.27 While one delegation expressed concerns and reservations regarding the financial and security issues relating to technological alternatives, the vast majority of delegations supported the working paper, for the Council to consider the implementation of such alternatives in time for the next session of the Assembly in 2025, while preserving the necessary authenticity of credentials.

28.28 The Committee reviewed WP/232 related to the progress of the global, regional and industry initiatives intended to mitigate conflict zone risks for civil aviation as presented by Canada and co-sponsored by Australia, Jordan, Kenya, New Zealand, the Republic of Korea, the United States, the European Union and its Member States, Member States of the European Civil Aviation Conference, the Civil Air Navigation Services Organization (CANSO), EUROCONTROL, the International Air Transport Association (IATA) and International Federation of Air Line Pilots' Associations (IFALPA) together with WP/155 presented by Ukraine related to specifics regarding the assessment of risks and threats to civil aviation security and safety of civil aircraft operations over or near armed conflict zones and in the context of martial law declared in a State.

28.29 With regards to WP/232, the Committee recalled that in response to the 2014 downing of Malaysian Airlines Flight 17, ICAO developed and published the Risk Assessment Manual for Civil Aircraft Operations Over or Near Conflict Zones (Doc 10084). Following the 2020 downing of Ukraine International Airlines Flight 752, the ICAO Council welcomed the "Safer Skies Initiative" and established a renewed work programme related to the risk posed by the Conflict Zones. The Committee noted that in parallel to these efforts, several other global and regional initiatives were established to enhance effective airspace risk management but that considerable work remains to further improve the safety and security of

civil aviation operations over or near Conflict Zones. A large majority of delegations that took the floor supported WP/232. The Committee supported the proposal to prioritize the review of the Risk Assessment Manual for Civil Aircraft Operations Over or Near Conflict Zones (Doc 10084).

28.30 The Committee reviewed WP/155 and noted that armed conflicts cause risk to civil aviation operations, which cannot be anticipated or planned for. The Committee agreed that proper analysis needs to be done to assess risk particularly with respect to a State's incapability to control its sovereign territory and the airspace above it. The Committee noted that certain types of information, in most cases classified military information, makes it difficult to properly assess the risks over or near conflict zones and specifically when martial law is declared in a State. The Committee agreed that the Council should explore possibilities to further assess risks and threats to civil aviation operations over or near conflict zones.

— END —