

Aviation and the might of ICAO



International Civil Aviation Organization

ICAO: United Nations Specialized Agency



7 december 1944

‘International civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world’



2022

‘Achieve the **sustainable growth** of the global civil aviation system’



The Netherlands wants to reduce civil aviation



Three quarters of the Dutch want to shrink aviation¹

The cabinet wants to reduce the number of flights from and to Schiphol Airport from 500 thousand to 440 thousand

Showdown and conflict of interests



Can the Netherlands reach its goal
of reduction?

Can ICAO block this intention?



The modus operandi of ICAO



- Aviation Standards are drawn up by ICAO, based on an international treaty
- These treaties overrule 'regional' (e.g. EU) and national laws and regulations
- All technical decisions on the environment are prepared in **working groups** of the **Committee on Aviation Environmental Protection (CAEP)**
- Meetings and meeting documents are confidential
- Only CAEP final reports are 'accessible' for \$ 250 - 800



WG 1: Aircraft Noise Technical Issues



To keep noise certification standards up to date and effective

- Supersonic aircraft, drones and air taxis
- New kinds of engines to reduce CO2 : increased noise



WG 2: Airports and operations



Environmental issues related to airports and operations in the vicinity of the airports

Examples

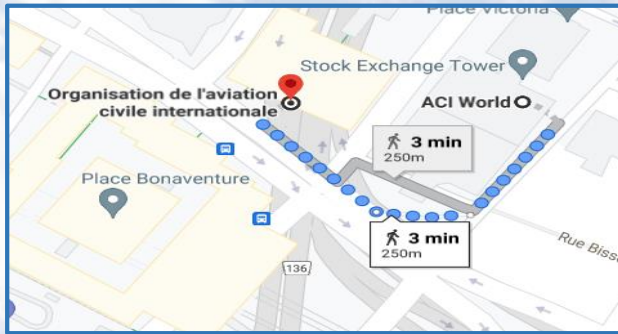
- Performance Based Navigation
- Guidelines on expansion and exploitation



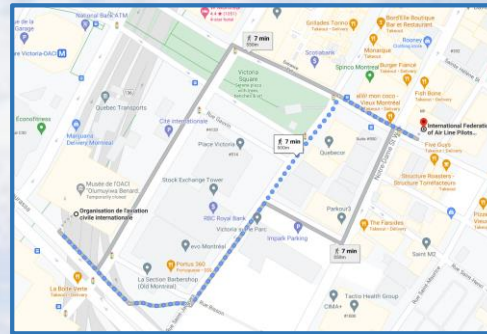
The composition of CAEP

States with voting rights (31)						
Argentina	Australia	Austria	Brazil	Canada	Chile	China
Côte d'Ivoire	Egypt	France	Germany	India	Indonesia	Italy
Japan	Kenya	Netherlands	Nigeria	Poland	Qatar	Saudi Arabia
Singapore	South Africa	Spain	Sweden	Switzerland	Ukraine	United Arab Emirates
United Kingdom	United States					
States without voting rights (6)						
Greece	Malaysia	Norway	Peru	Portugal	Turkey	
International Non-Governmental Organizations without voting rightst (9) blue = aviation lobby organizations green = green organizagtion						
Advanced Biofuels Association (ABFA)		Airports Council International (ACI)		Civil Air Navigation Services Organization (CANSO)		
International Air Transport Organization (IATA)		International Business Aviation Council (IBAC)		International Coordinating Council of Aerospace Industries Associations (ICCAIA)		
International Coalition for Sustainable Aviation (ICSA)		International Federation of Air Line Pilots' Associations (IFALPA)		International Petroleum Industry Environmental Conservation Association (IPIECA)		
United Nations Bodies without voting rights (3)						
United Nations Environment Programme (UNEP)		United Nations Climate Change (UNFCCC)		World Meteorological Organization (WMO)		
Regional State Organizations without voting rights (3)						
European Union (EU)		Arab Civil Aviation Organization (ACAO)		African Civil Aviation Commission (AFCAC)		

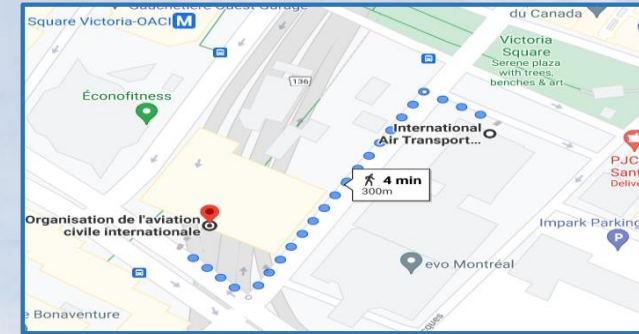
The lobbyists are within walking distance



ACI - Airports Council International



IFALPA - Int. Federation of Airline Pilots



IATA - International Air Transport Association



ICCAIA - International Coordinating Council
of Aerospace Industries Associations

c/o International Civil Aviation Organization
999 Robert-Bourassa Boulevard
Montréal, Quebec, Canada H3C 5H7

So in the ICAO building...

The devil is in the detail

- ‘The ICAO-rulings never supersede national law or legal requirements’
- ‘Contrary to the dramatic image presented in the media, ICAO has no authority over national governments’

But...

- The treaty leaves states little leeway since every member state has agreed to take all practical necessary actions to facilitate air traffic
- Since all EU member states have signed the ICAO treaty, they cannot deviate as a EU
- A state/the EU can in daily practice not enforce more strict standards than agreed in ICAO, because these are only applicable for their own citizens

Balanced Approach



If restrictions in air traffic are considered, the 'Balanced Approach' should be followed

1. 'Quieter aircraft are on their way: really!'
2. 'Don't build houses near airports'
3. 'PBN and Single European Sky will reduce nuisance shortly'
4. Only if after consultation with industry and other states and with extensive in-depth research it has been shown that a noise limitation is the most cost-effective measure, it may be imposed



This mainly means postponement leading to the cancellation of plans

The Netherlands demands shrinkage of air traffic



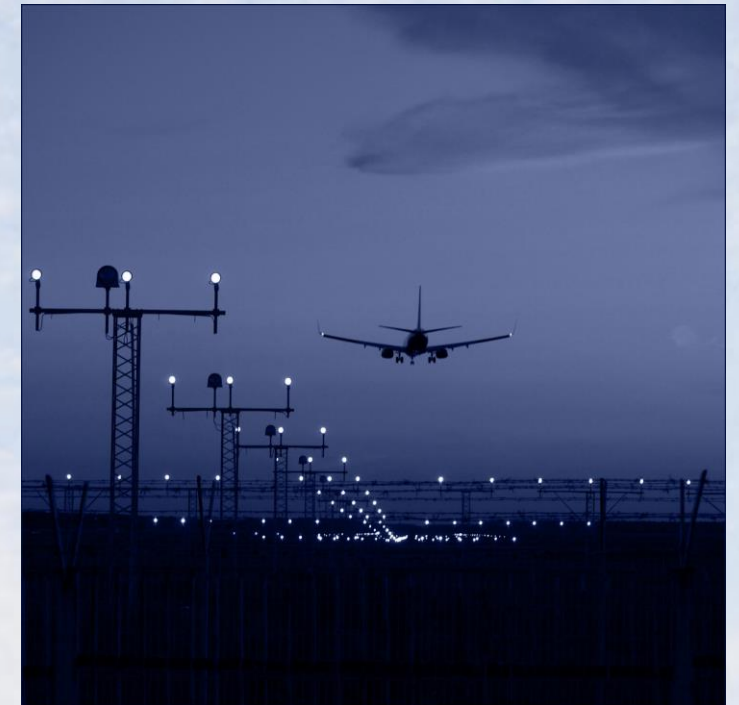
ICAO is tasked to
improve air traffic
and to guard the
fortress



ICAO is an irritating and obnoxious force



- The government motivates shrinkage to 440 thousand flights with arguments based on noise
- Schiphol violates the law by exceeding 'enforcement points for noise pollution'
- The Balanced Approach rules of ICAO¹ threaten the shrinkage; the European Committee and the US will point out that the BA was not followed properly



The bypass around ICAO

There are alternative routes to shrinkage:

- Go for nitrogen oxides, lack of relevant nature permits and/or ultrafine particles
- ICAO has no limiting regulations for these topics
- These are issues regarding local situations for which jurisdiction is in the hands of local/regional/national authorities
- Do not involve noise issues, because you run the risk of alarming ICAO!

