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Green Sky for All: Reassessing State Responsibility in Achieving Equitable and Sustainable Air Transport

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Abstract

The transition toward environmentally friendly air transportation (green aviation) has become essential in addressing the global climate crisis. However, significant disparities between developed and developing countries in technological capacity, financing, and infrastructure risk creating unequal access to sustainable air transport. This study examines the responsibility of states in ensuring low-emission yet inclusive aviation systems from a legal development and human rights perspective, particularly the intersection between the right to a healthy environment and the right to mobility. It analyses state obligations within international frameworks, including the Paris Agreement and ICAO's CORSIA. This paper argues that states must adopt affirmative policies, equitable financing schemes, and cross-border technological cooperation to prevent climate exclusion in the aviation sector. The study proposes a normative framework that repositions the state as a central actor in achieving an equitable and accessible green aviation system. Finally, the method incorporates a normative evaluative component. The study does not merely describe existing law but also considers the extent to which current regulatory arrangements align with the goals of fairness, inclusiveness, and sustainable development. Through this evaluative perspective, the research identifies gaps within the legal framework and proposes normative pathways that states may adopt to support an environmentally responsible and more accessible global air transport system.

I. Introduction

The global aviation sector is undergoing a transformative shift as states across the world intensify their efforts to confront the accelerating climate

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crisis.[1] Aviation contributes a measurable share of global carbon emissions, and increasing demand for air travel is expected to place further strain on national and international commitments to environmental protection. In response, the pursuit of environmentally friendly air transport has moved beyond technical discourse and now stands at the centre of broader debates concerning environmental governance, distributive fairness, and the evolving responsibilities of states. Existing legal scholarship has largely examined green aviation through technological innovation, market-based mechanisms, and compliance with international environmental commitments. However, limited attention has been given to how these frameworks address structural inequality between states and the risk of exclusion in access to sustainable aviation systems. The transition toward greener aviation therefore requires attention not only to technological advancement but also to equity and accessibility, especially for countries that possess limited institutional and financial capacity to participate in this transition.

Despite the emergence of comprehensive environmental pledges at the international level, disparities between developed and developing states remain visible. Wealthier states enjoy relatively advanced research capabilities, established regulatory institutions, and substantial access to finance, all of which allow them to invest in cleaner aircraft systems, alternative fuel research, and the development of environmentally oriented infrastructure. Many developing states, however, continue to face structural limitations, including restricted public funding, dependency on external technological sources, and infrastructure that is not aligned with the requirements of green aviation standards. These differences contribute to an uneven global trajectory that risks producing new layers of inequality within the air transport sector. If this imbalance persists, green aviation may become a privilege accessible primarily to states with superior resources, leaving others at risk of falling behind. This situation raises growing concerns about climate exclusion, a condition in which developing states are unable to fully benefit from or meaningfully contribute to the environmental transition demanded by global aviation.

At the same time, global recognition of the right to a clean environment has strengthened, and this development increasingly intersects with the understanding that air transport is essential for human mobility, economic advancement, and broader social connectivity. Aviation supports trade, education, tourism, and humanitarian access, functions that are especially

[1] International Civil Aviation Organization (ICAO), Environmental Report 2022: Innovation and Partnerships for a Sustainable Future, ICAO, Montreal, 2022.

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crucial for geographically dispersed or island based states. Therefore, environmental reforms within the aviation sector must be designed in a manner that does not inadvertently restrict mobility or intensify existing development gaps. The task for states is to align environmental stewardship with the principles of inclusiveness and fairness.

This paper advances normative legal thinking by proposing an integrated framework of "inclusive green aviation governance," which positions the state as a guarantor of both environmental protection and equitable mobility. Unlike prior studies that focus on regulatory compliance or market mechanisms, this research synthesizes international environmental law, aviation governance, and human rights principles into a concise normative model consisting of three pillars: (i) affirmative state obligations, (ii) equitable financing mechanisms, and (iii) transnational technological cooperation. This model provides a structured approach for addressing climate exclusion while strengthening the distributive dimension of state responsibility.[2]

This paper seeks to examine how states can reassess and reinforce their responsibilities in guiding the transition toward an aviation system that upholds environmental objectives while ensuring broader accessibility. Drawing from legal development analysis and principles derived from human rights theory, the study proposes a series of approaches that involve participatory policy design, fair financial arrangements, and cross border technological cooperation. These measures are essential for preventing forms of exclusion and for supporting a global aviation transition that is both environmentally sustainable and socially inclusive.

This study employs a normative legal research method that examines principles, rules, and standards governing state responsibilities in the development of environmentally oriented air transport. The method focuses on the analysis of legal materials rather than empirical field data, allowing the research to explore how existing legal frameworks shape the obligations of states in the pursuit of sustainable aviation [4][6]. The selection of legal materials is based on three criteria: (i) relevance to international aviation and environmental governance, (ii) normative authority (binding and non-binding instruments), and (iii) contemporary applicability to climate-related policy development. Through this approach, the study evaluates the extent to which

[2] United Nations Framework Convention on Climate Change (UNFCCC), The Paris Agreement, 2015. Available at: https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement

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national and international legal instruments support an equitable transition toward cleaner air transport systems.

The primary materials used in this research consist of binding legal documents, including multilateral treaties, international agreements, and national legislation. Particular emphasis is placed on the Paris Agreement, the regulatory instruments adopted by the International Civil Aviation Organization, and domestic legal provisions related to environmental protection and aviation governance. These materials provide the foundation for assessing how international norms are integrated into national regulatory structures and how they define the responsibilities of states in managing the environmental impact of aviation.

Secondary materials include scholarly writings, academic articles, and institutional publications that discuss environmental law, human rights perspectives, and the development of sustainable aviation policy. These sources assist in interpreting the principles embedded within primary legal documents and in situating the discussion within broader theoretical debates concerning climate justice and state responsibility. They also enrich the analytical framework by providing comparative insights into the experiences of different states.[3]

The analysis proceeds through a qualitative interpretative process. Relevant legal norms are examined systematically to identify their objectives, scope, and limitations in guiding state action. The analytical framework consists of three stages: (i) identification and classification of legal norms, (ii) conceptual linkage with human rights and climate justice principles, and (iii) evaluation of their capacity to address inequality between states. The study also employs conceptual analysis to relate legal norms to theoretical constructs such as the right to a clean environment, the right to mobility, and the principle of differentiated responsibility. This step enables the research to assess whether existing legal frameworks adequately address the inequalities that arise between developed and developing states during the transition to green aviation.

Finally, the method incorporates a normative evaluative component. The study does not merely describe existing law but also considers the extent to which current regulatory arrangements align with the goals of fairness, inclusiveness, and sustainable development. Through this evaluative perspective, the research identifies gaps within the legal framework and

[3] International Civil Aviation Organization (ICAO), CORSIA Implementation Information, ICAO, Montreal, 2021.

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proposes normative pathways that states may adopt to support an environmentally responsible and more accessible global air transport system.

II. Research Method

The method incorporates a normative evaluative component. The study does not merely describe existing law but also considers the extent to which current regulatory arrangements align with the goals of fairness, inclusiveness, and sustainable development. Through this evaluative perspective, the research identifies gaps within the legal framework and proposes normative pathways that states may adopt to support an environmentally responsible and more accessible global air transport system.

III. Results and Discussion

A. Assessment of State Obligations in Advancing Environmentally Responsible Air Transport

The examination of legal sources demonstrates that state obligations in promoting environmentally responsible air transport arise from a combination of international commitments, sector-specific regulatory frameworks, and domestic environmental legislation. These obligations are not uniform. States differ in economic capacity, institutional readiness, and technological capability. Nevertheless, international law increasingly indicates that all states share responsibility to align aviation with environmental objectives while maintaining accessibility and fairness.

At the international level, the Paris Agreement provides a foundational framework. It requires states to adopt national strategies to reduce emissions across all sectors, including aviation. Although aviation is not explicitly mentioned, Nationally Determined Contributions must reflect each state's highest possible ambition. Article 2 sets the overall goal of limiting global temperature rise, which implicitly includes emissions from aviation. Article 3 reinforces this obligation by requiring states to communicate and maintain ambitious climate actions.[4]

Article 4 further requires progressive emission reduction commitments over time. The phrase "economy-wide emission reductions" has been interpreted to include aviation. Several developed states, including the United

[4] UK Department for Transport, Jet Zero Strategy: Delivering Net Zero Aviation by 2050, London, 2022.

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Kingdom, France, and Japan, have explicitly integrated aviation into national climate planning. This demonstrates how the Paris Agreement indirectly shapes aviation governance.

Article 6 introduces cooperative mechanisms, including carbon markets. These mechanisms are closely linked to the Carbon Offsetting and Reduction Scheme for International Aviation, where airlines offset emissions through carbon credits. Many of these credits align with Article 6 frameworks. Article 13 complements this system by requiring transparency and reporting of emissions. Some states, such as Canada and members of the European Union, include aviation emissions in national inventories. Taken together, Articles 2, 3, 4, 6, and 13 establish a legal structure that indirectly governs aviation emissions. This structure provides a normative basis for assessing whether states demonstrate sufficient ambition in addressing aviation-related climate impacts.[5]

At the implementation level, several states have incorporated aviation into domestic climate strategies. The United Kingdom includes aviation within its Carbon Budget system and promotes sustainable aviation fuel through the Jet Zero Strategy. Similarly, the European Union integrates aviation into its Emissions Trading System, creating financial incentives for emission reduction. These measures have stimulated technological innovation, particularly in sustainable aviation fuel development.

The Carbon Offsetting and Reduction Scheme for International Aviation further reinforces global coordination. Participating states, including Japan, Singapore, and Canada, demonstrate a willingness to align aviation with climate commitments. This scheme reflects a hybrid regulatory approach combining market-based instruments and international cooperation.

Domestic legal frameworks also play an essential role. Japan's Act on Promotion of Global Warming Countermeasures introduces mandatory reporting and mitigation obligations. Singapore's Carbon Pricing Act applies carbon taxation to major emitters, including aviation operators. In the United States, aviation emission standards under the Clean Air Act provide a legal basis for future regulatory expansion.

However, developing states demonstrate a different pattern of compliance. Their obligations are shaped by capacity constraints. Indonesia, for example, has not yet established a sector-specific aviation regime but promotes energy efficiency and alternative fuels through national policies. Brazil supports sustainable aviation fuel through its biofuel policy. Rwanda

[5] European Commission, ReFuelEU Aviation Regulation: Sustainable Aviation Fuel Mandate, Brussels, 2022.

incorporates environmental safeguards into aviation infrastructure development. These approaches illustrate adaptive compliance rather than full regulatory alignment.

This variation highlights a critical analytical shift: state obligations cannot be assessed solely through formal compliance but must also consider structural capacity and distributive fairness.

Beyond environmental commitments, obligations increasingly include fairness and accessibility. The Montreal Declaration emphasizes that environmental measures must not restrict mobility, particularly for developing states. This principle is reflected in differentiated participation within global schemes, where lower-capacity states are not subject to identical obligations.[6]

Technology cooperation is another emerging dimension. International Civil Aviation Organization Resolution A40 encourages technology transfer and capacity building. Practical examples include cooperation initiatives by Norway and Denmark, as well as funding partnerships by the United Arab Emirates to support green aviation infrastructure in developing regions. These initiatives demonstrate that technological collaboration is becoming an integral component of state responsibility.

From a normative perspective, these developments indicate that state responsibility in green aviation extends beyond emission reduction. It includes obligations to ensure equitable access, support capacity building, and prevent systemic exclusion.

Overall, the findings show that state obligations in green aviation are multi-layered. They encompass compliance with international norms, development of domestic regulation, adoption of financial and technological mechanisms, and the promotion of fairness between states. In summary, this subsection demonstrates that the evolution of state obligations reflects a transition from purely environmental compliance toward a more integrated framework that incorporates justice, inclusiveness, and differentiated responsibility.

B. Gaps in Capacity and the Risk of Climate Exclusion for Developing States

The findings of this study show that the transition toward environmentally responsible air transport is shaped not only by international commitments but also by structural disparities between developed and

[6] UK Parliament, Climate Change Act 2008 (as amended 2019).

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developing states. These disparities stem from differences in financial resources, technological readiness, regulatory capacity, and institutional strength. As a result, developing states face a heightened risk of climate exclusion, a condition in which they are unable to participate effectively in sustainable aviation and are consequently marginalized in global mobility and trade systems.

A major source of disparity lies in financial capacity. The transition to green aviation requires substantial investment, including the adoption of sustainable aviation fuel, fleet modernization, and energy-efficient airport infrastructure. Developed states support these transitions through structured policies. The European Union, for example, has introduced the ReFuelEU Aviation regulation, which mandates the gradual use of sustainable aviation fuel and is supported by financial incentives. Similarly, the United States provides tax credits for sustainable aviation fuel under the Inflation Reduction Act.

In contrast, developing states often lack comparable financial mechanisms. Indonesia has recognized the importance of sustainable aviation in its national policies but has not established large-scale incentives for implementation. Airlines therefore continue to rely on conventional fuels due to cost considerations. Similar conditions are observed in the Philippines, Pakistan, and Bangladesh, where environmental regulations exist but are not supported by sufficient financial instruments to drive sectoral transformation.

Technological readiness further deepens inequality. The production and use of sustainable aviation fuel require advanced infrastructure and research capabilities. Brazil represents a partial exception due to its established biofuel industry. However, many developing states, particularly in Africa, lack such capacity. Kenya and Rwanda have introduced green airport initiatives but still depend on imported technologies and fuel. This dependence increases operational costs and reduces competitiveness.

Institutional and regulatory limitations also constrain progress. Developed states have established comprehensive monitoring systems and enforceable environmental standards. Japan and Singapore provide clear examples through mandatory reporting and carbon pricing mechanisms. By contrast, many developing states face challenges in implementation. Regulatory frameworks in countries such as Nigeria, Cambodia, and Laos remain difficult to enforce due to limited institutional resources.

Participation in global governance mechanisms further illustrates this gap. The early phase of the Carbon Offsetting and Reduction Scheme for International Aviation is voluntary, and many developing states have opted not

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to participate. This decision reflects concerns over economic burden and administrative complexity. However, non-participation may create long-term disadvantages, including reduced competitiveness and limited access to emerging green aviation networks.[7]

Indonesia exemplifies these challenges. While it has incorporated aviation into broader climate strategies, it lacks a detailed sector-specific roadmap. Existing policies promote energy efficiency and alternative fuels, but implementation remains limited. Infrastructure development is uneven. Major airports such as Soekarno Hatta and Bali Ngurah Rai have initiated green measures, while smaller airports face significant constraints. Financial and technological limitations also restrict Indonesia's participation in global mitigation schemes. Without targeted support, Indonesia risks lagging behind in the transition toward green aviation.[8]

The cumulative effect of these financial, technological, and institutional constraints is the emergence of a new layer of inequality within global aviation. Developing states risk losing competitiveness as advanced economies transition more rapidly to low-emission systems. This may lead to exclusion from green travel corridors and reduced integration into global transport networks. Such outcomes threaten not only environmental goals but also economic development and mobility rights.

From a normative perspective, these findings indicate that climate exclusion is not merely a technical consequence but a structural injustice. Addressing this issue requires states to move beyond formal compliance and adopt redistributive and cooperative approaches that account for unequal capacity.

In summary, this subsection demonstrates that capacity gaps in finance, technology, and institutions are central drivers of climate exclusion. Without targeted intervention, the transition to green aviation risks reinforcing existing global inequalities rather than reducing them.[9]

C. Normative Pathways for Strengthening Equity and Cooperation in the Global Transition to Green Aviation

Achieving an equitable and environmentally responsible aviation system requires normative pathways that address disparities in capacity, economic

[7] European Union, EU Emissions Trading System (Aviation Directive), Brussels, 2020.
[8] United Nations Human Rights Council, J. H. Knox, Report on the Human Right to a Healthy Environment, A/HRC/37/59, 2018.
[9] Krajewski, M., "Ensuring Equitable Access to Green Technologies: The Role of International Law," Journal of Environmental Law, vol. 34, no. 1, 2022, pp. 1–28.

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structure, and technological readiness among states. The transition to green aviation cannot rely solely on technological innovation or market mechanisms. It must be supported by legal and institutional arrangements that ensure cooperation, fair access to resources, and inclusive participation.

Building on the capacity gaps identified in the previous subsection, this section shifts from descriptive analysis to normative formulation by outlining concrete pathways for strengthening equity in global aviation governance.

A first pathway concerns the strengthening of international legal guidance. Existing frameworks, such as the Paris Agreement and the International Civil Aviation Organization regime, provide general commitments but lack detailed articulation of differentiated responsibilities within the aviation sector. This creates uncertainty for developing states regarding both obligations and entitlements. Clearer interpretive guidance, including resolutions or soft law instruments, could define expectations for states with greater resources to support those with limited capacity. Such clarification would also help balance environmental commitments with development priorities.

A second pathway involves the development of cooperative financing mechanisms. The cost of sustainable aviation technologies remains a primary barrier for developing states. Without targeted financial support, these states are unable to adopt cleaner systems at the required scale. Establishing dedicated financing structures, such as international green aviation funds or concessional lending schemes, would provide more equitable access to resources. The Green Climate Fund offers a relevant model that can be adapted to the aviation sector. Through such mechanisms, financial responsibility can be distributed proportionally, taking into account historical emissions and economic capacity.[10]

A third pathway focuses on technology cooperation. Many developing states lack the infrastructure and expertise needed to produce or adopt sustainable aviation technologies. This limitation creates dependency and delays transition efforts. A structured framework for technology transfer would facilitate access to knowledge, data, and technical skills. This may include joint research initiatives, regional production hubs for sustainable aviation fuel, and capacity building programs for aviation authorities. Such

[10] Indonesia Ministry of National Development Planning (Bappenas), Low Carbon Development Indonesia, Jakarta, 2021.

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cooperation supports both environmental goals and economic development by enabling local industry growth.[11]

A fourth pathway emphasizes inclusive decision making within global aviation governance. Developing states often face structural barriers in international negotiations, including limited financial and technical resources. Strengthening inclusiveness requires procedural reforms, such as funding support for participation, transparent consultation processes, and expanded technical assistance. These measures ensure that regulatory standards do not disproportionately disadvantage states with lower capacity.

A fifth pathway involves safeguarding access to mobility during the transition. Aviation is essential for connectivity, particularly in remote and island regions. Environmental measures should not undermine access to essential air services. States may introduce safeguards such as transitional arrangements, targeted subsidies, or exemptions for routes that serve public needs. These measures ensure that sustainability policies do not exacerbate inequality in access to transportation.[12]

A sixth pathway integrates social and developmental considerations into environmental policy. The transition to green aviation should generate broader societal benefits. Policies that support locally sourced sustainable aviation fuel or community-based production models can reduce emissions while creating employment opportunities. This approach aligns environmental objectives with inclusive economic development.

A final pathway highlights the role of regional cooperation. Regional organizations can pool resources, harmonize regulatory standards, and strengthen bargaining power in global negotiations. Collaborative initiatives, such as shared research facilities and joint procurement of clean technologies, can reduce costs and enhance capacity across member states. From a normative perspective, these pathways demonstrate that achieving equity in green aviation requires a shift from fragmented national efforts toward coordinated and redistributive governance structures.[13]

This shift can be operationalized through several concrete mechanisms. First, coordinated governance requires the harmonization of regulatory standards across jurisdictions. States can align national aviation policies with internationally agreed benchmarks while allowing calibrated flexibility for developing states. This ensures consistency in environmental targets without

[11] Civil Aviation Authority of the Philippines, Environmental Management Framework for Aviation, Manila, 2019.

[12] United Nations Human Rights Council, J. H. Knox, Report on the Human Right to a Healthy Environment, A/HRC/37/59, 2018.

[13] Emissions Standards under the Clean Air Act, Washington DC, 2021.

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imposing uniform burdens. Second, redistributive governance can be implemented through differentiated financial obligations. States with higher historical emissions and greater economic capacity may contribute proportionally to international aviation climate funds. These funds should be earmarked for sustainable aviation fuel development, green airport infrastructure, and capacity-building programs in developing states.

Third, coordinated institutional frameworks are necessary to integrate aviation into broader climate governance. This includes formal linkages between international aviation bodies and climate regimes, enabling policy coherence, data sharing, and joint monitoring of emissions. Such coordination reduces regulatory fragmentation and strengthens accountability mechanisms. Fourth, technology transfer mechanisms must be institutionalized rather than voluntary. Binding or semi-binding arrangements can facilitate access to patents, technical knowledge, and production capabilities for sustainable aviation technologies. This approach reduces dependency and accelerates adoption in states with limited technological capacity.[14]

Fifth, redistributive approaches should incorporate differentiated timelines and transitional arrangements. Developing states may be granted phased obligations, allowing gradual compliance with environmental standards while maintaining essential air connectivity. This prevents disproportionate economic disruption. Sixth, participatory governance structures must be strengthened to ensure that developing states are actively involved in rule-making processes. This includes financial and technical support for participation in international negotiations, as well as transparent consultation procedures. Inclusive participation enhances legitimacy and ensures that regulatory outcomes reflect diverse state capacities. Finally, coordinated monitoring and evaluation systems are required to assess progress toward equitable green aviation. Common reporting frameworks, combined with periodic review mechanisms, can track both emission reductions and distributive outcomes. This dual approach ensures that environmental progress does not occur at the expense of equity.[15]

In summary, this subsection identifies six key pathways: strengthened legal guidance, equitable financing, technology cooperation, inclusive governance, mobility safeguards, and regional collaboration. Together, these

[14] Indonesia Ministry of National Development Planning (Bappenas), Low Carbon Development Indonesia, Jakarta, 2021.

[15] Singapore Government, Carbon Pricing Act 2018.

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elements form an integrated normative model for preventing climate exclusion and advancing a more just global aviation system.[16]

International legal frameworks, including the Paris Agreement and the standards developed by the International Civil Aviation Organization, provide important foundations for encouraging environmental action in aviation. However, without clearer differentiation of responsibilities and stronger cooperative mechanisms, existing frameworks may not sufficiently address unequal capabilities among states. The findings of this research underscore the need for normative pathways that strengthen equity through financial assistance, technology cooperation, inclusive governance, and social safeguards that protect essential mobility.[17]

States must therefore reimagine their role as active agents in shaping a global aviation system that is both environmentally sustainable and socially inclusive. This requires policies that integrate environmental ambition with developmental needs, particularly for countries that rely on aviation for economic growth and geographic connectivity. By adopting fair financing models, expanding cross border cooperation, and designing participatory decision making processes, states can work collectively to prevent the emergence of climate exclusion. The pursuit of green aviation must become not only a technological and environmental transformation but also a shared commitment to ensuring that all states, regardless of capacity, can access the benefits of a cleaner and more equitable global sky.[18]

IV. Conclusion

This study demonstrates that the transition toward environmentally responsible air transport cannot be separated from the broader pursuit of fairness, accessibility, and shared global responsibility. While the aviation sector is recognized as a growing contributor to climate change, the capacity of states to respond varies widely. Developed states possess technological advancement, robust financial systems, and strong regulatory institutions that allow them to align their aviation sectors with global climate objectives. In contrast, developing states continue to face financial limitations, infrastructure gaps, and institutional constraints that inhibit their ability to participate fully in the emerging green aviation landscape. These disparities highlight the risk of climate exclusion, in which states with limited capacity are

[16] Japan Ministry of the Environment, Act on Promotion of Global Warming Countermeasures, Tokyo, 2020.

[17] Knox, J. H., "Constructing the Human Right to a Healthy Environment," Annual Review of Law and Social Science, vol. 16, 2020, pp. 79–95.

[18] Rajamani, L., "The Changing Fortunes of Differential Treatment in the Evolution of International Environmental Law," International Affairs, vol. 88, no. 3, 2012, pp. 605–623.

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sidelined in international mobility networks and struggle to gain the benefits of sustainable air transport.

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United Nations Human Rights Council, J. H. Knox, Report on the Human Right to a Healthy Environment, A/HRC/37/59, 2018.