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PERMANENT MISSION OF THE REPUBLIC OF KOREA TO THE  
INTERNATIONAL CIVIL AVIATION ORGANIZATION

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22 October, 2013

Mr. Raymond Benjamin  
Secretary General  
International Civil Aviation Organization  
Suite 12.15

Dear Mr. Benjamin,

I have the honor to refer to the 38<sup>th</sup> Assembly and its resolution A38-17/12 :  
“Consolidated statement of continuing ICAO policies and practices related to environmental  
protection-Climate Change” adopted on 4 October, 2013.

Please find attached the statement which confirms the Korean government’s position  
on a few paragraphs of A38-17/2.

I avail myself of this opportunity to renew to Your Excellency the assurance of my  
highest consideration.

Sincerely,



Donghwan Choi  
Ambassador, Permanent Representative of  
the Republic of Korea to the Council of ICAO

## **Statement of Reservation of the Republic of Korea Regarding Resolution A38-17/2: Consolidated statement of continuing ICAO policies and practices related to environmental protection - Climate change**

The delegation of the Republic of Korea (ROK) to the 38<sup>th</sup> Assembly has already voiced its reservation regarding paragraph p) of Annex to A38-17/2, adopted during the last plenary session on 4 October, 2013. In general, assembly resolutions are not legally binding, but ROK does not wish its position to be affected by paragraph p) or support views expressed therein. Thus this paper intends to clarify ROK's position on paragraph p) which deals with the most fundamental aspect of international aviation emissions.

First, from ROK's perspective, paragraph p) of A38-17/2 seems to have tipped the balance in favor of common but differentiated responsibilities (CBDR) by enabling it to be taken into account when designing and implementing market-based measures (MBMs). Ever since ICAO set out to tackle climate change, the debates regarding the principle of CBDR enshrined in the UNFCCC has occupied center stage. In other words, whether to apply CBDR to international aviation emissions has been discussed for years in vain, without achieving any consensus up till the 38<sup>th</sup> Assembly. Such tension was also evident in the previous Assembly resolution, A37-19, whose preamble merely acknowledged the existence of CBDR under UNFCCC but carefully avoided affirming its application to air transport. Given this backdrop, ROK is concerned that paragraph p) might unduly affect future discussions at ICAO.

Second, ROK notes that CBDR is a guiding principle under UNFCCC. However, CBDR requires careful assessment if it is to be transplanted into international aviation, since the non-discrimination principle under the Chicago Convention, which is conceptually contradictory to CBDR, has stood the test of time for decades and has contributed greatly to the development of international civil aviation. ROK doubts that this method of amalgamation is useful in resolving complex issues involving aviation and climate change.

Aside from paragraph p), ROK wants to comment on paragraph 16 b). The current paragraph 16 b) is an improvement over the corresponding paragraph of the

previous Assembly resolution in that it adopts route-based and aviation activity-based approaches, thereby minimizing market distortion. However, there seems to be no ground to justify the threshold of 1% as opposed to 0.9% and there remains some doubt about the criteria used to distinguish developing States from developed States. As pointed out by the expert group, *de minimis* will cause market distortion. Therefore, ROK expects the Council to review *de minimis* with caution, and reserves further comments until the Council presents a report to the next Assembly.