

**Minimising the impact of aviation emissions: what way forward?**  
*An expert meeting aiming to lift off sustainable academic travelling*  
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**ICAO and CORSIA assessed from an international public law perspective, Dr Thomas Leclerc,**  
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**Biography:** After graduating from his master degree in international law, Thomas Leclerc obtained a scholarship to conduct his Ph.D. under a cotutelle agreement between the University of Bordeaux and the *International Institute of Air and Space Law* (IIASL) of Leiden University. His research over this time was devoted to the connection between environmental law and international air law, and especially to sustainable solutions for reducing aircraft greenhouse emissions. On 16 November 2017, he obtained his doctoral's degree "with distinction" (Cum Laude). Thomas Leclerc then coordinated, as visiting researcher at the University of Parma, a post-doctoral research project on current global and regional legal regimes linked to Refugee and Migration governance. Thomas Leclerc is currently a researcher at the Chair "Defence & Aerospace" at Sciences Po Bordeaux, working on the issue of Space Strategy of Defence. Under the supervision of Jean-Marc Laurent, Executive Officer of the Chair, his objective is to map out the international strategies in the field of space Defence, to study the strategic evolutions in the area and to produce a prospective analysis and reflection. Throughout his doctoral and postdoctoral research periods, Thomas Leclerc participated to many academic events, published several articles in French and English, and lectured on different topics of public and international law. Since 2016, he is invited as visiting lecturer to the University of Leiden to lecture on the issue of greenhouse gas emissions from civil aviation to the students of the Advanced LL.M of the IIASL.

**Abstract:** Climate change was under the spotlight during the last Assembly of the International Civil Aviation Organisation (ICAO) held in Montréal from 27 September to 6 October 2016. The negotiation process under ICAO auspices may be qualified as a success story when one looks at the result of this Assembly. ICAO was indeed successful in deciding "*to implement a GMBM scheme in the form of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) to address any annual increase in total CO<sub>2</sub> emissions from international civil aviation (...) above the 2020 levels*". CORSIA relies on the use of emissions unites from the carbon market to offset the amount of CO<sub>2</sub> emissions that cannot be reduced through the use of technological and operational improvements, and sustainable fuels. Since the last Assembly, ICAO has adopted five CORSIA Implementation Elements directly referenced in an Annex to the 1944 Convention on International Civil Aviation (Chicago Convention). ICAO members States decided the use of a phase implementation and the first phase should start in 2021.

The technical, environmental and economic aspects of such a global scheme have been and are extensively studied by ICAO and policy directions found their way in Resolutions adopted by the Assembly. But the search for a GMBM to reduce greenhouse emissions gas emissions from international civil aviation has also faced legal obstacles, and this CORSIA should now be assessed from an international public law perspective. The legal obstacles took the form of conflicts of norms linked to the general challenge of the interaction between international aviation law and climate change law. In order to adopt the CORSIA, the best solution seemed to be the evolutionary interpretation of the Chicago Convention in order to reconcile norms of a substantive and institutional nature. However, this method perpetuates legal uncertainty and poses the general challenge of flexibility and elasticity of the Chicago regime in response to the climate change challenge. This presentation will examine these issues from a public international law perspective and will provide recommendations to restore legal certainty needed to ensure the sustainable development of international civil aviation. As part of this assessment, the presentation will address the institutional challenge faced by ICAO, and more precisely the scope of competencies and the normative powers of the organisation. It will also address the question of the legal architecture of the CORSIA, while paying special attention to the legal vehicles currently proposed to implement such GMBM. It will finally address the question of tensions between the global and local levels – and the related question of unilateralism – as illustrated by the ongoing confrontation between ICAO and the European Union.