
ICAO

International Civil Aviation Organization

COUNCIL — 213TH SESSION

Montréal, 26 FEBRUARY — 16 MARCH 2018

SUMMARY MINUTES
WITH SUBJECT INDEX



2018

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COUNCIL — 213TH SESSION

SUMMARY MINUTES OF THE FIRST MEETING

(THE COUNCIL CHAMBER, MONDAY, 26 FEBRUARY 2018, AT 1430 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|------------|------------------------------|-----------------------------|------------------------|
| Algeria | — Mr. A.D. Mesroua | Kenya | — Ms. M.B. Awori |
| Argentina | — Mr. G.E. Ainchil | Malaysia | — Mr. K.A. Ismail |
| Australia | — Mr. S. Lucas | Mexico | — Mr. D. Méndez Mayora |
| Brazil | — Mrs. M.G. Valente da Costa | Nigeria | — Mr. M.S. Nuhu |
| Cabo Verde | — Mr. C. Monteiro | Panama | — Mr. G.S. Oller |
| Canada | — Mr. M. Pagé | Republic of Korea | — Mr. J. Hur |
| China | — Mr. Shengjun Yang | Russian Federation | — Mr. S. Gudkov |
| Colombia | — Mr. A. Muñoz Gómez | Saudi Arabia | — Mr. S.A.R. Hashem |
| Congo | — Mr. R.M. Ondzotto | Singapore | — Mr. T.C. Ng |
| Cuba | — Mrs. M. Crespo Frasquieri | Spain | — Mr. V.M. Aguado |
| Ecuador | — Mr. I. Arellano | Sweden | — Ms. H. Jansson Saxe |
| Egypt | — Mr. A. Khedr | Turkey | — Mr. A.R. Çolak |
| France | — Mr. P. Bertoux | United Arab Emirates | — Miss A. Alhameli |
| Germany | — Mr. U. Schwierczinski | United Kingdom | — Mr. D.T. Lloyd |
| India | — Mr. A. Shekhar | United Republic of Tanzania | — Mr. R.W. Bokango |
| Ireland | — Ms. N. O'Brien | United States | — Mr. T.L. Carter |
| Italy | — Mr. M.R. Rusconi | Uruguay | — Mr. M. Vidal |
| Japan | — Mr. S. Matsui | | |

ALSO PRESENT:

- | | |
|-------------------------------|----------------------|
| Mrs. M.F. Loguzzo (Alt.) | — Argentina |
| Mr. C. Fernández (Alt.) | — Argentina |
| Mr. R.F. Pecoraro (Alt.) | — Brazil |
| Mr. D. Tavares Taufner (Alt.) | — Brazil |
| Mr. H. Gonzales (Alt.) | — Brazil |
| Mr. Chunyu Ding (Alt.) | — China |
| Mr. M. Millefert (Alt.) | — France |
| Mr. N. Naoumi (Alt.) | — Germany |
| Mr. F. Nicolai (Alt.) | — Italy |
| Mr. M. Usami (Alt.) | — Japan |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mr. K. Lee (Alt.) | — Republic of Korea |
| Mr. D. Subbotin (Alt.) | — Russian Federation |
| Mr. M.S. Habib (Alt.) | — Saudi Arabia |
| Mr. S. Vuokila (Alt.) | — Sweden |
| Mr. Ö. Doğrukol (Alt.) | — Turkey |
| Mrs. K.L. Riensema (Alt.) | — United Kingdom |
| Mr. S. Kotis (Alt.) | — United States |
| Mrs. M.A. González (Alt.) | — Uruguay |
| Mr. F. de Medina (Alt.) | — Uruguay |

SECRETARIAT:

- | | |
|-------------------|------------------|
| Mrs. J. Yan | — C/OSG |
| Mr. I. Galán | — D/TCB |
| Mr. B. Djibo | — D/ATB |
| Mr. S. Creamer | — D/ANB |
| Mr. V. Smith | — D/ADB |
| Mr. H. Gourджи | — H/SPCP |
| Mr. T. Hasegawa | — DD/ECD |
| Mr. T. Efendioglu | — C/EAO |
| Miss L. Lim | — A/C/FIN |
| Mr. M. Fox | — C/PRC |
| Ms. L. Kinsella | — Ethics Officer |
| Mr. E. Liapakis | — Ombudsman |
| Mrs. J. Zorbas | — JF/ATB |
| Mr. A. Larcos | — C/ACS |
| Mrs. A. Dalzell | — Précis-writer |

Representatives to ICAO

Bolivia (Plurinational State of)

Cyprus

Equatorial Guinea

Greece

Lebanon

Paraguay

Peru

Qatar

Ukraine

Venezuela (Bolivarian Republic of)

Airports Council International (ACI)

Civil Air Navigation Services Organization (CANSO)

European Union (EU)

Welcome to new Representatives on the Council

1. The President of the Council welcomed Council Representatives to the 213th Session of the Council, and on behalf of all Council Representatives, extended a warm welcome to Mr. Thomas Carter, Mr. David Lloyd, and Mr. Sergey Gudkov, the newly-appointed Representatives of the United States, United Kingdom, and the Russian Federation respectively.

Subject No. 13: Work programmes of the Council and its subsidiary bodies

Schedule for consideration of items during the 213th Session

2. The Council noted the revisions to the schedule of items for the 213th Session presented in the President's memorandum PRES OBA/2736 (Revised), dated 22 February 2018.

3. The Council also noted revisions to the meeting schedule for the session, which included changes to proposed informal briefings, as contained in memorandum PRES OBA/2720 (Revision No. 2), also dated 22 February 2018.

State letter on CORSIA

4. The President of the Council referred to State letter (2017/129) which invited comments from Member States on the draft SARPs for the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) by 5 March 2018. With responses not expected to be considered during the current (213th) session, it was requested that consideration be given to extending the deadline to provide additional time so that more States could submit their comments.

Appointment of the Secretary General

5. Drawing attention to the e-mail he sent on 13 February 2018 regarding the "Appointment of the Secretary General", the President of the Council noted that no responses had been received by close of business on 19 February 2018 to the request for suspending the requirement of paragraph 4 of Appendix C to the *Rules of Procedure for the Council*. Accordingly, it was noted that the Council agreed to temporarily suspend for this election, paragraph 4 of Appendix C of said rules, which invited candidates, at an appropriate date before the election, to present their views at a meeting of Representatives.

Charter letter

6. Recalling that the Human Resources Committee (HRC) was working on the Charter letter to the Secretary General that the Council was scheduled to consider on Friday, 2 March 2018, the President of the Council noted that if the HRC was not able to present its report to the Council as scheduled, that the item would be rescheduled, according to the existing procedure.

ICAO 75th Anniversary Theme

7. Drawing attention to the working paper on the item "75th Anniversary Theme" (C-WP/14708) that had been referred to the Implementation, Strategy and Planning Group (ISPG) for review, the President of The Council noted that an oral report, in conjunction with the working paper, would be presented to the Council for consideration.

Annex Amendments

8. Referring to the issuance of memorandum PRES OBA/2738 which provided notice for the Annex Amendments that were scheduled for consideration during the current (213th) session, the President of the Council observed that for the sake of efficiency in completing the work programme, some items might need to be rescheduled.

Subject No. 17.1: Joint financing agreement with Iceland

Subject No. 17.5: Joint financing agreement with Denmark

Recommendations of the Joint Support Committee related to items under the Danish and Icelandic Joint Financing Agreements reviewed during the 213th Session

9. The Council considered this item on the basis of C-WP/14738, which presented the recommendations of the Joint Support Committee (JSC) on the items under the Danish and Icelandic Joint Financing Agreements which were reviewed during the 213th Session.

10. In presenting the JSC's report, its Chairperson (Representative of Spain), noted that the Committee had considered both the information and an action item related to the additional funding required for the Sornfelli Radar, which was located in the Faroe Islands. He advised that the JSC's recommendation to the Council was to approve the additional funding for the new radome, advising that before formulating this recommendation, the Committee had solicited additional information from the Air Navigation Bureau.

11. The Representative of Saudi Arabia indicated his support for the paper but in doing so, recalled that the original joint financing agreement was signed in 1948 at a time when governments were the majority owners of national airlines. Drawing attention to the changes that had occurred since then and the era of fair competition that exists today, he noted that most airlines, including the ones in his country are all in the private sector. On this basis, he questioned why governments should pay for a service that the airlines benefit from. He further noted that there are other organizations that provide a similar service, so he proposed that ICAO think of new approaches to deal with this issue.

12. In response to the intervention from the Representative of Saudi Arabia, the Deputy Director, Economic Development (DD/ECD) explained that only 10 per cent of the overall cost is assumed by the Contracting State, and that the remaining 90 per cent is currently passed on to airlines. He further clarified that over the last forty years the costs that were originally assumed by States had gradually reduced from 100 per cent to the current 10 per cent.

13. Also in relation to the intervention from the Representative of Saudi Arabia regarding the financing agreement, the Chairperson of the JSC further clarified that cost of the services provided under the agreement and used by the airlines are passed on to them as the primary users. He suggested for the JSC to undertake a review of the basis of the current allocation of costs to Contracting States under the joint financing agreements during next session and thereafter provide a report to the Council.

14. Following consideration, the Council approved the request by Denmark under the Danish Joint Financing Agreement for additional funds for the establishment of a new radome to protect the radar antenna system on the Sornfelli radar site at the Faroe Islands. The Council also approved the incorporation of the additional capital expenditure (DKK 1,060.018, equivalent to approximately USD 168,000), subject to audit, to Annex II of the Danish Joint Financing Agreement. The Secretary General was requested to inform the Government of Denmark and other Contracting Governments of this decision.

15. In addition, the Council requested the JSC to consider undertaking a review of the current allocation of costs to Contracting Governments under the Joint Financing Agreements. The JSC was requested to provide a report to the Council on the outcome of this review at a future session.

Subject No. 14.4: Air navigation meetings

Subject No. 15: Subjects relating to air transport

Subject No. 42: Technical cooperation

Report of the Third ICAO World Aviation Forum

16. The Council considered this item on the basis of Information Paper, C-WP/14449, presented by the Secretary General, which summarized the results of the third ICAO World Aviation Forum (IWAF/3), *Financing the Development of Aviation Infrastructure*, that was held from 20 to 22 November 2017 in Abuja, Nigeria.

17. Recalling that the event was generously hosted by the Federal Government of Nigeria in cooperation with the African Union Commission(AUC), the African Development Bank (AfDB), and the New Partnership for Africa's Development (NEPAD) Planning and Coordination Agency, the Secretary General noted that over 500 high-level participants attended the first IWAF event that was held in an ICAO region.

18. The Secretary General further noted that the third IWAF followed the Council's recommendation, and was structured around a series of interactive panel discusses and dialogue sessions with business-oriented, results-based formatting, which led to the development of practical solutions and a credible means for addressing the challenges of financing infrastructure and capacity development. She indicated that the summary of the IWAF event, the Concluding Communiqué that is available on ICAO's public website, could be used as a source of guidance material for States, industry, the donor community, as well as multi-lateral development banks and other financial institutions.

19. Highlighting the positive outcome for the region, the Secretary General emphasized the adoption of the Declaration and Framework for a Plan of Action for Development of Aviation Infrastructure in Africa, within the framework of the Lomé Plan of Action. She noted that the Declaration would be submitted by the African Union Commission as the official mechanism of the African Union, for consideration and endorsement, and that ICAO would follow up and support the Declaration and Framework for a Plan of Action within the context of the existing agreements with the African Union (AU), the AUC, the AfDB, the African Civil Aviation Commission, and the NEPAD Planning and Coordination Agency.

20. Finally, the Secretary General underscored the success of the three IWAF events in bringing global consensus on shared objectives, and informed the Council that the fourth IWAF event (IWAF/4) would be hosted by the Government of Brazil from 17 to 19 September 2018 in Fortaleza, Brazil.

21. The Representative of Nigeria was of the view that the success of the IWAF would be determined by the actualization of the work undertaken as a result and its future outcome. He noted the importance the second day of the event, which was dedicated to Africa, brought to stakeholders given that it incorporated discussions, analysis and solutions to some of the problems affecting the region.

22. After observing that IWAF/3 was the first IWAF event with concrete outcomes and actions requiring follow-up, the Representative of Nigeria also identified the draft framework for the

development of aviation infrastructure in Africa, as a key component of the *No Country Left Behind* (NCLB) initiative. Pointing to the need for ICAO to coordinate with relevant stakeholders to further develop and implement the plan according to the Organization's Strategic Objectives, he suggested that the Secretary General follow-up on the implementation of the plan and to report back to Council at a future session.

23. Addressing the difficulty for many States to effectively implement Standards and Recommended Practices (SARPs), the Representative of the United Republic of Tanzania emphasized that infrastructure is key to implementation. He expressed support for the working paper and suggested that additional support be directed towards States' efforts to enhance air connectivity and global integration.

24. In agreeing that infrastructure funding and development were critical issues at the regional level, the Representative of Spain noted that the sustained growth of air transport will continue to bring challenges to air traffic control and physical infrastructures in all regions. He drew attention to the relevance of paragraph 2.3 in the working paper where it outlined the outcome of the event and the planning, implementation and financing needed to address the challenges of aviation infrastructure and capacity development. The Representative of Spain rationalized that the gaps between regional and national plans, institutional stability, governance, and others identified in this IWAF/3, could be applied to all regions of the world. In closing, he drew attention to the connection between the Declaration and the work plan, and stressed the importance of ensuring that the Declaration would be integrated in ICAO's work programme.

25. In support of the comments by the Representative of Nigeria, the Representative of Kenya expressed appreciation for the positive platform IWAF/3 provided the aviation sector. It was her hope that there would be a day focused on the South American region at the upcoming IWAF event in Brazil and that the IWAF event that followed that one would take place in another region so that the building blocks that grow from events like this, could benefit everyone.

26. In agreeing that the problem of infrastructure is an issue that warrants special attention, the Representatives of Algeria and Egypt indicated their support for the proposal presented by the Representative of Nigeria.

27. The Representative of Japan observed, in his experience as a panellist during the IWAF/3 event, that the event was truly action-oriented and that it facilitated ICAO's role in development and bilateral initiatives and showed the commitment of all African States to strengthen infrastructure. Sharing another observation from an investor's perspective, he noted that the outcome from the substantive discussions that took place were reflected in the Declaration and the Framework for a Plan of Action. He further noted the impact this outcome will have on SARPs implementation in States that have prioritized their development assistance, given that it will be a trigger for investors to take action.

28. Expressing his appreciation to the President of the Council, the Secretary General and the Secretariat for their assistance during the preparations for IWAF/3, the Representative of Ecuador emphasized the positive results from IWAF events that extend into all regions of the world through global aviation cooperation and connectivity. He referred to the new agreements and MoUs that improve collaboration between ICAO and other entities, and drew attention to the importance in following up on their outcome to measure the benefits they yield.

29. Sharing his support for the proposals for action, the Representative of Colombia highlighted the key role ICAO plays when matching the investments with potential investors. In addition to the facilities that are needed in the aviation community, he pointed to the equipment, personnel,

standards and procedures that the industry requires to be successful. He then suggested that ICAO should define and develop concepts to establish a benchmark for future IWAF events.

30. After advising that the actions needed to be taken would be incorporated in the 2018 Operating Plans for both ICAO Headquarters and the relevant Regional Offices, the Secretary General indicated this could be incorporated in an action plan moving forward.

31. Addressing the upcoming IWAF/4 event, the Representative of Brazil indicated that the agreement for enabling the event was presently being finalized and that her country was very happy to be hosting the Forum. She expressed her hope that the event would showcase Brazil and the advancements in aviation in Latin America.

32. In concluding its consideration of this item, the Council requested that the Secretary General:

- a) present a Council working paper on the follow-up action, especially related to the implementation of the *Declaration and Framework for a Plan of Action for Development of Aviation Infrastructure in Africa* at the next session, which is expected to be conducted within the context of the existing agreements listed in paragraph 3.4 of the paper and through ongoing programmes and initiatives mentioned in paragraph 3.5 of the paper, and incorporated into the Operating Plans for both Headquarters and Regional Offices concerned;
- b) consider how the key issues and recommendations arising from IWAF/3 would be addressed and implemented in a manner that delivers greater coherence between global, national and regional plans;
- c) review the lessons learned from IWAF/3 in order to guide the preparations for the fourth ICAO World Aviation Forum (IWAF/4), which is scheduled to occur from 17 to 19 September 2018 in Fortaleza, Brazil;
- d) explore options to increase the participation at IWAF/4 of representatives from the non-aviation sector, including especially the financial and infrastructure sectors; and
- e) ensure that future reports to the Council on the IWAF events be presented as working papers containing an action for consideration by the Council rather than as an Information Paper.

Subject No. 13: Work Programmes of Council and its subsidiary bodies

2017 Report on the activities of the Evaluation and Internal Audit Office

33. The Council considered this item on the basis of Information Paper C-WP/14711 which, in accordance with the Charter of the Evaluation and Internal Audit Office (EAO), summarized the activities and results of the work undertaken by EAO throughout 2017, as well as its performance relative to the annual work plan.

34. In recalling that he had taken office in July 2017, the Chief, Evaluation and Internal Audit Office (C/EAO) noted that he fulfilled one of his key priorities by filling the vacant posts in the office. He provided an update on EAO activities for 2017, noting that four internal audit reports and one

evaluation report were issued as planned; three internal audits were submitted to the Secretary General to endorse the Management Action Plans; and that two internal audits and one evaluation are currently in progress. He drew attention to the working paper which summarized the main findings of the internal audits and evaluations and advised that the complete reports had been posted on the Council's website. He further noted that the Evaluation Report on "ICAO partnerships with organizations and agencies of the UN system", was presented to Council in the previous session in accordance with the EAO Charter.

35. Highlighting the importance of interacting with ICAO managers throughout reporting periods to ensure that open oversight recommendations are closed on time after appropriate action has been taken, C/EAO noted that 80 per cent of the 103 open recommendations were internal oversight function and external audit reports, while the rest were JIU reports.

36. One of the new elements EAO developed and introduced in the audit process is a continuing audit approach that supplements traditional audits. C/EAO explained that the approach allows for assessing the design and effectiveness of key controls in selected, high risk, operational areas in the Organization and that it is able to draw management's attention to key risks and internal control weaknesses in ICAO. He further noted that two additional licenses for the data analytics tools were purchased to enhance internal IT capacities and to improve audit efficiencies and other oversight functions.

37. With a view to improving the quality, timeliness and methods of their work, EAO held a retreat for its team members in 2017 wherein they updated their risk assessment methodology and enhanced their working papers to align them with international standards. C/EAO noted that they continue to update their activities on the monthly dashboard that is viewed by the Secretary General and the Evaluation and Advisory Audit Committee (EAAC) and that they provide advice on governance, risk management and internal control issues in the review processes for new policies, procedures and guidelines.

38. EAO attends as an observer in various decision-making entities and C/EAO highlighted one example, where a Senior Auditor was part of the ICAO team conducting the first audit of Aviareto, the International Registrar of Aircraft Objects, for which ICAO is the supervisory authority. In addition to these efforts, he drew attention to EAO's role as the Joint Inspection Unit (JIU) focal point and advised that they had coordinated input for 24 JIU reviews that were at various stages. After noting that EAO had included a management and administration review of ICAO in 2018, C/EAO informed that the JIU inspector and his team would be at Montreal Headquarters in June and would be meeting with the President of the Council as well as select senior colleagues in the Secretariat.

39. Emphasizing the importance of maintaining close collaboration with the Ethics Office and providing support to the EAAC, C/EAO noted that they have benefited significantly from the advice and support of both. He then noted that they had organized an External Quality Assessment (EQA) for their audit function training which would provide a foundation for next year's audit and evaluation functions

40. Addressing the activities outlined in the working paper, the Representative of Mexico first considered paragraphs 3.4 (Audit on the use of interns) and 3.5 (Audit on the use of secondees) and expressed his agreement with the main findings identified. He was of the opinion that the Secretariat should reverse the trend of using an increased number of interns and secondees, given the risks involved, and to instead consider mobilizing internal resources. He suggested that the Secretariat examine the scope and sphere of the TRIP Strategy (paragraph 3.6, Audit of the TRIP Strategy) to identify the adjustments and resources needed to ensure the sustainable operation of the programmes' ambitious initiatives are in line with its Strategic Objective. Referring to paragraph 3.7 (Evaluation of ICAO's partnerships with UN

Organizations and Agencies), the Representative of Mexico suggested that the Secretariat conduct periodic evaluations on the results achieved through this kind of collaboration to ensure the arrangements help ICAO to further its Strategic Objectives. He then pointed to the table in paragraph 3.8 that identifies the work programme for EAO and highlighted the audit on the recruitment of professional and general service staff and suggested that the audit also include supernumerary staff. On this subject, he noted the high number of vacancy notices for ARGF, and then pointed to paragraph 3.13 (Continuous auditing) and suggested that ARGF be included in the continuous monitoring approach, given the nature and risk of ARGF activities.

41. Drawing attention to paragraph 3.10.1 (Cybersecurity), the Representative of India requested EAO to provide more details on the findings of the audit. Recalling that the evaluation was to be conducted by EAO, he asked for an explanation on the mechanism used to identify which projects are to be evaluated by EAO in this regard.

42. Responding to the question by the Representative of India about the findings of the cybersecurity audit, C/EAO explained that the draft report was with the Office of the Secretary General for consideration and endorsement of the management action plan. Based on his recollection there were 18 recommendations and a number of actions proposed to be taken by the Secretariat. He further explained that many of these improvements were tied to the ongoing efforts triggered by the management implementation plan that was put into place after the cybersecurity breaches that occurred in late 2016, and then noted that there would be a follow-up audit at the end of 2018 to evaluate the implementation of the action items.

43. Referring to the Technical Cooperation Bureau (TCB) project evaluations, C/EAO noted that evaluations of the Global Air Navigation Plan (GANP) and the Global Aviation Safety Plan (GASP) had been advanced to the third and fourth quarters of 2018. He clarified that a number of criteria, including the benefits and risks to the Organization and Regional Offices, would assist Council efforts to review implementation of both global plans.

44. After the President of the Council reminded of the important priority that was placed on the cybersecurity audit and questioned whether major findings or improvements were identified, C/EAO noted the difficulty in sharing findings at this stage given that the Secretary General had not yet had adequate time to respond to the management action plan. He advised that the recommendations included a adopting a project management approach to dealing with issues and establishing a Chief Information Security Officer to close the gap in organizational reporting lines. C/EAO clarified that the person in this role should ideally speak both technical and business languages to ensure that policies and procedures are developed without delaying the technical issues that need to be resolved. He noted that there was a recommendation to retain logs to monitor these issues and that there needed to be a proper segregation of duties with the appropriate personnel in place, to ensure better controls are in place. Addressing this, he noted that cyberattacks will continue, but that ICAO needs to ensure the proper structures and staff were in place with the necessary skills and competencies to deliver the tasks they are entrusted with.

45. Observing that the report did not classify audit results using the scale that his predecessor had previously used, the Representative of Spain questioned whether C/EAO would continue with the classification scale on future work. He then drew attention to the audits on interns and secondees noting that there were about 680 core staff, and 293 considered temporary staff members, this is to say that 43 per cent of all staff are covered by non-core staff categories. In light of the audit recommendations on the use of interns and secondees (paragraphs 3.4 and 3.5), he noted that there are a number of administrative concerns to address. Furthering the comments of the Representative of India, the Representative of Spain then drew attention to paragraphs 3.9 (Global Aviation Training (GAT) activities)

and 3.10 (Cybersecurity) wherein the drafts had been sent to the Secretariat for comments, and questioned the amount of time that was allocated for their response. Finally, he referred to paragraph 8.5 (EAO monthly dashboard) and questioned whether the Council could be given access to view this dashboard.

46. In response to the questions posed by the Representative of Spain, C/EAO clarified that while the classification scale was not shared in the activity report, it was used in the audit reports. After noting that all of the reports indicate that improvements are needed, he highlighted the concern that was initially raised by the Representative of Mexico on the use of secondees. Since assigning core tasks to secondees could potentially increase risks associated with lost institutional knowledge and confidentiality, C/EAO noted the importance of ensuring sustainability and managing and mitigating associated risks. He then clarified that the Secretariat was always given time to respond to the audit recommendations and provide comments on the draft report, and that this was now with the Office of the Secretary General, but that there must be flexibility in the timeline for responding given the existing workload in OSG. Referring to the dashboard, C/EAO indicated that the tool could certainly be put on the EAO intranet page so that Council Representatives could access it.

47. The Representative of Kenya drew attention to paragraph 3.3.3 (Audit of the MID Office) which referred to clarifying roles and responsibilities in the MID Office and questioned whether the updated Regional Office Manual (ROM) will address this problem. She considered paragraphs 3.4 and 3.5 on the use of interns and secondees and pointed to the risk associated with human resource policy (paragraph 3.4.3 refers), given that there is no procedure in place to systematically request copies of candidates' diplomas. She was of the view the recruitment policy should be strengthened to ensure there are not weaknesses like this in it. Finally, the Representative of Kenya addressed the upcoming visit from the JIU and suggested that there be an informal briefing before the JIU visit in June to clarify the work they are doing, given that it might touch on governance issues.

48. After referring to the audit on the Middle East Office, C/EAO clarified that the Secretariat took action to improve and revise the ROM, but that he would defer to the Secretary General to update on the ongoing discussions with the Senior Management Group in terms of roles and responsibilities. Additionally, he suggested that the Secretary General would respond on the use of interns and secondees, before questioning whether the Council would like to have a briefing while the JIU is on site or prior to their arrival in June to conduct interviews.

49. After clarifying that the ROM was updated to define responsibilities and accountability, the Secretary General advised that agreement has been reached for the majority of the technical assistance projects in terms of accountability and quality assurance. She noted that updating the ROM will be an ongoing effort because it involves a cultural change, resource allocation and both the competencies of staff and the way of doing business, will need to change. She further noted that bilateral meetings could be coordinated to provide more information on accountability and the framework for technical cooperation projects between Headquarters and the Regional Offices.

50. To address the request for an informal briefing before the JIU visit, the Representative of Kenya clarified that it would be helpful to have a briefing before they conduct their exercise in June so that Council could be clear on what the process will entail.

51. Following the specific audit recommendation, the Secretary General noted that the Administrative Instructions had been updated and uploaded on the website to reflect the updates to the procedures for accepting interns.

52. After acknowledging support for the comments by the Representatives of Spain and India on the use of a rating system to identify the most critical areas of action, the Representative of the United

Kingdom drew attention to the issue of cybersecurity. He indicated that cybersecurity brings unique challenges given the difficulty in anticipating threats, and that it calls for very quick action to challenges that frequently change. Finally, the Representative referred to the one investigation that had been carried in 2017 pertaining to an incident of misconduct of a financial nature. In this regard, he noted that although it had not been clearly specified, the assumption was that this was the same incident referred to by the Ethics Officer in her annual report.

53. Addressing the question by the Representative of the United Kingdom, C/EAO clarified that EAO conducts investigations that have financial implications, while the Ethics Officer investigates issues related to inter-personal, harassment or other conflicts, before outsourcing them to an external investigator. He then noted that one case raised late in 2016 was investigated in early 2017 so it was included in this report. On the issue of cybersecurity, he noted that he highlighted the main areas that were included on the report, but did not indicate which were critical. He offered assurance that the next report would include this.

54. The Representative of Brazil suggested it would be useful to have additional information regarding the numbers of interns and secondees in ICAO, including their nationalities and the work they are doing in the Secretariat. She drew attention to the influence they might have and the way things are being organized, and thought it would help to have a clear picture.

55. Explaining that there are two kinds of secondees; gratis personnel who are paid directly by the governments and those who are paid by the government through ICAO, the Secretary General clarified that the information is on the Council website in the information provided by Human Resources. She noted that this information provides details on the number of secondees, interns, and the workforce.

56. In concluding its consideration of this item, the Council:

- a) noted the information presented on the activities undertaken by EAO during 2017;
- b) requested that future reports to the Council on the annual activities of EAO incorporate a table of critical findings that outline how an issue is being addressed and the relevant timelines thereon, and that such a table be prepared for the 2017 report to be circulated to Council Representatives; and
- c) requested that future reports to the Council on the activities of EAO be presented as working papers containing an action for consideration by the Council rather than as an Information Paper.

Subject No. 13: Work Programmes of Council and its subsidiary bodies

Plan of action to respond to conclusions reached by the Evaluation and Audit Advisory Committee

57. The Council considered this item on the basis of C-WP/14712, in which the Secretary General presented a plan of action to address the issues of concern raised by the EAAC in its annual report (C-DEC 212/3 d) refers). The plan of action, which was pursuant to the Council's review of the 2016-17 Annual Report of the Evaluation and Audit Advisory Committee (EAAC) during the 212th Session, addressed the following eight issues: the assessment and control of TCB projects; the performance of EAO; finalization of EAO reports; IT controls; External Audit; risk management; Ethics Framework; and the recruitment process.

58. Addressing the cybersecurity risks and threats to the Organization, the Representative of Mexico drew attention to Item 4 (IT controls) and suggested that the 2018 plan of action should be reconsidered with a view to reducing the length of time allocated to resolving this issue. He considered Item 7 (Ethics Framework) and expressed support for the conclusion by the EAAC, and concern that the senior management did not adequately respond to the need for addressing the independence of the Ethics Office in a functional manner. He then referred to Item 8 (Recruitment process) and noted that the target date of December 2019 was unacceptable. In considering that ICAO's main asset is human resources, he noted that this issue must be resolved before beginning work on the next budget of the Organization, and should not be postponed until after the Assembly takes place.

59. The Secretary General responded to these concerns by first clarifying that the Secretariat developed a masterplan for IT Control which includes short-, mid- and long-term action. She advised that this area was a first priority and as such, she had allocated significant resources to train staff and procure the necessary equipment to ensure the proper mechanism and procedures were in place by December 2018. Referring to the ethics related item, the Secretary General recalled that the review of the Ethics Framework was currently being undertaken by the WGGE and in this regard, she assured the Council that all the issues raised would be taken into account once the WGGE had finished reviewing the item.

60. In relation to the recruitment process, the Secretary General informed the Council that the manual for the recruitment process had been updated and was been finalized. By way of supplementary information on this issue, the Director of the Administration Bureau (D/ADB) explained that Item 8 (Recruitment process), had in fact been discussed at the Full Senior Management Group (FSMG) meeting the previous weekend. Explaining that this overall process will include continue beyond updating the administrative instructions and the manual, by necessitating a cultural shift within the Organization to get it right, and that the timeframe encapsulates the holistic approach that is needed to improve the final outcomes. He offered assurances to the Council that the expectation is to demonstrate genuine progress in this regard throughout the course of the current year.

61. The Representative of Australia appreciated the clarification that the manual had been updated and that it would take some time to achieve the cultural shift in human resource management to speed up the process, but he questioned the role senior management would take to drive the cultural change. Addressing the timelines, he asked who would monitor and report on the meeting of timelines. He provided the Australian system as an example and noted that every HR process is reported to the Secretary and Directors and that they must also report on every process that is not completed within four weeks of closing an advertisement.

62. Explaining that ICAO's recruitment process involves multiple parties, D/ADB noted that there are hiring managers, bureaus, written tests, the evaluation of written tests, and interviews. He advised that the sticking points in the process and the ways they could be addressed, were identified, and that they are looking at the ways they can streamline the control areas in the internal process to make greater progress. After confirming that close attention was being directed to streamlining the process and making things more efficient, D/ADB offered assurance that the goal is to achieve this before the target dates.

63. Supplementing the information provided by D/ADB, the Secretary General indicated that she had requested senior managers at Headquarters and Regional Offices to be accountable for the recruitment processes and timelines and that HR had been asked to monitor the system and provide advice and guidance when there were delays. She agreed that a cultural change was needed in the Organization, but by working with senior managers to ensure the timelines identified in the manual are maintained and

that there is accountability in every step in the process, she felt confident the recruitment process would be improved.

64. The Representative of Cuba drew attention to Item 1 (Assessment and control of TCB projects) and noted that it indicated that the resources for evaluations should be included in the project costs and that the management response indicates that States are asked if they would like to voluntarily finance post-project evaluations. She further noted that the final sentence in this response indicated that all project documents would, as of 1 January 2018, include a clause requiring a mid-term evaluation of all long-term projects. Raising the concern that this would presume an obligation that would impact State resources, the Representative of Cuba questioned the benefit, development and impact this might have on States, particularly small, developing ones.

65. Clarifying that the projects which would require mid-term reviews are long-term, six-months or more, D/TCB noted that the evaluations would have to be financed by States because TCB does not have the financing to carry this out. He further clarified that an obligation could not be placed on States to spend money on this activity, and though the cost of a mid-term evaluation would be less than the cost of a post-project evaluation, it would have to be subject to State approval and funding.

66. After the Representative of Malaysia observed that there could be long-term projects with a low-value, and short-term projects that are high in value, D/TCB explained that there are evaluations carried out in the procurement phases, but it is the capacity-building projects that traditionally cost more than the short-term ones, that require mid-term review.

67. Revisiting the issue of the recruitment process, the Representative of the United Kingdom considered the number of vacancies carried by Headquarters and the Regional Offices and questioned whether the requirements might be too specific, making it more difficult to recruit the appropriate candidates, or whether steps could be taken to fast-track the recruitment process to address business critical areas. Drawing attention to Item 4 (IT controls), the Representative of the United Kingdom noted that the information security masterplan was meant to establish, within three years, the capabilities and processes required to actively manage the identified risks. Noting that things change so quickly that the risks analysed in the plan will likely not be valid in three months, let alone three years, he questioned the four-year timeline being allocated to having a final solution in place following the cybersecurity incident that took place in 2016. Extending appreciation for the Secretary General's efforts to bring the resolution forward to meet the December 2018 deadline, he suggested that the issue should be taken very seriously and addressed at the speed the industry moves at.

68. Responding to the concerns raised by the Representative of the United Kingdom, the Secretary General first addressed the recruitment process. She noted that an annual HR action plan which identifies when posts are to be filled had been developed and that managers were to initiate the recruitment process to meet the timelines. Drawing attention to the current budget which indicates that the Secretariat should maintain a 6.9 per cent vacancy rate, she noted the challenge in meeting budget requirements while at the same time, delivering outcomes. Drawing attention to the difficulty that sometimes occurred in recruiting the most suitable candidate to fill positions in the Regional Offices, with Headquarter involvement in the process, the Secretary General noted that though there were often competing priorities, at the recent Senior Management Group meeting, all managers committed to do their part to expedite the recruitment of staff members as quickly as possible. Addressing the IT control issues, she noted that the process to introduce improvements is wide-ranging and that it involves training staff at Headquarters as well as Regional Offices, but that every effort will be taken to speed up these efforts.

69. The Representative of Spain considered the management response to Item 6 (Risk Management) and observed that IT controls, the Ethics Framework and the recruitment process are all

areas identified as risks to the Organization. He was of the view that lax deadlines might send out a signal that what is required is not that important and in this regard, questioned why it would take two years to introduce improvements to shorten the recruitment process. In this as well as other areas identified in the report, the Representative urged the Secretary General to explore every possibility for reducing these timelines as far as practicable.

70. Offering assurance that the Secretariat would indeed be making every effort to expedite the processes despite competing priorities, the Secretary General advised that she would be working with her senior managers to determine reasonable timelines and for advancing the deadlines as far as possible. In this regard, she undertook to revert back to Council with any updates to the timelines.

71. The Representative of the United Republic of Tanzania questioned whether the new HR guidance material would reduce the timeline for filling posts, or whether the new processes were being put in place to provide more effective ways of monitoring the recruitment process to ensure posts are filled within the allocated timelines. He further questioned whether the timeframes were too long, or if it was the processes themselves that were taking too long, noting the importance of ensuring it was a better way of moving forward.

72. In response, D/ADB clarified that in fact both aspects of the recruitment process required improvement. Sharing examples of the current KPI timelines which expect that Director posts will be filled in seven months and professional posts in five months, he noted that the goal was to meet these targets and to shorten them wherever possible. Reiterating the importance of finding balance, he noted that it takes time to recruit the most suitable candidate. He was of the view the timelines put into place in the KPIs were reasonable, given that they had identified benchmarks within the timelines. Pointing to Secretariat efforts to deliver the most immediate impact, he noted that in the first instance there was a need to better understand why some posts take longer to fill.

73. Directing attention to Item 4 (IT Controls), the Representative of Saudi Arabia noted that the management response indicates that the report on the cybersecurity audit was to be finalized in early 2018 but that the deadline for responding to that issue is December 2018. In this connection, he wondered why so much time would be needed to respond. He then drew attention to Item 5 (External audit) which notes that the EAAC would appreciate more substantial discussions with the external auditors. Noting that the response to this implied that internal policies do not allow for this, he suggested that a paragraph be incorporated in the agreement with the external auditors to allow for the EAAC to review the action plans of the external auditors, before they are finalized. Finally, he extended appreciation to the Secretary General for the efforts that would be taken to expedite the recruitment processes with a view to reducing the timelines.

74. The Secretary General explaining that the challenge with the external audits is that the external auditors wanted to submit only their final audit report to the EAAC while the EAAC wanted to see the draft report prior to it being finalized. Following discussions with the external auditors, she noted that they would now do their best to submit their reports to the EAAC, and that they would be reviewed by the Secretariat expeditiously and returned to the EAAC for their review. On the issue of IT control she noted that the master plan had been developed and that it had been reviewed by not only the UNICC, but also UN Headquarters for validation, and she confirmed that this plan includes new equipment, staff training and puts robust mechanisms in place.

75. Expanding on the earlier discussions which questioned the length of time allocated to addressing the cybersecurity breach that took place in 2016, D/ADB explained that there were some issues that the Secretariat responded to immediately. He noted however, that other issues required more time and in fact the Secretariat work phase is currently in the medium stage of the response programme,

which involves acquiring equipment and changing internal processes and procedures. These actions take time and while action is being taken, it was equally important to mitigate against casual attacks, which are impossible to fully avoid, and no organization in the world can guarantee that. He assured the Council that in response to this incident, what needed to be closed in the short-term plan was certainly already actioned.

76. Drawing attention to the Ethics Framework (Item 7), the Representative of Sweden recalled to the Council that she is the Chairman of the WGGE Sub-group on this issue and in this regard, the report reviewing the Ethics Framework had been agreed upon and was currently being finalized to be brought back to the Council later in the current session.

77. Revisiting Item 1 (Assessment and control of TCB projects) the Representative of Ecuador questioned whether there might be a conflict of interest to ask a State to pay for an evaluation that is conducted by a party within the State. He noted that the Secretariat should have procedures in place for independent evaluations and that States should not be subjected to profound expenditures for this. In agreement with the earlier comment from Cuba that there are high-value, high cost projects with short-term implementation to measure, he noted that the concept for evaluating TCB projects needs to be better defined before passing on costs like this to the States.

78. Thereafter, addressing the issue of IT Control (Item 4), the Representative of Ecuador expressed appreciation for the holistic masterplan that is being effected and noted that what matters is that a robust solution is put into place that is practical and effective and incorporates better planning. On Item 7 (Ethics Framework), he noted that the management response indicates that information on the best practices of other UN organizations will be taken into account and that this should extend past the WGGE, to the HRC and other relevant committees. In considering this he noted that it is not just the independence of the actual Ethics Office, but the overall structures that was important, and that it was determined in the HRC discussions that the Ethics Office cannot be completely divorced from other entities in the Secretariat such as the Legal Bureau and Human Resources. He noted that it would be beneficial to have more information as this issue evolves. Finally, he noted that reducing the timeframe for the recruitment process (Item 8) is something Council has always asked for. In agreeing that it is important to bring personnel on board as quickly as possible, the Representative of Ecuador noted that external factors can affect the speed of the process and that timelines are impacted when you have for example 180 candidates for a post or have many posts to fill. He noted that it would be worthwhile to focus on the candidates' suitability and their compliance with standards, but that it is sometimes difficult to assess their qualifications, and there are many other factors involved that the Organization cannot control.

79. To better explain the concern raised by Council Representatives concerning the evaluation of TCB projects (Item 1), D/TCB clarified that all projects implemented by TCB undergo a thorough evaluation. He noted that Council had already accepted the EAAC recommendation to ask an independent external body perform an additional evaluation on the project, and that it was in this context that TCB was asking States if they wish to finance this additional evaluation.

80. In relation to the Ethics Framework item, the President of the Council informed the Council that it was his understanding that the Sub-group of the WGGE would in the first instance present their report to the WGGE, which would subsequently be presented to Council for consideration. He noted that one issue raised related to the best practices of other UN organizations as it related to the term of the Ethics Officer and in this connection, he had suggested to the Chair of the HRC that this aspect could be considered by the HRC. In relation to the seven-month timeline for filling a Director's post and five months allocated to filling a professional post, the President noted that these timelines also take into consideration the time required for the candidate to report to duty.

81. Following consideration, the Council requested that the Secretary General review the timelines reflected for the items contained in the plan of action with a view to exploring the possibility of finalizing the proposed actions within a shorter timeframe than currently indicated, and in this context, specifically requested that the proposed timeline of December 2019 for item 8 “recruitment process”, be further reviewed.

Any other business

70th Anniversary of the ICAO SAM Office

82. It was noted that the year 2018 marks the 70th anniversary of the South American Office in Lima, Peru. To mark this special occasion, the Government of Peru will be extending an invitation to all Representatives on the Council to attend the main celebration, scheduled to occur during the first week of December 2018.

Mission by the President

83. It was noted that the President of the Council would be attending the World ATM Congress, which is scheduled to occur in Madrid, Spain, from 6 to 8 March 2018. Accordingly, the Council meeting of 5 March 2018, would be chaired by the First Vice-President, the Representative of Singapore.

Appointment of a Member and Alternates on the Air Transport Committee (ATC), Finance Committee (FIC), Human Resources Committee (HRC), Joint Support Committee (JSC), Technical Cooperation Committee (TCC), Committee on Unlawful Interference (UIC), Working Group on Governance and Efficiency (WGGE) and Relations with Host Country Committee (RHCC)

84. In the absence of comments by 9 January 2018 to the President of the Council’s email dated 3 January 2018, and, in accordance with paragraph 3 of the Special Provisions applicable to the ATC, the President of the Council appointed Mr. David T. Lloyd, Representative of the United Kingdom, as Member of the ATC to replace Mr. Mark Rodmell; and, in accordance with paragraph 6 of the Special Provisions applicable to the JSC, FIC, HRC, UIC and TCC, appointed Mr. Lloyd as member of the JSC, FIC, and UIC, and Mrs. Kirsten L. Riensema as his Alternate on the UIC, to replace Mr. Gareth Alston.

In the absence of comments by 9 January 2018 to the President of the Council’s email dated 3 January 2018, and, in accordance with paragraph 3 of the Special Provisions applicable to the ATC, the President of the Council appointed Mr. Sergey V. Gudkov, Representative of the Russian Federation, as Member of the ATC to replace Mr. Aleksandr A. Korsakov, and appointed Mr. Alexander A. Batalov as his Alternate; and, in accordance with paragraph 6 of the Special Provisions applicable to the JSC, FIC, HRC, UIC and TCC, appointed Mr. Gudkov as member of the JSC, FIC, and UIC, and Mr. Korsakov as his Alternate on the JSC, to replace Mr. Dmitry V. Subbotin. Also, in accordance with C-DEC 199/3, Mr. Gudkov is appointed as Member on the RHCC.

In the absence of comments by 12 January 2018 to the President of the Council’s email dated 8 January 2018, and, in accordance with paragraph 3 of the Special Provisions applicable to the ATC, the President of the Council appointed Mr. Thomas L. Carter, Representative of the United States, as Member of the ATC; and, in accordance with paragraph 6 of the Special Provisions applicable to the FIC, HRC, JSC, TCC and UIC, appointed Mr. Carter as member of the FIC, HRC, JSC, TCC and UIC,

and Mr. Samuel Kotis as Alternate Member, with immediate effect. Also, in accordance with C-DEC 199/3, Mr. Carter was appointed as Member on the WGGE.

Pursuant to his email dated 30 November 2017, and in accordance with paragraph 3 of the Special Provisions applicable to the ATC and paragraph 6 applicable to the JSC, FIC, HRC, UIC and TCC in the *Rules of Procedure for Standing Committees of the Council* (Doc 8146), the President of the Council appointed Mr. Fernando de Medina as Alternate to Mr. Martin Vidal, Representative of Uruguay, on the ATC and TCC, effective immediately.

Pursuant to his email dated 3 January 2018, and in accordance with paragraph 3 of the Special Provisions applicable to the ATC and paragraph 6 applicable to the JSC, FIC, HRC, UIC and TCC in the *Rules of Procedure for Standing Committees of the Council* (Doc 8146), the President of the Council appointed Mr. İbrahim Cem Şahinkaya as Alternate to Mr. Ali Rıza Çolak, Representative of Turkey, on the ATC, JSC and HRC, effective immediately.

Pursuant to his email dated 23 January 2018, and in accordance with paragraph 3 of the Special Provisions applicable to the ATC and paragraph 6 applicable to the JSC, FIC, HRC, UIC and TCC in the *Rules of Procedure for Standing Committees of the Council* (Doc 8146), the President of the Council appointed Mses. Ines Martinez Valinotti and Aurora Torres de Rodriguez and Messrs. Alberto Caballero Gennari and Oscar Pérez Figueredo, nominated by the Representative of Uruguay, as Alternate Members of the Air Transport (ATC) and Technical Co-operation (TCC) committees, effective immediately.

Appointment of a Member and an Alternate on the Air Navigation Commission

85. In the absence of comments by 27 December 2017 to the email from the President of the Council dated 21 December 2017, Mr. Andrew Tiede, nominated by the Government of Australia, has been appointed as a Member on the ANC, to succeed Mr. Jeffrey Bollard, with effect from 2 January 2018.

In the absence of comments by 20 December 2017 to the email from the President of the Council dated 13 December 2017, Mr. Christian Schulthess and Mr. Tom Andersen, nominated by Iceland on behalf of the Governments of Denmark, Estonia, Finland, Iceland, Latvia, Norway, Sweden and Switzerland, have been appointed as a Member and Alternate on the ANC, respectively, with effect from 1 January to 31 December 2018.

Appointment of new Members and Observers on the Committee on Aviation Environmental Protection (CAEP)

86. In the absence of comments by 15 January 2018 to the email from the President of the Council dated 27 December 2017, Mr. Kevin Welsh was appointed as a CAEP member from the United States, to replace Mr. Curtis Holsclaw, with effect from 16 January 2018.

In the absence of comments by 2 January 2018 to the email from the President of the Council dated 13 December 2017, Mr. Atef Ajili was re-appointed as a CAEP observer from ACAC, with effect from 3 January 2018.

In the absence of comments by 18 December 2017 to the email from the President of the Council dated 6 December 2017, Ms. Isabelle Besson was appointed as the new CAEP observer from the European Union, to replace Mr. Peter Vis, with effect from 19 December 2017.

In the absence of comments by 13 December 2017 to the email from the President of the Council dated 1 December 2017, Mr. Yury Vladimirovich Medvedev was appointed as the new CAEP Member from the Russian Federation, to replace Mr. Sergey Aleksandrovich Volkov, with effect from 14 December 2017.

In the absence of comments by 19 February 2018 to the email from the President of the Council dated 25 January 2018, Mr. Koichi Minato was appointed as the new CAEP member from Japan, to replace Mr. Daisuke, with effect from 20 February 2018.

Appointment of Members to the International Explosive Technical Commission (IETC)

87. In the absence of comments by 22 December 2017 to his email dated 19 December 2017, the President of the Council appointed Maj. Yasser Abdullah Al-Saghiri, nominated by the United Arab Emirates, as the 16th Member of the IETC, for a period of three years until 31 December 2020.

ICAO Seminar on Carbon Markets, 7 to 9 February 2018, Montréal, Canada

88. In the absence of comments by 6 December 2017 to his email dated 1 December 2017, the President of the Council approved the invitation of the organizations listed therein to the ICAO Seminar on Carbon Markets.

ICAO Regional Seminars on the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)

89. In the absence of comments by 13 December 2017 to his email dated 5 December 2017, the President of the Council approved the invitation of the organizations listed therein to the ICAO Regional Seminars on CORSIA.

Request from the European Union (EU) to participate as Observer in closed meetings of the Council on aviation security

90. In the absence of comments by 12 January 2018 to the President of the Council's email dated 8 January 2018, Mr. Klaus Winkler, Head of Office, Office of the European Union in Montréal, was invited, in accordance with Rule 32 a) of the *Rules of Procedure for the Council*, to participate as Observer on behalf of the EU, during the 213th Session of the Council's consideration, in closed session, of items related to aviation security.

Request from Civil Air Navigation Services Organization (CANSO) to participate as Observer in closed meeting of the Council on aviation security

91. In the absence of comments by 9 January 2018 to the President of the Council's email dated 3 January 2018, Mr. Nico Voorbach, CANSO Director, ICAO and Industry Affairs, may be invited, in accordance with Rule 32 a) of the *Rules of Procedure for the Council*, to participate as Observer on behalf of CANSO, during the 213th Session of the Council's consideration, in closed session, of items related to aviation security.

New President of the Corte dei Conti – External Auditor of ICAO

92. In the absence of comments by 2 February 2018 to the President of the Council’s email dated 30 January 2018, Mr. Angelo Buscema, President of the Corte dei Conti, replaced Mr. Arturo Martucci di Scarfizzi as the new External Auditor of ICAO.

Approval of the New Understanding between ICAO and the Government of Quebec

93. In the absence of comments by 19 December 2017 to the President of the Council’s email dated 12 December 2017, the New Understanding between ICAO and the Government of Quebec was approved by the President on behalf of the Council.

Council working papers presented for information

94. As the President of the Council had not received any requests to have the following information papers tabled for consideration, it was considered that the Council had noted the information provided therein:

- **C-WP/14701** – *Report of the Joint Inspection Unit (JIU) entitled “State of the internal audit function in the United Nations system” (JIU/REP/2016/8)*
- **C-WP/14734** – *Report of the JIU entitled “Safety and Security in the United Nations system” (JIU/REP/2016/9)*
- **C-WP/14735** – *Report of the JIU entitled “Knowledge management in the United Nations system” (JIU/REP/2016/10)*
- **C-WP/14736** – *Report of the JIU entitled “Donor-led assessments of the United Nations system organizations” (JIU/REP/2017/2)*

95. The meeting adjourned at 1730 hours.

COUNCIL — 213TH SESSION**SUMMARY MINUTES OF THE SECOND MEETING****(THE COUNCIL CHAMBER, WEDNESDAY, 28 FEBRUARY 2018, AT 1000 HOURS)****OPEN MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Algeria	— Mr. A.D. Mesroua	Kenya	— Ms. M.B. Awori
Argentina	— Mr. G.E. Ainchil	Malaysia	— Mr. K.A. Ismail
Australia	— Mr. S. Lucas	Mexico	— Mr. D. Méndez Mayora
Brazil	— Mrs. M.G. Valente da Costa	Nigeria	— Mr. M.S. Nuhu
Cabo Verde	— Mr. C. Monteiro	Panama	— Mr. G.S. Oller
Canada	— Mr. M. Pagé	Republic of Korea	— Mr. J. Hur
China	— Mr. Shengjun Yang	Russian Federation	— Mr. S. Gudkov
Colombia	— Mr. A. Muñoz Gómez	Saudi Arabia	— Mr. S.A.R. Hashem
Congo	— Mr. R.M. Ondzotto	Singapore	— Mr. T.C. Ng
Cuba	— Mrs. M. Crespo Frasier	Spain	— Mr. V.M. Aguado
Ecuador	— Mr. I. Arellano	Sweden	— Ms. H. Jansson Saxe
Egypt	— Mr. A. Khedr	Turkey	— Mr. A.R. Çolak
France	— Mr. P. Bertoux	United Arab Emirates	— Miss A. Alhameli
Germany	— Mr. U. Schwierczinski	United Kingdom	— Mr. D.T. Lloyd
India	— Mr. A. Shekhar	United Republic of Tanzania	— Mr. R.W. Bokango
Ireland	— Ms. N. O'Brien	United States	— Mr. T.L. Carter
Italy	— Mr. M.R. Rusconi	Uruguay	— Mr. M. Vidal
Japan	— Mr. S. Matsui		

ALSO PRESENT:

Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C. Fernández (Alt.)	— Argentina
Mr. D.A. Tavares Taufner (Alt.)	— Brazil
Mr. H. Gonzales (Alt.)	— Brazil
Mr. M.G. Correia Pontes (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Usami (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden
Mr. Ö. Doğrukol (Alt.)	— Turkey
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mr. S. Kotis (Alt.)	— United States
Mrs. M.A. González (Alt.)	— Uruguay
Mr. F. de Medina (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— C/OSG
*Mr. I. Galán	— D/TCB
*Mr. S. Creamer	— D/ANB
*Mr. V. Smith	— D/ADB
*Mr. J. Huang	— A/D/LEB
*Mr. M. Belayneh	— DD/TCB, C/GAT
*Mr. H. Gourджи	— H/SPCP
*Miss L. Lim	— A/C/FIN
*Mr. M. Fox	— C/PRC
*Ms. A. Andrade	— C/BSS
*Ms. L. Kinsella	— Ethics Officer
*Mr. E. Liapakis	— Ombudsman
*Mrs. P. Romano	— H/ARU
Miss S. Black	— Précis-writer

Representatives to ICAO

Bolivia (Plurinational State of)

Cyprus

Ghana

Greece

Indonesia

Lebanon

Paraguay

Peru

Qatar

Senegal

Venezuela (Bolivarian Republic of)

Airports Council International (ACI)

European Union (EU)

Subject No. 20: Periodic reports by the Secretary General

Annual Report of the Ethics Officer for 2017

1. The Council had for consideration: information paper C-WP/14710, whereby the Secretary General transmitted the annual report of the Ethics Officer on activities undertaken in connection with the *ICAO Framework on Ethics* during the period 1 January to 31 December 2017, on which she had not made any comments; and an oral report thereon by the Human Resources Committee (HRC), which had reviewed the paper at its First Meeting of the current session on 19 January 2018.

Oral report by the HRC

2. In presenting the HRC's oral report, its Chairperson, the Representative of Ecuador, Mr. I. Arellano, indicated that the Committee had benefitted from the presence of the Ethics Officer, Ms. L. Kinsella, who had presented her annual report for 2017. During that year, the Ethics Officer had focused on training, regional visits, advisory services, reports of retaliation, expansion of activities to Technical Cooperation Bureau (TCB) field personnel, policy guidance, attendance at the Ninth Annual Ethics Network of Multilateral Organizations (ENMO) Conference (Rome, 11-14 July 2017), financial disclosure management, a benchmarking survey, a review of procedures for handling misconduct, fraud risk assessment and case management. The Committee had noted that a priority for the Ethics Office in 2018 would be prevention and outreach utilizing digital platforms.

3. In the course of its discussions, the HRC had noted that a range of TCB field personnel with different contract modalities were included in the Ethics Office's mandate. It had been reiterated by the Ethics Officer that all personnel are required to adhere to ICAO rules and Standards of Conduct, but that access to the internal system of justice differed depending on the category of personnel.

4. In response to a question, the HRC had been informed that the Secretary General had discretionary authority to initiate investigations into allegations of misconduct, taking into consideration the recommendation by the Ethics Officer. In practice the Secretary General also consulted the Director, Legal Affairs and External Relations Bureau (D/LEB), the Chief, Evaluation and Internal Audit Office (C/EAO) and the Director, Bureau of Administration and Services (D/ADB) as the head of human resources, as required. The Ethics Officer had discretionary authority to initiate an investigation into an allegation of retaliation.

5. The Committee had expressed concern over the low compliance rate for the annual financial disclosure exercise. The Ethics Officer had informed Members that the current compliance rate was 78 per cent and stated that, in future, advance notice would be given to Bureau Directors to ensure their compliance. The Secretary General had also committed to ensuring that staff members were compliant.

6. The HRC had then discussed possible legal risks to the Organization emanating from ethics cases. The Secretariat had advised Members that an investigation may be associated with a risk of appeal to the United Nations Appeals Tribunal (UNAT), and that it was for LEB to deal with such cases.

7. The Committee had also discussed the role of the Ombudsman, and had noted that the latter was appointed by the Secretary General on the basis of a recommendation by the Staff Association, and that he performed his services on a part-time basis, in addition to his regular duties. It had also noted that the Ombudsman had informal monthly discussions with the Secretary General regarding employment-related staff issues. The Ethics Officer had highlighted that she and the Ombudsman

conducted joint missions to each Regional Office on a two-year interval schedule and worked together to resolve any such staff issues informally.

8. The HRC had then discussed a potential risk to ICAO when allegations of misconduct were closed because the subject thereof was no longer in service with the Organization, in as much as he/she could apply for other positions in ICAO or other organizations. The Secretariat had confirmed that applicants who were being considered for appointments to posts were subject to a strict verification process, including comprehensive employment reference checks, which would help to uncover any potential workplace investigation or formal allegation of misconduct.

9. In conclusion, the Committee had noted the annual report of the Ethics Officer for 2017 and had underlined the importance of the ethics function and supported efforts to further strengthen it in accordance with best practice.

Discussion

10. Referring to paragraph 4 of the HRC's oral report, the Representative of Mexico stressed the need for more in-depth review of the issue of the authority to initiate an investigation into an allegation of misconduct, and a decision thereon by the Council, in order to mitigate risks, avoid ambiguity and ensure an adequate level of transparency. In drawing attention to paragraph 8, he suggested that the strict verification process, including comprehensive employment reference checks, currently performed for applicants to Secretariat posts be expanded to cover applicants for Ancillary Revenue Generation Fund (ARGF) posts and, to the extent possible, temporary personnel.

11. Responding to a question then raised by the Representative of Saudi Arabia regarding the definition of "prevention and outreach using digital platforms" in paragraph 2 of the Committee's oral report, the Ethics Officer indicated that it referred to multi-media mechanisms to convey ethics messages electronically in a sustainable way so as to reduce the need for face-to-face meetings. She cited, as examples, video-conferencing, the provision of on-line training, and the use of multi-media video clips.

12. Noting, from paragraph 2.8 of the paper, that initially only 54.55 per cent of eligible staff had complied with the requirement to file with the Ethics Officer an annual financial disclosure statement and a declaration concerning any potential conflicts of interest, the Representative of the Republic of Korea enquired as to possible solutions to address that low compliance rate.

13. The Ethics Officer was pleased to inform the Council that since the issuance of her report and the HRC's meeting, the compliance rate had increased to 97 per cent. Recalling that the 2016 compliance rate had been 100 per cent, she noted that the initial 2017 compliance rate was a reflection of resource constraints which had prevented the necessary follow-up from being taken in a timely manner action (e.g. numerous e-mails and personal telephone calls). The Ethics Officer underscored that, subsequent to the HRC's meeting, and as directed by the Secretary General, the Secretariat had started to explore methods to automate the filing of the annual financial disclosure statement and declaration concerning any potential conflicts of interest, which would resolve much of that time-intensive follow-up work. She noted that while ICT was of the view that such automation was feasible, it considered it necessary to conduct the work together with ICAO's cybersecurity expert to ensure that the staff's highly confidential information was adequately protected.

14. In welcoming the said substantial increase in the 2017 compliance rate, the Representative of Australia looked forward to the Ethics Officer's annual report for 2018, which he trusted would reveal that all eligible staff had complied with the requirement to file the said financial disclosure statement and declaration by the set deadline. He emphasized that the organizational culture

should be such that there was no question that staff would meet their reporting obligations arising from their employment with ICAO. The Representative of Australia appreciated that the ethics function was a challenging one which involved balancing the education-, outreach- and prevention-related work with the absolutely essential work of case management and responding to allegations of misconduct. He underscored that both the Government of Australia and he himself welcomed the renewed focus on ethics issues in ICAO's governance and looked forward to the outcomes of the Ethics Officer's benchmarking survey and of the work of the Working Group on Governance and Efficiency' (WGGE') Sub-group on the ICAO Ethics Framework (SEF) to identify how to ensure and strengthen the independence of the ethics function, which was an important element in ensuring appropriate governance within the Organization.

15. Voicing gratitude for all of the ethics-related work being done, the Representative of Spain reiterated the importance of the ethics function and expressed pleasure that it was gaining in stature in the Organization. He underscored that it was not only a challenging function but also a very sensitive one as it entailed investigations into allegations of misconduct by staff members. The Representative of Spain emphasized that it was necessary to be very cautious in conducting such investigations so as to not mistakenly impinge on the staff members' good name and reputation. In agreeing with the comments made by the Representative of Mexico with regard to the authority to initiate an investigation into an allegation of misconduct, he looked forward to the SEF's report on that and other issues. The Representative of Spain also supported the Representative's suggested expansion of the strict verification process for applicants to Secretariat posts to cover applicants for ARGF posts and, to the extent possible, temporary personnel. In then referring to paragraph 7 of the HRC's oral report, he reiterated that it would be useful to have the ICAO Ombudsman report to the Council at least once a year on the general staff issues with which he was dealing, while respecting confidentiality.

16. The President recalled that the ICAO Ombudsman, Mr. M. Liapakis, and the Secretary General had provided information to the Council regarding the Ombudsman's terms of reference (TOR), role and responsibilities in working independently to informally resolve employment-related issues facing staff at ICAO Headquarters and the Regional Offices and TCB field personnel, and the various outreach activities conducted during the Council's previous consideration of the Report of the Joint Inspection Unit (JIU) entitled "Review of the organizational Ombudsman service across the United Nations system" (JIU/REP/2015/6) (cf. C-WP/14583; C-MIN 210/9, paragraphs 53-55, 59-62 and 68).

17. The Ombudsman gave a brief summary of his role and activities for the benefit of the recently-appointed Representatives. He indicated that, in consultation with the Secretary General, he would be prepared to give to the Council an annual overview of the general staff issues with which he had dealt over the course of the year, based on the Standards of Practice as set by the International Ombudsman Association (IOA) and without divulging any specific details due to the confidential nature of the information. He reiterated that while every international organization was unique in its own way, the same staff issues arose throughout the UN system, as revealed in the said JIU Report.

18. The President therefore suggested that in future, during the Council's consideration of the annual report of the Ethics Officer, the Ombudsman should present an oral report on the general staff issues which he had dealt with during the year, while respecting confidentiality. That oral report should include data in tabular form and be circulated to Council Representatives in advance.

19. Associating himself with the comments made by the Representatives of Australia and Spain on the need to strengthen the ethics function within ICAO, the Representative of India likewise looked forward to the SEF's report, which would address, inter alia, the issue of the oversight of the independence and performance of the ethics function by the Evaluation and Audit Advisory Committee (EAAC). In then referring to paragraph 8 of the HRC's oral report, he enquired as to the rationale behind

the practice of closing an allegation of misconduct when the subject thereof was no longer in service with ICAO. The Representative of India indicated that it was his understanding that the practice that was prevalent throughout the public sector worldwide was to take such an allegation to its logical conclusion and either exonerate the subject of the allegation, or convict the subject and terminate any post-retirement benefit.

20. The Ethics Officer stated that in other organizations in the UN common system allegations of misconduct were routinely closed if the subject retired or otherwise left service. Drawing attention to paragraph 2.4 of her report, the Ethics Officer noted in accordance with her discretionary authority, she had decided to refer the formal report of retaliation which had been received in 2017 for investigation. However, when the subject of the allegation had left ICAO's service, she had decided to close the case after weighing the costs/benefits to the Organization and, most importantly, any potential ongoing impact on the complainant.

21. Responding to a query by the President, the Ethics Officer clarified that she would make a recommendation on a case-by-case basis on whether or not to close non-retaliation-related cases when the subject of the allegation of misconduct left ICAO's service. She noted, as an example, that if the allegation related to a serious systemic issue, such as ICAO's internal controls, and/or posed a significant risk to ICAO or other parties, then she might recommend pursuing the matter regardless of the subject's separation from service.

22. While expressing appreciation to the Ethics Officer for her clarification, the Representative of India underscored that there were two potential risks associated with having a single Ethics Officer to serve some 2 000 personnel: one was that cases of serious misconduct would be closed when the subject of the allegation left ICAO's service; and the other was that a staff member might be the subject of a frivolous allegation which could nevertheless render that staff member ineligible for future employment. He therefore requested that the SEF, as part of its ongoing work, consider the proper procedure for addressing such cases in the future.

23. The Representative of the United Kingdom expressed appreciation for the Ombudsman's overview and welcomed the President's suggestion that he present an oral report on general staff issues to the Council on a yearly basis, while respecting the privacy and sensitivity of all of the cases. In associating himself with the comments made by the Representative of Australia and others regarding the filing of the financial disclosure statement and declaration concerning any potential conflicts of interest, he reiterated the importance of the outcomes of the SEF's work to ensure as well as strengthen the independence of the Ethics Officer. In emphasizing that the good management and transparency of ethics-related cases were rendered all the more important by recent cases in the UN system, the Representative of the United Kingdom underscored that ICAO thus had a good opportunity to demonstrate its leadership by implementing best practices pursuant to the SEF's recommendations.

24. Noting that the Ethics Officer had received 16 formal allegations of misconduct in 2017 – a large number, in his view – the Representative of the United Kingdom stressed that in order to safeguard ICAO's reputation, it was crucial to record in the case file for each of those allegations, and for future allegations, all of the decisions taken, as well as the reasons justifying them, particularly in the event of a decision not to pursue a case because the subject thereof had left ICAO's service. He emphasized that, in the latter case, it was important to ensure awareness of any concerns regarding misconduct should such a former staff member apply for other positions in ICAO or other organizations, as referred to in paragraph 8 of the HRC's oral report.

25. While the Representative of the United Kingdom was very impressed that the Ethics Officer could provide services to some 2 000 personnel at ICAO Headquarters, the Regional Offices and

in the field, he encouraged the Secretary General to give serious consideration to what action could be taken to increase the Ethics Office's resources. He looked forward to receiving the SEF's recommendations in that regard.

26. Referring to paragraph 4 of the HRC's oral report, the Representative of Brazil enquired as to the procedure that would be followed if an allegation of misconduct were ever made against a Secretary General of ICAO, as the Executive Head of a UN organization. Recalling the comments made by the Representative of India regarding the closure of a case when the subject of the allegation of misconduct left service, such as at retirement, she averred that closure was tantamount to giving a present to the subject who, towards the end of his/her career at ICAO, purportedly engaged in unlawful activities such as sexual harassment or theft. The Representative of Brazil then queried how the Secretary General would decide to initiate an investigation into an allegation of misconduct if the members of the Secretariat with whom she consulted, as required (D/LEB, C/EAO and D/ADB as the head of human resources) held differing views.

27. Responding to the first query, the Ethics Officer observed that ICAO, like many other UN organizations, currently had no procedure in place to handle an allegation of misconduct against its Executive Head, the Secretary General. She recalled that as recommended by the JIU following a number of widely-published high-profile cases, an inter-agency level review had been undertaken on a UN mechanism for addressing allegations of misconduct against Executive Heads of UN organizations. In considering the matter during its review of the *ICAO Framework on Ethics*, the Council had requested the Secretariat to continue to monitor that review and to inform it of the outcome, including any consequential need for amendment to the said Ethics Framework or any other ethics-related policies and procedures [cf. C-WP/14465; C-DEC 208/4, paragraph 15 c)]. Recalling that under paragraph 57 of the Ethics Framework the Ethics Officer had both formal and informal access to the Council, she noted that that would be an avenue for raising any allegation of misconduct against a Secretary General of ICAO. To a point raised by the Representative of Nigeria, the Ethics Officer indicated that it was presumed that such access to the Council included access to its President. She further noted that, pursuant to the JIU's recommendation in its Report entitled "Ethics in the United Nations System" (JIU/REP/2010/3), an allegation of misconduct against the Secretary General as the Executive Head of ICAO could also be referred to the JIU for investigation, pending the development of the said mechanism.

28. With regard to the second point raised by the Representative of Brazil, the Ethics Officer noted that the media had criticized a number of UN organizations for closing allegations of misconduct due to the imminent retirement of the subjects. However, the decision to close the said retaliation case in ICAO (cf. paragraph 2.4) had taken into account the resources and costs associated with such an investigation, the well-being of the complainant, and the utility of investigating an allegation of retaliation when the alleged retaliator was no longer in service, having left ICAO within a month of the initiation of the investigation. The Ethics Officer stressed that the decision to close that retaliation case had been solely motivated by the complainant's interest, as balanced with that of the Organization. It had not in any way been motivated by the subject's interest.

29. In emphasizing that there were accountability mechanisms in place in ICAO for disciplinary decisions, the Ethics Officer highlighted the right of staff members, under Staff Rule 111.1, paragraph 2, of *The ICAO Service Code* (Doc 7350), to lodge an appeal with the internal Advisory Joint Appeals Board (AJAB) and thereafter with the external United Nations Appeals Tribunal (UNAT). The Ethics Officer underscored that a complainant could appeal a decision not to investigate his/her allegation of misconduct to the AJAB and later to the UNAT. She noted that, as part of its ongoing work, LEB was considering the issue of the provision of legal assistance and support to staff in the preparation of complaints/allegations and the preparation of appeals in cases of misconduct or potential misconduct, while taking into account current budget implications and limitations.

30. Responding to the Representative of Brazil's third point, the Secretary General clarified that if the said members of the Secretariat with whom she consulted had differing views regarding the initiation of an investigation, then she would make a judgement call, taking into account their advice, the relevant UN practices, potential legal consequences and the Organization's resources, and implement risk management.

31. The Representative of Canada, an HRC Member, sought clarification regarding the use of the term "Ombudsman" in ICAO. Noting that in the Canadian system an "Ombudsman" was an independent officer who was consulted as a last resort to resolve an issue between a government agency and the public, he averred that the role of the ICAO Ombudsman as described by the incumbent seemed to be more that of an employee assistance officer, as it involved the provision of advice and mediation to ICAO personnel. The Representative of Canada queried whether the role of the ICAO Ombudsman in informally resolving employment-related issues was the same as that of the Ombudsmen in other UN organizations.

32. Replying in the affirmative, the Ombudsman indicated that his role was that of a mediator in informally resolving employment-related staff issues before they escalated to the level of formal complaints and appeals. He underscored that he was available for consultation by all ICAO staff regarding any employment-related issues, such as: personality conflicts; career development, including non-selection for an advertised vacant post; performance appraisals; and the administration of benefits, such as pensions and medical insurance. The Ombudsman noted that once he had obtained the staff member's explicit permission to assist in looking into the issue, he accessed the relevant records and reviewed the tangible evidence that had been presented to determine if due process had been followed. He then provided advice to the staff member concerned regarding his/her options and suggested actions to be taken to informally resolve the issue. The Ombudsman emphasized the importance of trust between him and the staff member in enabling a successful conclusion. He noted that if he was not in a position to handle a given issue, or if the issue was ethics-related, then he would refer it to the Ethics Officer for consideration. The Ombudsman clarified that besides his Office, there was a separate and distinct ICAO Employee and Family Assistance Programme administered through ADB/HR and available to staff members and their families.

33. The Representative of Egypt expressed appreciation to the Ethics Officer for all of her efforts. He voiced concern, however, that her capacity to assess allegations of misconduct and to investigate retaliation cases might be negatively impacted by the fact that she was solely responsible for providing ethics-related services to some 2 000 personnel at ICAO Headquarters and the Regional Offices and in the field and the fact that her travel budget precluded visits to the sites of the allegations of misconduct and retaliation investigations. In enquiring as to how the size of the Organization was taken into account in the resourcing of the Ethics Office, the Representative of Egypt queried whether other suitably-qualified personnel could be involved in assessing allegations of misconduct and/or conducting retaliation investigations, including in the case where a complainant had a personal relationship with the Ethics Officer which might call into question the latter's impartiality. He shared the concerns expressed regarding the closure of allegations of misconduct when the subject was no longer in ICAO's service.

34. The Ethics Officer recalled that at the request of the Chairperson of the SEF she had conducted a benchmarking assessment of the structure, function and independence of her Office relative to other UN and international organizations Members of the Ethics Network, which had taken into account, inter alia, the number and rank of the Ethics staff and their core functions and the number of personnel whom they served. She had used the information provided by the 17 survey respondents in preparing her Benchmarking Report, which also included relevant JIU recommendations contained in the following five Reports: "The Investigations function in the United Nations system" (JIU/REP/2011/7);

“Accountability frameworks in the United Nations System” (JIU/REP/2011/5); “Ethics in the United Nations system” (JIU/REP/2010/3); “Oversight lacunae in the United Nations system” (JIU/REP/2006/2); and “Strengthening the investigations function in the United Nations system organizations” (JIU/REP/2000/9). The Benchmarking Report was being taken into account by the SEF and the WGGE in their ongoing review of the ethics function in ICAO, an oral report on which would be presented to the Council for consideration later in the current session.

35. Responding to some of the other issues raised, the Ethics Officer underscored that it was always necessary to have a balance between the amount of resources invested in the ethics function and the coverage provided. She noted that the handling of allegations of misconduct was her foremost priority in terms of how she allocated her time. In emphasizing that she lacked the necessary capacity for prevention and outreach activities, the Ethics Officer highlighted that her travel budget only permitted one biannual visit to the Regional Offices. As it did not allow for visits to TCB projects in the field, a strategy was being developed whereby TCB Regional Technical Assistance Officers would be appointed as Ethics Focal Points. The Ethics Officer had provided training to the said Technical Assistance Officers in November 2016 and was continuing her consultations with TCB and the Regional Offices regarding the Officers’ function and mandate as Ethics Focal Points.

36. In emphasizing that common standards were applied in the procedures for assessing allegations of misconduct and in conducting investigations, the Ethics Officer noted that upon receipt of an allegation she did an assessment to determine whether or not there was sufficient evidence to justify an investigation and whether or not it was in the interest of the Organization to initiate one. She then made a recommendation to the Secretary General on whether or not to proceed with an investigation, which could be conducted by LEB, ADB or EAO (for financial matters), or an external investigator. The sole exception was retaliation investigations, which the Ethics Officer herself initiated.

37. The Ethics Officer highlighted that as part of its ongoing work the SEF was considering the possible engagement of external investigators in the short-term for allegations of serious misconduct and all cases of misconduct involving members of senior management or the Ethics Officer, as well as training for appropriate staff members to investigate other allegations of misconduct. That would provide information on whether a permanent internal investigator position was justifiable. Noting that other UN organizations made similar use of external investigators and internal staff members for disciplinary matters, she indicated that it was necessary to take into consideration the costs/benefits when deciding whether or not to engage them.

38. Referring to the intervention by the Representative of Egypt, the Secretary General recalled the Council’s earlier decision that TCB field personnel would be covered under the *ICAO Framework on Ethics* on the basis of the cost-sharing arrangement between the Regular Programme Budget and the AOSC Fund, and, taking into account their grade level and function, would be included in the annual exercise for the completion of the financial disclosure statement and declaration concerning any potential conflicts of interest [cf. C-DEC 208/4, paragraph 15 c)]. She noted that at the present time there were approximately 1 200 TCB field personnel, of whom some 300 were international experts recruited by TCB to implement States’ projects and the remaining 900, national experts recruited by the beneficiary States. The Secretary General emphasized that it was for the Council to decide how to handle the provision of ethics-related services to the said international and national experts. Indicating that it was her understanding that the Council, in approving the *ICAO Framework on Ethics*, had established the ethics function primarily for Secretariat staff members i.e. those funded under the Regular Programme Budget (cf. C-WP/13722; C-DEC 193/6, paragraph 26). While agreeing that it was important to provide ethics-related services to TCB field personnel, the Secretary General underscored the need to consider the consequent financial and personnel resources required for the Ethics Office as there was only one Ethics Officer and the latter could not perform all the necessary work by herself.

39. In agreeing with previous speakers on the need to ensure as well as strengthen the independence of the Ethics Officer, the Representative of Nigeria stressed that that was very important for maintaining ICAO's credibility.

40. Welcoming the suggestion that the Ombudsman present an annual oral report to the Council on general staff issues, the Representative of Turkey indicated that while it was not expected that he would disclose anything of a confidential nature, it was expected that he would give an indication of the overall morale of staff members. Noting that the initiation of an investigation meant that the alleged misconduct was very serious and possibly criminal in nature, he enquired whether ICAO only pursued the matter internally or whether in parallel with its investigation it cooperated with the local police or prosecutors in the event of a criminal case, or whether it was left to the complainant to use that channel separately.

41. The Ethics Officer clarified that ICAO did have an obligation to inform the local authorities of any serious misconduct by an ICAO staff member which breached Canadian law. She further indicated that the Canadian authorities likewise could bring any matter of a criminal nature to the attention of the Organization and request the Secretary General to remove the functional immunity of the staff member concerned.

42. Observing that, from time to time, there was misconduct by ICAO staff members that touched upon criminal law, the Acting Director, LEB (A/D/LEB) indicated that depending on its seriousness ICAO would, if necessary, inform the local authorities. His recommendation in that regard was that a distinction be made between misconduct which affected ICAO's interests and misconduct which only affected the complainant and his/her family. A/D/LEB emphasized that if ICAO's interests were affected, then there was an obligation for the Secretariat to report the matter to the local authorities in order for justice to be served; otherwise, it was for the complainant and his/her family to decide whether or not to so report the matter. He noted that it was necessary for ICAO to bear in mind any potential impact on its resources that pursuing a criminal case against a staff member might have.

43. Noting that the Council had already reviewed and revised EAO's Charter (210/9) and was currently reviewing the ethics function, the Representative of Kenya underscored the need for it to also consider the very important role and functions of the ICAO Ombudsman, including the requisite qualifications for that position, to ensure that ICAO's three internal oversight mechanisms were aligned. She suggested that the WGGE be tasked with conducting such a review in a holistic manner and advising the Council accordingly.

44. In reiterating the importance of the Ethics Officer, the Representative of Colombia stressed the need for more emphasis to be placed on the prevention of misconduct and noted, with satisfaction, that that was a priority for the Ethics Officer in 2018. He underscored that it was also necessary: to more clearly define the procedures for the assessment and investigation of allegations of misconduct and the criteria for pursuing or closing cases; and, in view of the Ethics Office's resource constraints, to involve more staff members in investigating allegations of misconduct. The Representative of Colombia highlighted the need to ensure full transparency in the said procedures and that appropriate checks and balances were in place while upholding the independence of the Ethics Officer. He noted, in this regard, the role of the Ombudsman in ensuring that due process was followed in addressing employment-related staff issues. In proposing that consideration be given in future to establishing a Compliance Officer position to monitor compliance with ICAO's rules and Standards of Conduct, the Representative of Colombia suggested that the matter be referred to the WGGE for review and subsequent report to the Council.

45. Expressing appreciation for the Council's guidance for enhancing the ethics function in ICAO, the Secretary General underscored that she and the Secretariat were making every effort to further improve the *ICAO Framework on Ethics*, a key element of good governance for ICAO as a results- and performance-based organization. In emphasizing the resource constraints confronting the Ethics Officer in the performance of her duties, the Secretary General reiterated that it was for the Council to decide how to handle the provision of ethics-related services to the international experts recruited by TCB to implement States' projects and the national experts recruited by the beneficiary States. She underscored that the Ethics Officer was doing a very good job despite her limited resources. The Secretary General affirmed the importance of the Ethics Officer, together with Secretariat, taking preventive measures to enhance the ethics culture in ICAO.

46. The above comments were noted, as were the clarifications provided. In response to points raised, the Secretary General suggested, and it was agreed, that the Ethics Officer inform the Council at a future session of the outcome of the inter-agency level review on a UN mechanism for addressing allegations of misconduct against Executive Heads of UN organizations, including any consequential need for amendment to the *ICAO Framework on Ethics* or any other ethics-related policies and procedures to ensure good governance of the Organization [cf. C-DEC 208/4, paragraph 15 c)].

47. In summarizing the extensive discussion, the President of the Council emphasized the importance of a strong ethics function in ICAO, and of the filing of an annual financial disclosure statement and a declaration concerning any potential conflicts of interest with the Ethics Officer by eligible staff members, the target compliance rate of which should be 100 per cent. He also underscored that the need to further discuss the issue of resources for the Ethics Office during the Council's upcoming consideration of the draft Regular Programme Budget for the next (2020-2022) triennium. With regard to the Council's earlier decision (208/4) to extend the Ethics Office's mandate to include Technical Cooperation Bureau (TCB) field personnel, the President indicated that in light of current resource constraints the Ethics Officer should limit her activities to the international experts recruited by TCB to implement States' projects and not extend them to the national experts recruited by the beneficiary States.

48. With reference to paragraph 7 of the HRC's oral report, the President of the Council indicated that in future, during the Council's consideration of the annual report of the Ethics Officer, the Ombudsman should present an oral report on the general staff issues which he had dealt with during the year, while respecting confidentiality. That oral report should include data in tabular form and be circulated to Council Representatives in advance. Furthermore, the WGGE should consider the role of the Ombudsman and identify the activities which should be undertaken by the latter and advise the Council accordingly. In addition, as part of its ongoing review of the *ICAO Framework on Ethics* the WGGE's SEF Sub-group should consider the proper procedure for handling allegations of misconduct in the case where the subject was no longer in service at ICAO, an issue which had been raised by several Representatives. That additional matter should not, however, delay the submission of the Sub-group's report.

49. With regard to paragraph 8 of the HRC's oral report, the President of the Council indicated that the strict verification process, including comprehensive employment reference checks, currently performed for applicants to Secretariat posts should be expanded to cover applicants for ARGF posts, secondees and, to the extent possible, temporary personnel. The latter should at the very least self-disclose if they have been the subject of a formal allegation of misconduct.

50. The President of the Council further indicated that in view of the Council's extensive discussion, future annual reports by the Ethics Officer should be presented as working papers rather than information papers.

51. The Council accepted the above summary by the President of the Council as its decision on the Ethics Officer's annual report for 2017 (C-WP/14710), whose contents it noted, together with the HRC's oral report.

Subject No. 18.4: Contributions by Contracting States and methods of assessment

Assessment of contribution of Tuvalu

52. The Council considered: C-WP/14696 presented by the Secretary General, relating to the scale of assessment, advance to the Working Capital Fund (WCF) and assessments for 2017 and 2018 of Tuvalu, which had become ICAO's 192nd Member State on 18 November 2017; and an oral report thereon by the Finance Committee (FIC), which had reviewed the paper at its Second Meeting of the current session on 24 January 2018.

Oral report by the FIC

53. In presenting the FIC's oral report, its Chairperson, the Representative of Brazil, Mrs. M.G. Valente da Costa, indicated that the Committee had noted that: in accordance with Financial Regulations 6.9 and 7.5, the Council determined the contributions of new Member States; and that based upon the principles and procedures set forth in Assembly Resolutions A36-31 and A39-32, the scale of assessment of Tuvalu had been calculated to be 0.06 per cent for the remainder of the current triennium.

54. The FIC had accepted the action set forth in the executive summary of C-WP/14696 without debate and recommended it to the Council for adoption.

Discussion

55. In the absence of comments, the Council took the action indicated in the executive summary of C-WP/14696, as recommended by the FIC, and, in accordance with Financial Regulations 6.9 and 7.5, determined that Tuvalu's assessment be as follows, based on the minimum assessment rate of 0.06 per cent:

- i) Working Capital Fund advance (0.06 per cent of USD 8 000 000), amounting to USD 4 800;
- ii) Assessment for 2017 (0.06 per cent of CAD 57 180 160) for 1 month, amounting to CAD 2 859; and (0.06 per cent of USD 32 163 840) for 1 month amounting to USD 1 608; and
- iii) Assessment for 2018 (0.06 per cent of CAD 59 501 000) amounting to CAD 35 701; and (0.06 per cent of USD 32 039 000) amounting to USD 19 223.

56. It was noted that a draft Assembly working paper on confirmation of Council action in assessing the contributions of States which have adhered to the Chicago Convention since the 39th Session of the Assembly would, in due course, be presented to the Council for approval as documentation for the next (40th) Session of the Assembly in 2019.

Financial situation of the Organization and level of the Working Capital Fund (WCF)

57. Tabled next for discussion, pursuant to the request made by the Representative of Spain in response to the President's memorandum PRES OBA/2741 dated 13 February 2018, was information

paper C-WP/14700, in which the Secretary General presented the financial situation of the Organization and the level of the WCF for the period 1 January 2017 to 31 December 2017, including salient developments since the last report to the Council (C-WP/14685), and provided financial information regarding receipts and disbursements, cash and term deposits and assessed contributions.

58. In introducing the paper, the Secretary General highlighted: that the number of States in arrears for a period exceeding one year was 35, the same as in 2016; and that although for the current year assessments the number of States with balances owing had increased from 46 in 2016 to 52 in 2017, it had not been necessary to use the WCF (USD 8.0 million) due to the prudent management of payables.

59. The Secretary General further noted that the cash balance for the General Fund as at the end of 2017 had been approximately 20 per cent lower than the balance as at the end of the same period in 2016. Recalling that the 2017 Corporate KPI for finance relating to the timeliness of payments of current assessments, based on the accounts receivable status in days, had been set at 78 days, she indicated that the actual accounts receivables had been 91.8 days as compared to 55.0 days for the same period in 2016. That deterioration was explained by the fact that at the end of 2017 there had been more unpaid 2017 assessments from major contributors as compared to the end of 2016. Noting that those contributions had only been received in early 2018, the Secretary General emphasized that if they had been received three weeks sooner, prior to year-end, then the accounts receivable position would have been reduced to 54.7 days. The Secretary General underscored, in this regard, that current assessments were due on 1 January of each year.

60. The Representative of Spain enquired whether the situation which had arisen in 2017 with regard to the accounts receivable was temporary in nature and would not recur or whether it was indicative of a chronic problem.

61. The Acting Chief, Finance Branch (A/C/FIN) emphasized that it was only a temporary situation, which had been resolved with the payment, in early 2018, of the outstanding 2017 assessments of some major contributors. She remarked that the last time that there had been a similar situation had been in 2013.

62. In the absence of further comments, the Council noted the information contained in C-WP/14700, as well as the clarification provided regarding the status of accounts receivable at year-end (2017).

Subject No. 20: Periodic reports by the Secretary General

Secretary General's sessional progress report

63. The Council reviewed information paper C-WP/14702, whereby the Secretary General presented her progress report for the 213th Session, which, in accordance with the new reporting guidelines (210/3), covered major initiatives undertaken since the last report (C-WP/14651; 212/7) under the following topics: new leadership initiatives; new public outreach activities; changes in the corporate risks or emerging risks, with mitigating measures; and new partnerships and agreements reached during the reporting period. It was complemented with updates on the Corporate Risk Register, the ICAO programmatic status report, along with the rolling Council Decisions for Action (CDFA) status report, all of which were available in the Corporate Management and Reporting Tool (CMRT).

64. It was noted that this was the last sessional progress report before the Secretary General's end-of-term report, which would be presented during the next (214th) session and would serve as a "state-

of-affairs” document pursuant to the reporting expectations in the Charter Letter from the President of the Council, on behalf of the Council (cf. PRES OBA/2399 dated 2 April 2015).

65. Representatives expressed appreciation to the Secretary General and the Secretariat for the progress made in many areas since the 212th Session.

66. The Representative of Mexico noted, from paragraph 2.1 of the report, that the enhanced clarity provided by the second Global Air Navigation Industry Symposium (GANIS/2) and the first Safety and Air Navigation Implementation Symposium (SANIS/1) (Montréal, 11-15 December 2017) with regard to the state of aviation vis-à-vis safety and air navigation capacity and efficiency from both a regulatory and an industry perspective would enable States and the Secretariat to contribute more mature proposals for consideration by the Thirteenth Air Navigation Conference (AN-Conf/13) (Montréal, 9-19 October 2018). Underscoring that there might be new initiatives such as introduced at GANIS/2 and SANIS/1 or at future major ICAO seminars or symposia that could pose challenges to ICAO in terms of necessitating major changes to its Strategic Objectives and activities and imposing an additional burden on the Regular Programme Budget, he suggested that any such emerging initiatives be presented to the Council for review prior to consideration by AN-Conf/13, regardless of the fact that the Council had delegated authority to the Air Navigation Commission (ANC) to review and approve those Conference papers prepared by the Secretariat.

67. Referring to paragraphs 5.2 and 5.4 of the report on the new agreement with the WiMAX Forum and the Sustainable Mobility for All (Sum4All) World Bank initiative in which ICAO was a Member, the Representative of Mexico highlighted the need for a periodic assessment of their results, in particular, their tangible benefits, and their impacts on the achievement of ICAO’s Strategic Objectives.

68. The Director of the Air Navigation Bureau (D/ANB) highlighted that at GANIS/2 there had been a substantial call from States and industry for ICAO to expand its role beyond its current mandate as set forth in the Chicago Convention to address the issue of small unmanned aircraft systems (drones). He indicated that the ANC would provide advice on whether or not that would be a practical role for ICAO. If the Commission considered that such an expansion of ICAO’s role was required, then the matter would be brought to the Council’s attention for decision. In further noting that the issues of high altitude and commercial space operations had also been discussed at GANIS/2, D/ANB underscored that work thereon had been underway for some time within the limits of the Chicago Convention and the Organization’s existing Strategic Objectives and that he did not expect any change to be required in the near future to either ICAO’s role in that regard or its Strategic Objectives.

69. D/ANB emphasized that while GANIS/2 had identified new issues that would need to be addressed, it had not provided any insight into whether or not they would lead to a substantial increase in the size of the AN Programme. He noted that there would be full visibility of those issues as the intention was to incorporate any new Programme material into the draft Budget for the next (2020-2022) triennium that would be presented to the Council for consideration prior to submission to the 40th Session of the Assembly for approval. D/ANB underscored that the assessment of the associated costs to the Organization would not be possible until the conclusion of AN-Conf/13 as that was the forum where further deliberations on the new issues would occur. He underscored that more information regarding the administrative arrangements for AN-Conf/13, including the processing of papers prepared by the Secretariat, States and international organizations, would be provided during the forthcoming Safety Week.

70. Responding to the second point raised by the Representative of Mexico, the Secretary General clarified that the results of the various new partnerships and agreements referred to in Section 5

of C-WP/14702 and their impacts on the achievement of ICAO's Strategic Objectives would be presented to the Council in future sessional progress reports once they had become visible.

71. Agreeing on the need for the Council to have visibility on any new issues that might have a strategic impact on ICAO's role in addressing them and a budgetary impact, the Representative of Spain indicated that it would be useful to have the ANC or the ANB identify them to the Council prior to their consideration by AN-Conf/13. Drawing attention to paragraph 4.1 of the report, he averred that it was insufficient to merely state that the Corporate Risk Register was updated, including the corresponding risk mitigation measures, and that updates were available in the CMRT. Noting that while he had consulted the CMRT to check those updates, other Representatives might not have had the opportunity, the Representative of Spain suggested that the Secretary General provide information thereon so as to enhance the visibility of those changes to the Council.

72. Highlighting that paragraph 5.1 addressed an extremely important issue, the conclusion of new technical information-sharing agreements to promote greater alignment between ICAO's global standards for international aviation and the related work being pursued by the Radio Technical Commission for Aeronautics Inc. (RTC), the European Organization for Civil Aviation Equipment (EUROCAE), SAE International, and ARINC Industry Activities, the Representative of Spain sought confirmation that States would not be required to pay any fees to access all the technical specifications and documents published by those organizations that were complementary to ICAO's regulatory function, a longstanding issue.

73. In then referring to paragraph 5.3 of the report, the Representative of Spain expressed appreciation to the Government of China for its grant of USD 2 million to ICAO for the development and delivery of the Civil Aviation Authority Senior and Middle Managers Training Course (CAA SMMTC), which was designed to enhance the skills of senior and middle managers of CAAs in order to effectively manage the implementation of ICAO SARPs in the areas of safety, air navigation, security and facilitation and other core disciplines of the air transport system. In remarking that the grant was impressive in terms of not only its magnitude but also its objective, he underscored that it would enable the Global Aviation Training (GAT) Office to provide training to senior and middle managers on how to access and use the Organization's related information and documentation and how to implement the relevant ICAO SARPs in their respective governments and CAAs. Affirming that the provision of such training was an essential function of the GAT Office, the Representative of Spain stressed the importance of delivering the CAA SMMTC *gratis*. He further underscored that States should not be required to pay for any training of that kind.

74. Responding to the question raised regarding paragraph 4.1, the Head, Strategic Planning, Coordination and Partnerships Office (H/SPCP) clarified that the Secretariat had found it necessary to expand the description of specific risk C.9 of the Corporate Risk Register to include a reference to vacancies in senior-level posts, so as to read: *Inability to recruit and retain staff and plan for succession to ensure retention of institutional knowledge/Vacancies in senior-level posts*. He noted that the description of the mitigation steps implemented had also been expanded to reflect that the vacant D-1 level post of Chief, Finance Branch (C/FIN) was being filled on a temporary basis by a designated Acting Chief (A/C/FIN) and that a senior consultant had been recruited in FIN to assist in the performance of certain necessary activities. H/SPCP emphasized that the Council would continue to be apprised, through the Secretary General's sessional progress reports and the CMRT, of any future updates resulting from the Secretariat's regular review of the Corporate Risk Register.

75. Referring to the point raised regarding paragraph 5.1, D/ANB was pleased to inform the Council that the four Memoranda of Understanding (MOUs) that had been signed on 12 December 2017 with RTCA Inc., EUROCAE, SAE International and ARINC Industry Activities provided ICAO Member

States with free access to all of the technical specifications and documents that were being published by those Standards-setting organizations that would be utilized by ICAO in the technical references that it provided as part of its Annex amendments. He noted that that process would be managed through the advice of the ANC and in close collaboration with the leadership of the said four organizations. D/ANB emphasized that this was a very important step as it brought industry more prominently into the process of promoting solutions to the problems identified by ICAO Member States and would allow steps to reference that work directly as opposed to having to recopy it into the relevant ICAO Annexes, which was very time-consuming.

76. D/ANB highlighted that during the next (214th) session in June 2018 a comprehensive presentation would be given to the Council on preparations for AN-Conf/13 which would include information on the strategic direction behind the Conference's papers.

77. With respect to the point raised regarding paragraph 5.3, the Chief, GAT Office (C/GAT) underscored that the project bureau had already been established and that development of the said new CAA SMMTC was underway. In confirming that the course would be delivered *gratis*, he indicated that it was the intention to deliver 20 courses between now and the end of 2018, i.e. during the first phase of the project, with the expectation being that there would be 25 participants per course. C/GAT emphasized that at least 500 senior and middle managers of CAAs would thus be trained during the project's initial phase.

78. Recalling the Council's previous request to be informed of important missions undertaken by the Secretary General, as well as by the President of the Council, the Representative of the United Arab Emirates observed that some major events in which the Secretary General had participated during the reporting period and which had been the subject of ICAO Press Releases were not included in her current sessional progress report. She cited, in this context, the Secretary General's participation in, inter alia: the World Economic Forum (WEF) in Davos, Switzerland, from 24-26 January 2018; the World Customs Organization (WCO) – China Global Cross Border E-Commerce Conference in Beijing, China, from 9-10 February 2018, where the Secretary General had been a keynote speaker; and the Conseil des relations internationales de Montréal (CORIM) in Montréal on 13 February 2018, where the Secretary General had also given an address. The Representative of the United Arab Emirates sought information as to the objectives of the Secretary General's participation in those high-level events and the outcomes.

79. Recalling that the CMRT had only recently become operational, the Representative of the United Arab Emirates noted that a demonstration thereof had been given to the Members of the ISPG, of which she was the Chairperson, in the presence of many other Council Representatives. Emphasizing that the CMRT remained a work in progress, she underscored that the ISPG was discussing how to enhance it as a reporting tool for the Council.

80. Responding to the first point raised by the Representative of the United Arab Emirates, the Secretary General recalled that her Charter Letter from the President of the Council, on behalf of the Council (cf. PRES OBA/2399 dated 2 April 2015), clearly indicated that she was the chief executive officer (CEO) who provided leadership to the staff of the ICAO Secretariat. It further indicated that the Secretary General supported the President of the Council in the outreach efforts of ICAO with respect to Member States, collaboration with other international civil aviation stakeholders and interactions with the media. The Secretary General underscored that external relations was thus one of her essential executive functions, as it was for the CEOs of other UN organizations. She emphasized that her official missions, which were well-received, served not only to foster the achievement of ICAO's Strategic Objectives but also to promote international civil aviation to a wider audience, enhancing its visibility as a means of supporting global sustainable socio-economic development. The Secretary General recalled that sessional

reports on the activities during the recess, which comprised full reports on the various meetings held at ICAO Headquarters, as well as on the missions undertaken by her and by the President of the Council, including their outcomes, were regularly posted on the Council's secure website under *Periodic Reports*.

81. The Representative of Saudi Arabia drew attention to paragraph 2.5 of C-WP/14702 relating to the Second ICAO Conference on Aviation and Alternative Fuels (CAAF/2) (Mexico City, Mexico, 11-13 October 2017), in which it was indicated that the Declaration adopted by that Conference included the 2050 ICAO Vision for Sustainable Aviation Fuels as a living document and inspirational path "toward a significant proportion of convention aviation fuels to be substituted with sustainable aviation fuels by 2050". He emphasized that ICAO was a UN Specialized Agency which dealt primarily with the safety and security of international civil aviation, and not a commercial enterprise which promoted some products over other products, in the present case, sustainable aviation fuels over conventional ones. The Representative of Saudi Arabia averred that the definition of the term "alternative aviation fuel" currently used within the framework of CORSIA excluded other types of fuels without any scientific justification and in contradiction of the UN Charter's spirit of non-discrimination. He underscored, in this regard, that there were proven technologies with which to reduce the CO₂ emissions of conventional aviation fuels and enhance their sustainability. The Representative of Saudi Arabia maintained that ICAO, through its Committee on Aviation Environmental Protection (CAEP), was excluding those existing technologies which seemed promising for the future. He underscored that the Government of Saudi Arabia called upon the Council to study all of the various sources of aviation fuel on an equal footing, without excluding any. The Representative of Saudi Arabia indicated that he would raise additional points regarding this issue when the Council reviewed the Report of CAAF/2 (C-WP/14692) later in the current session.

82. The President of the Council recalled, in this context, that Saudi Arabia had given an informal briefing to the Council on 22 January 2018 on advancing low-carbon aviation fuels.

83. The above comments and clarifications were noted.

84. In then taking the action proposed by the President of the Council in light of the discussion, the Council:

- a) noted the information provided in C-WP/14702, as supplemented during the discussion;
- b) requested that future sessional progress reports by the Secretary General provide, in the section on new public outreach activities, an indication of important missions undertaken by the Secretary General during the reporting period, together with a hyperlink to the Council's secure website where the full reports containing the missions' outcomes were posted under *Periodic Reports*; and
- c) requested that for any new initiative such as introduced at GANIS/2 and SANIS/1 (Montréal, 11-15 December 2017), or any future major ICAO seminar or symposium, a concept note be developed describing the issue under consideration, including the challenge or opportunity being considered by the Secretariat, and circulated to Council Representatives for information purposes.

Subject No. 42: Technical cooperation**Report on Technical Cooperation Programme Development**

85. The Council discussed the above subject on the basis of: an oral report presented by the Secretary General in accordance with C-DEC 192/5 on the preliminary financial and operational performance results of the Technical Cooperation Programme for the period 1 January to 31 December 2017 and the preliminary financial results of the Administrative and Operational Services Cost Fund (AOSC) for 2017, which, pursuant to its recent requests (210/3 and 212/8), also included updates on the implementation of the *ICAO Vendor Sanction Policy*, and the implementation of the Business Process Management System (BPMS) within the Technical Cooperation Bureau (TCB); and a joint oral report thereon by the FIC and the Technical Cooperation Committee (TCC), which had reviewed the paper at their meeting on 24 January 2018.

Secretary General's oral report

86. The Council, at its 192nd Session, decided to change the Technical Cooperation Bureau's (TCB's) reporting requirements set forth in C-DEC 188/12 and requested that an oral report on the preliminary financial and operational performance results of the Technical Cooperation Programme for the previous year be presented to the Council in the Winter session, pending a full written report, with audited figures, which should be provided in the Spring session.

87. As per C-DEC 210/3, the Council also requested an update on the implementation of the *ICAO Vendor Sanction Policy*. The Director, Technical Cooperation Bureau (D/TCB) was also requested to report on the implementation status of the Business Process Management System (BPMS) within the Bureau (C-DEC 212/8 refers).

Programme Financial Performance

88. The total Technical Cooperation Programme implementation for the year 2017 amounted to approximately USD 128.5 million. These results fell short of the expected implementation of USD 134.3 million reported to the Council in November 2017 mainly due to a handful of procurement projects delayed until 2018.

89. A breakdown of the Technical Cooperation Programme's components showed that, in financial terms, the personnel and training components of the projects accounted for 36.0 per cent of the total Programme volume for the year, while procurement activities represented 64.0 per cent.

AOSC Income and Expenditure

90. Although the total volume of implementation had decreased in comparison to the forecast, the AOSC Fund was expected to arrive at a surplus of approximately CAD 3.6 million in 2017. This was mainly the result of the continued strength of the US Dollar in which AOSC income was earned, the interest gained during the period, and an increase in income from technical cooperation purchasing services. Total estimated AOSC income amounted to approximately CAD 13.7 million and expenditures, to CAD 10.1 million as compared to the forecast of CAD 12.5 million and CAD 9.8 million, respectively. The AOSC Fund's accumulated surplus stood at approximately CAD 9.0 million as at 31 December 2017. It was to be noted that the figures presented in this report were based on estimates and were subject to change upon completion of transactions from the field and other final adjustments.

91. A full written report with audited figures for 2017, together with an update of the programme forecast and AOSC budgetary estimates for 2018, would be presented to the Council through the FIC and TCC at the Spring session.

Programme Operational Performance

92. During 2017, there had been 72 national and 26 regional operationally active technical cooperation and technical assistance projects contributing to further improving aviation safety, security, air navigation capacity and efficiency, environmental protection and economic development of air transport in 133 countries. Of these countries, 39 had been in Africa, 38 in Asia Pacific, 34 in the Americas, 15 in Europe and 7 in the Middle East.

93. Out of the 98 projects, TCB had implemented four technical assistance projects funded by the ICAO Safety Fund, one of which had been co-funded by the State, i.e. Comoros (USD 140 000) and three projects which had received contributions previously reported in 2016, i.e. Nepal, the African Flight Procedure Programme (AFPP) and the Cooperative Aviation Security Programme (CASP) for the Asia and Pacific Region. Five ICAO Programme for Aviation Volunteers (IPAV) projects had been implemented in 2017, i.e. Fiji (USD 16 000), Guatemala (USD 3 000), Cambodia (USD 10 000), El Salvador (USD 3 000), and Timor Leste (USD 15 000), with contributions from Saudi Arabia, Kenya, Pakistan and El Salvador to the IPAV Fund.

Experts

94. 313 international field experts had been deployed in 2017 as compared to 298 in 2016, and 1 354 national experts had been recruited for civil aviation administrations, compared to 713 in 2016. Those experts were responsible for the transfer of knowledge in various fields to national counterparts, the implementation of ICAO SARPs, the development of adequate civil aviation organizational structures, institutional development and capacity building, as well as for the rectification of safety- and security-related deficiencies.

Training

95. In terms of capacity building through technical cooperation projects, 7 166 nationals had received in-country training, as compared to 5 915 in 2016. That had been in addition to the training provided to 593 staff under procurement contracts, compared with 576 in the previous year. Furthermore, 796 fellowships had been awarded under the ICAO Fellowship Programme, Spain's AENA-AECID Fellowship Programme and the Developing Countries Training Programme, the latter offered by India, the Republic of Korea and Singapore, as compared to 898 fellowships in 2016. Those fellowships had been awarded mainly in the fields of safety, aviation security and air navigation. The training of management, technical personnel and operational personnel was particularly important in terms of improving State oversight capabilities.

Procurement

96. Civil aviation equipment and services had been procured for a total of USD 82.4 million, compared to USD 69.6 million in 2016. Assistance provided to States to upgrade their civil aviation infrastructure had ranged from the development of technical specifications in compliance with ICAO SARPs and regional air navigation plans, tendering and administering of complex multiphase turnkey contracts to the commissioning of equipment, and had had a direct and positive impact on the safety and security of airports, communications and air navigation infrastructure, enabling more efficient and economic aviation operations in the countries and regions concerned.

97. A summary of the major achievements for each technical project would be provided in the *Annual Report of the Council - 2017*. An outline of the main activities implemented by region would be part of the written report to the 214th Session of the Council. Results of Key Performance Indicators (KPIs) and statistical data would be uploaded to the Council secure portal once audited figures were available.

ICAO Vendor Sanction Policy

98. The *ICAO Vendor Sanction Policy* was published on the Council Secure Portal as well as on the ICAO Tendering website so as to be available to all Vendors. The related Administrative Instructions are being developed and will be published on the Council's secure portal.

99. During 2017, no allegations of proscribed practices defined under the Policy were received by the Organization for investigation as regards ICAO technical cooperation or technical assistance projects.

100. To further enhance transparency and accountability of ICAO procurement activities, the Supplier Eligibility Declaration form was amended in November 2017 to ensure that all suppliers with whom ICAO engages are cognizant of and accept to abide by the stipulations of the Policy.

Business Process Management System (BPMS)

101. The implementation of the BPMS for the automation and continual improvement of TCB's business processes, enhanced monitoring of, and reporting on, ongoing projects will be conducted in two phases. Phase 1 comprises the implementation of the BPMS within the Field Operations Section (FOS), covering the Project Development Unit (PDU) and the Project Implementation Unit (PIU) processes, respectively, and is expected to be fully operational by end of May 2018. Phase 2 will sequentially roll-out the system across the entire Bureau and the Regional Offices and is expected to be finalized by end of 2018.

102. The BPMS will also provide for automation of the Technical Cooperation Programme's Council dashboards and an online access to a summary of all TCB projects under implementation.

Joint FCC/TCC oral report

103. In presenting the joint oral report, the Chairperson of the FIC, the Representative of Brazil, Mrs. M.G. Valente da Costa, noted that the Committees had been informed that TCB had implemented a Programme of approximately USD 128.5 million in 2017 through 98 projects which benefitted a total of 133 countries across all regions, including four technical assistance and five IPAV projects.

104. Concerns had been expressed regarding the still low number of technical assistance projects implemented by TCB, to which the Secretariat had assured the Committees of its continued efforts in this area, specifically to strengthen TCB's collaboration with the Regional Offices through the full implementation of the new *Regional Office Manual*.

105. Also noted, in particular, was the generosity of Spain, India, Singapore and the Republic of Korea in offering training and fellowships to national civil aviation personnel of developing countries through Agreements and the ICAO Developing Countries Training Programme administered by TCB.

106. The Members had paid specific attention to the implementation of the BPMS and had recommended that the Secretariat provide an informal briefing to better illustrate the system's functionalities and design. In this regard, the Secretariat had clarified that the BPMS was an integral system for TCB which would contribute to further enhance the Bureau's efficiency and effectiveness by automating its ISO-certified processes, while providing real-time information on every project under its purview.

107. In relation to the application of the *ICAO Vendor Sanction Policy*, the Committees had been informed that no allegations of proscribed practices engaged by vendors during the procurement process had been received by the Organization for investigation.

108. From the financial perspective, it had been noted that the AOSC Fund was expected to arrive at an estimated surplus of CAD 3.6 million, which could be attributed to a combination of a stronger US dollar, the interest gained during the period as well as an increase in income from technical cooperation purchasing services. The estimated surplus would bring the accumulated AOSC Fund balance to approximately CAD 9.0 million as at year-end. In acknowledging TCB's unprecedented results for 2017, the Committees had been advised to proceed with caution as actual revenue for the period would have amounted to approximately CAD 500 000 in the absence of such variables outside ICAO's control. The Committees had recalled, in this regard, that a mechanism had recently been approved by the Council to allocate partial funds from TCB's annual surplus for the implementation of technical assistance and IPAV projects.

109. In conclusion, the Committees had acknowledged with pronounced satisfaction the Programme's positive performance in 2017 in both operational and financial areas, with a special mention of appreciation to the departing D/TCB for the efforts made to continually improve TCB's efficiency and operational excellence.

110. As a result of its deliberations, the Committees had recommended that the Council request the Secretary General to:

- a) increase TCB's participation in the implementation of the ICAO Technical Assistance Programme; and
- b) provide an informal briefing to the Council on the design, functionalities and progress of implementation of the BPMS.

Discussion

111. The Representative of Cuba, a TCC Member, endorsed the Committees' two recommendations. Referring to the FIC/TCC recommendation a) above, she recalled that at the Council's previous meeting, during its review of the Plan of Action to respond to conclusions reached by the Evaluation and Audit Advisory Committee (EAAC) (cf. C-WP/14712; 213/1), she had expressed concern that the action indicated for Item 1 (Assessment and control of TCB projects), namely, the inclusion in all project documents, as of 1 January 2018, of a clause providing for a mid-term evaluation of all long-term TCB projects, might result in additional project costs for the recipient States, and, in turn, hamper efforts to increase the participation of all States in the ICAO Technical Cooperation Programme.

112. The Representative of Cuba also recalled that the President, in his summary of the Council's earlier discussion of the Annual Report of the Ethics Officer for 2017 (C-WP/14710), had indicated that the Ethics Officer's activities should cover international experts recruited by TCB to implement States' projects, pursuant to its previous decision (208/4) (cf. paragraph 47 a above). She

emphasized the need for the Council to avoid taking any decision on that issue that could lead to the inclusion of a corresponding new clause in projects documents and further increased costs for the recipient States, which could likewise hinder efforts to enhance participation in the said Programme.

113. In noting that the Representative's words of caution were well-taken, the President of the Council emphasized that, in accordance with Assembly Resolution A39-16: *Consolidated statement of ICAO policies on technical cooperation and technical assistance*, Appendix A, Preambular Clause 11, all technical cooperation activities of the Organization continued to be based on the principle of cost recovery and measures continued to be taken to minimize administrative and operational costs to the extent possible. He assured the Representative that the Council would not take any decision that would detract from that policy as adopted by the Assembly.

114. As a Member of both the FIC and TCC, the Representative of Spain endorsed the Committee's joint oral report. Agreeing with the Representative of Cuba on the need for the Council to avoid taking decisions that could lead to increased TCB projects costs for States, he underscored that it was for that reason that the Council had adopted (197/2), and the Assembly had subsequently endorsed, definitions of the terms "technical assistance" and "technical cooperation" within the context of the Organization. Those definitions clarified the distinction to be made between technical assistance projects, which were funded by the Regular Programme Budget and/or Voluntary Funds and not by the recipient States, and technical cooperation projects, which were funded by the recipient States.

115. Noting that his State was a prime example of the benefits to be derived from ICAO's Technical Cooperation Programme, the Representative of Panama, another TCC Member, noted that the new South Terminal of the Tucumen International Airport in Panama City being developed under an ICAO technical cooperation project was scheduled to be completed in 2018 in order to begin operations in 2019. Expressing appreciation for TCB's efficient work in that regard, he highlighted that, with the inauguration of its South Terminal, Tucumen International Airport was expected to become the third highest ranked port of entry in Latin America. The Representative of Panama underscored that his State would also become the highest ranked State in that region in terms of the contribution of air transport to its gross domestic product (GDP) (approximately 15 per cent).

116. Having concluded its consideration of this subject, the Council noted the above oral report by the Secretary General and the joint oral report by the FIC and TCC.

117. In then taking the action recommended by the FIC and the TCC, the Council requested that the Secretary General:

- a) increase TCB's participation in the implementation of the ICAO Technical Assistance Programme; and
- b) provide an informal briefing to Representatives on the design, functionalities and progress of implementation of the BPMS and keep them informed in future of the ongoing work to implement that system.

118. With reference to paragraph 117 a) above, the Council recalled that in light of the current financial situation of the AOSC Fund, it had agreed (212/8) to the Secretary General's earlier proposal that 50 per cent of the TCB Efficiency and Effectiveness Fund pursuant to C-DEC 155/7, not exceeding CAD 125 000 a year, be earmarked for the IPAV Fund and/or technical assistance projects (cf. C-WP/14555; 210/6). With regard to paragraph 18 b), it was noted the Working Group on Governance and Efficiency (WGGE) would take the said request for an informal briefing on B PMS into account in

developing its list of proposed informal briefings for the next session, which would be presented to the Council for approval as part of its oral report on the Work Programmes of the Council and its Committees for the 214th Session (C-WP/14713).

119. It was understood that: a summary of the major achievements for each technical cooperation and technical assistance project would be provided in the *Annual Report of the Council – 2017*; an outline of the main activities implemented by region would be part of the full written report on Technical Cooperation Programme development to be presented through the FIC and the TCC during the next (214th) session, which would also contain the audited figures for 2017, as well as an update of the Programme forecast and AOSC budgetary estimates for 2018; and the results of KPIs and statistical data would be uploaded to the Council secure website once the said audited figures were available.

Farewell to D/TCB

120. The Chairperson of the TCC, the Representative of the United Republic of Tanzania, Mr. R.W. Bokango, expressed deep thanks to Mr. I. Galán, D/TCB, for his dedicated service to ICAO in the areas of technical cooperation and assistance for over seven years. He emphasized that it had been a pleasure for him to work with D/TCB since joining the TCC in 2013. Highlighting D/TCB's enormous contributions, the Chairperson of the TCC underscored that the implementation of ICAO technical cooperation and technical assistance projects had resulted in elevated safety levels in many recipient States, as underscored by the ICAO Regional Directors during the Council's informal briefing on 26 February 2018, when they had presented their Annual Reports on Regional Offices' activities during 2017 and Operating Plans for 2018. Noting that D/TCB would be leaving ICAO at a time when TCB was enjoying a very high customer satisfaction rate of 92 per cent for the services provided – a great achievement – he stressed that he had set a very good way forward and expressed the hope that D/TCB's successor would continue his work with the same spirit of serving ICAO Member States. The Chairperson of the TCC wished D/TCB all the best in his future endeavours. The Chairperson of the FIC, as well as the Representatives of Cuba, Spain, Uruguay, Panama, Kenya, Colombia, Argentina, Mexico, as Dean of the Council, and Turkey joined in this special recognition of D/TCB.

121. On behalf of the Council, and on his own personal behalf, the President voiced sincere appreciation to D/TCB for his dedication, not only to the Organization but also to the development of international civil aviation through the implementation of many ICAO technical cooperation and technical assistance projects.

122. The President highlighted that during D/TCB's tenure: the AOSC Fund, which had previously incurred annual financial deficits from 2007 to 2011, had been restored to a healthy level, with there now being an accumulated surplus of approximately CAD 9.0 million as at 31 December 2017; the Council had adopted (197/2), and the Assembly had subsequently endorsed, definitions of the terms "technical assistance" and "technical cooperation" within the context of the Organization, which had served to clarify the role of TCB with respect to those two areas; the yearly development of the rolling Management Plan for the Technical Cooperation Programme (now retitled Operating Plan) had been initiated, after painstaking work by D/TCB in close cooperation with the TCC; the need had been identified for all strategic business units of ICAO to have such Operating Plans setting forth their goals and strategies, as well as financial requirements, and such Operating Plans had been accordingly produced; and the development and launching of the IPAV after much time and effort on the part of D/TCB and others, which was currently being used to assist a number of developing countries in Latin America and the Asia and Pacific regions and which was envisaged to be used in future to assist developing countries in other regions as well.

123. The Secretary General fully concurred with the President's expression of appreciation and extended her personal thanks to Mr. Galán for his support, as a senior manager, in promoting the achievement of ICAO's overall Strategic Objectives.

Subject No. 14.3.8: Aviation training

Results of the customer satisfaction survey on Global Aviation Training (GAT) activities

124. The Council considered: information paper C-WP/14705, whereby the Secretary General presented the Report by IPSOS, a market research firm, on the results of the customer satisfaction survey of GAT activities provided to TRAINAIR PLUS Programme (TPP) Members and Member States which it had conducted from 20 November to 13 December 2017 pursuant to the Council's decision (209/4) that such an independent survey be carried out by a third party; and an oral report thereon by the Implementation, Strategy and Planning Group (ISPG), which had reviewed the paper at its First Meeting of the current session on 19 January 2018.

Oral report by the ISPG

125. In presenting the Group's oral report, its Chairperson, the Representative of the United Arab Emirates, Miss A. Alhameli, indicated that it had noted that the report was presented in the form of an information paper. The ISPG had welcomed the survey results, which demonstrated an overall satisfaction of GAT activities with 8.1/10 and 8.4/10 satisfaction rates from TRAINAIR PLUS Programme (TPP) Members and Member States, respectively. The Group had observed that there was a low response from States (9 per cent). IPSOS had clarified that a total of 67 States, or approximately 35 per cent of Member States, had accessed the survey, while 17 States had completed the entire survey. A total of 31 States could not answer the survey as they had not undertaken activities with the GAT Office within the last three years. IPSOS had further indicated that the general trend on surveys showed a decrease in response rates over the past years; therefore, this might not be indicative of the lack of interest from Member States. The Group had noted that the low response rate might be indicative of 'survey fatigue' in Member States.

126. It had been highlighted that there were many different surveys from different Bureaus and Offices with different purposes; therefore it was clear that those surveys could not be combined into one survey only. In that regard, the Group had encouraged the Secretariat to look into the possibility to use a single service provider for conducting surveys to improve cost efficiency. The Group had also emphasized the need to ensure that future surveys remained independent and objective through the use of third parties.

127. The ISPG had recommended that the Council note with appreciation the results of the customer satisfaction survey on GAT activities as presented in C-WP/14705.

Discussion

128. In welcoming the results of the GAT customer satisfaction survey, the Representative of Cuba voiced support for the ISPG's oral report, in particular, its recommendation that the Secretariat consider the possibility of using a single service provider for conducting future surveys in order to enhance cost efficiency. She suggested that every effort be made to obtain a higher participation rate in future surveys. The Representative of Cuba noted, in this regard, that in the Report by IPSOS the reader was asked to consider the overall results relating to TPP Members satisfaction either carefully due to the small sample size (less than 30) or very carefully due to the very small sample size (less than 5), and to interpret the results relating to Member States' satisfaction with caution given the small sample size (17 respondents).

129. The Representative of Cuba recalled that during the Council's informal briefing on 26 February 2018, when the ICAO Regional Directors had presented their Annual Reports on Regional Offices' activities during 2017 and Operating Plans for 2018, the President of the Council had stressed the need to meet States' expectations in terms of increased capacity building and enhanced quality of training in support of ICAO's *No Country Left Behind* (NCLB) initiative. She noted that concerns previously expressed regarding the quality of training had given rise to the introduction of TRAINAIR and TRAINAIR Plus and to the establishment of the GAT Office, which was yielding excellent results. The Representative of Cuba also highlighted the importance of TRAINAIR Plus courses being developed with a view to enhancing the capacity of States to understand and eliminate the most common deficiencies identified through the Universal Safety Oversight Audit Programme (USOAP) and the Universal Security Audit Programme (USAP). In then observing that 31 Member States had been ineligible to respond to the customer satisfaction survey as they had not undertaken activities with the GAT Office within the last three years, she sought clarification regarding the reasons for their non-involvement in GAT activities.

130. The Representative of Spain averred that the focus should be on the interests of the TPP Members which were actively involved in the Programme rather than on those States which had not participated therein during the last three years. He noted that the customer satisfaction survey had been done in a professional manner and at half the cost of previous ones and affirmed that it was useful. The Representative of Spain endorsed the ISPG's recommendations.

131. The Chief of the GAT Office (C/GAT) noted that IPSOS had not considered it relevant to its statistical analysis to take into account the views of those Member States which had not undertaken activities with his Office within the last three years. With regard to the broader question of why the said 31 Member States had not been involved in any GAT activities during that period, he indicated that it might be due to the fact that such activities were not readily available in their regions. C/GAT underscored, in this regard, that his Office had only been established four years ago, on 1 January 2014, and that efforts were ongoing to develop more training courses and to expand their delivery to as many States and regions as possible. Highlighting that there were currently some 100 TRAINAIR PLUS training centres, he emphasized that as that number continued to increase, the number of States sending aviation officials to participate in the training courses would also increase, thus rendering more States eligible to respond to future GAT customer satisfaction surveys.

132. C/GAT emphasized that every effort had been made to encourage Member States and TPP Members to respond to the IPSOS survey during the period 20 November to 13 December 2017, with numerous reminders having been sent to the civil aviation authorities, the heads of TPP Members and focal points and many telephone calls having been made. While noting that the low response rate might be indicative of "survey fatigue" as stated by IPSOS, he underscored that the Secretariat would explore ways and means of increasing the response rate for future GAT customer satisfaction surveys.

133. Note was taken of the above comments and clarifications.

134. The Council noted the ISPG's oral report, in particular, that: the survey results demonstrated an overall satisfaction with GAT activities, with satisfaction rates of 8.1/10 and 8.4/10 having been received from TPP Members and Member States, respectively; the Group encouraged the Secretariat to look into the possibility of using a single service provider for conducting ICAO surveys in order to improve cost efficiency; and the Group emphasized the need to ensure that future ICAO surveys remain independent and objective through the use of third parties.

135. As recommended by the ISPG, the Council noted with appreciation the results of the customer satisfaction survey on GAT activities as presented in Appendix A to C-WP/14705.

136. The meeting adjourned at 1300 hours.

COUNCIL — 213TH SESSION

SUMMARY MINUTES OF THE THIRD MEETING

(THE COUNCIL CHAMBER, FRIDAY, 2 MARCH 2018, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|------------|------------------------------|-----------------------------|------------------------|
| Algeria | — Mr. A.D. Mesroua | Kenya | — Ms. M.B. Awori |
| Argentina | — Mr. G.E. Ainchil | Malaysia | — Mr. K.A. Ismail |
| Australia | — Mr. S. Lucas | Mexico | — Mr. D. Méndez Mayora |
| Brazil | — Mrs. M.G. Valente da Costa | Nigeria | — Mr. M.S. Nuhu |
| Cabo Verde | — Mr. C. Monteiro | Panama | — Mr. G.S. Oller |
| Canada | — Mr. P. Langlais (Alt.) | Republic of Korea | — Mr. J. Hur |
| China | — Mr. Shengjun Yang | Russian Federation | — Mr. S. Gudkov |
| Colombia | — Mr. A. Muñoz Gómez | Saudi Arabia | — Mr. S.A.R. Hashem |
| Congo | — Mr. R.M. Ondzotto | Singapore | — Mr. T.C. Ng |
| Cuba | — Mrs. M. Crespo Frasieri | South Africa | — Mr. M.D.T. Peege |
| Ecuador | — Mr. I. Arellano | Spain | — Mr. V.M. Aguado |
| Egypt | — Mr. A. Khedr | Sweden | — Ms. H. Jansson Saxe |
| France | — Mr. P. Bertoux | Turkey | — Mr. A.R. Çolak |
| Germany | — Mr. U. Schwierczinski | United Arab Emirates | — Miss A. Alhameli |
| India | — Mr. A. Shekhar | United Kingdom | — Mr. D.T. Lloyd |
| Ireland | — Ms. N. O'Brien | United Republic of Tanzania | — Mr. R.W. Bokango |
| Italy | — Mr. F. Nicolai (Alt.) | United States | — Mr. T.L. Carter |
| Japan | — Mr. S. Matsui | Uruguay | — Mr. M. Vidal |

ALSO PRESENT:

- | | |
|--------------------------------|------------------------|
| Mrs. M.F. Loguzzo (Alt.) | — Argentina |
| Mr. C. Fernández (Alt.) | — Argentina |
| Mr. D. Tavares Taufner (Alt.) | — Brazil |
| Mr. H. Gonzales (Alt.) | — Brazil |
| Mr. M.G. Correia Pontes (Alt.) | — Brazil |
| Mr. Chunyu Ding (Alt.) | — China |
| Mr. M. Millefert (Alt.) | — France |
| Mr. N. Naoumi (Alt.) | — Germany |
| Mr. M. Usami (Alt.) | — Japan |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mr. K. Lee (Alt.) | — Republic of Korea |
| Mr. D. Subbotin (Alt.) | — Russian Federation |
| Mr. M.S. Habib (Alt.) | — Saudi Arabia |
| Mr. I. Pacheco (Alt.) | — Spain |
| Mr. S. Vuokila (Alt.) | — Sweden |
| Mr. Ö. Doğrukol (Alt.) | — Turkey |
| Mr. M. Salem (Alt.) | — United Arab Emirates |
| Mrs. K.L. Riensema (Alt.) | — United Kingdom |
| Mr. S. Kotis (Alt.) | — United States |
| Mrs. M.A. González (Alt.) | — Uruguay |
| Mr. F. de Medina (Alt.) | — Uruguay |

SECRETARIAT:

- | | |
|--------------------|-----------------|
| Mrs. J. Yan | — C/OSG |
| Mr. B. Djibo | — D/ATB |
| Mr. S. Creamer | — D/ANB |
| Mr. V. Smith | — D/ADB |
| Mr. J. Huang | — A/D/LEB |
| Mrs. J. Hupe | — DD/ENV |
| Mr. M. Belayneh | — C/GAT |
| Mr. H. Gourdji | — H/SPCP |
| Mr. T. Efendioglu | — C/EAO |
| Miss L. Lim | — A/C/FIN |
| Mr. M. Fox | — C/PRC |
| Mr. D. Martinez | — PM/TPP |
| Mr. A. Bilaver | — OSG |
| Mr. A. Djojonegoro | — ASP |
| Mr. A. Larcos | — C/ACS |
| Miss V. Muraca | — Précis-writer |

Representatives to ICAO

Bolivia (Plurinational State of)

Chile

Cyprus

Equatorial Guinea

Ghana

Greece

Indonesia

Lebanon

Paraguay

Peru

Qatar

Senegal

Uganda

Venezuela (Bolivarian Republic of)

Airports Council International (ACI)

European Union (EU)

Subject No. 14.3.8: Aviation Training

Operating Plan for the Global Aviation Training (GAT) Office for the Period 2018-2019-2020

1. This subject was documented for the Council's consideration in information paper C-WP/14706, presented by the Secretary General, which outlined the activities, deliverables and key performance indicators for the Global Aviation Training (GAT) Office, for the period 2018 to 2020. The Council also had for consideration an oral report thereon from the Implementation, Strategy and Planning Group (ISPG).
2. The Oral Report was presented by the Chairperson of the Implementation, Strategy and Planning Group (Representative of the United Arab Emirates). With respect to the eligibility requirements for scholarships to attend ICAO Training Packages (ITPs), it was noted that the ISPG requested that scholarship beneficiaries not be restricted to staff of national Civil Aviation Authorities, as there are various entities within the State that carry out functions related to civil aviation. As such, the ISPG requested that the eligibility criteria be expanded accordingly. The Chairperson informed that the Secretariat had noted this recommendation, and would reflect this amendment in the scholarship application.
3. While voicing his support of the Oral Report, and agreement with the recommendation of ISPG, the Representative of Saudi Arabia advised that priority should still be granted to the Civil Aviation Authority staff. In this regard, he suggested that eligibility requirements should be updated to reflect that the ITPs should be open to various entities related to civil aviation, giving the priority to civil aviation authorities. The Representative of South Africa lent his support to this proposal, emphasizing that ICAO must continue to prioritize the civil aviation authorities.
4. Addressing these comments, the Chairperson of the ISPG clarified that the scholarship application form limited eligibility to the civil aviation authorities. However, she highlighted that GAT provides courses not only for civil aviation authorities, but for other national entities that collaborate directly with the civil aviation authority as well. As a result, the experts from these entities are not necessarily within the civil aviation authority, and thus limiting the scholarship eligibility requirements to civil aviation authority staff or giving priority to civil aviation authority staff members, limits the scope of potentially qualified scholarship candidates. The recommended revision to the scholarship application aims to allow the State to select the most appropriate candidates to attend the GAT courses, who are not necessarily from the civil aviation authority.
5. Adding to the comments of the Chairperson of the ISPG, the Secretary General further clarified that the scholarship application form must be accompanied by an official recommendation letter from a senior official of a civil aviation regulatory body, a regional safety oversight organization, regional accident or incident investigation organization, airport or entity related to cooperative development of operational safety and continuing airworthiness programmes (COSCAP). This requirement ensures that applicants are endorsed and supported by the civil aviation authority, or civil aviation regulatory body.
6. Turning to C-WP/14706 and appreciating the work being undertaken by the GAT Office, the Representative of Spain inquired on the process for evaluating whether the courses developed by GAT are suited to meeting States' needs, in terms of the implementation of ICAO Standards and Recommended Practices (SARPs), and more generally, how these courses might facilitate understanding of new concepts. As an example, the Representative of Spain referred to the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) concept, and how GAT courses could provide States with learning and training opportunities on these kinds of issues.

7. Moreover, noting that only 20 scholarships were available, when the total number of trainees is 3,500 annually, the Representative of Spain was of the opinion that there should be a larger number of scholarships and requested additional clarification on the scholarship policy. In terms of the economic outcome of the GAT on the Organization's budget, the Representative of Spain also questioned how the financial surplus generated by GAT was being used, for instance with respect to the number posts being funded, the number of scholarships, and how this surplus is intended to be used in the future budget triennium.

8. Offering clarification, M/GAT explained that GAT courses are developed where a well-defined need has been identified, and in close cooperation with ICAO Bureaux. As a starting point, courses are structured around the provision of assistance and training to States in terms of capacity-building to implement ICAO SARPs. In addition, he highlighted that in particular, post-training evaluation is an important component in determining the value that the course has brought to the work environment of the participants. While currently this post-training evaluation component is only being implemented on a select number of courses, M/GAT noted that this would be expanded, as this exercise has provided invaluable feedback from trainees on whether the course has really added value in terms of building their national capacities to implement SARPs or to carry out their functions. On a related note, referring to CORSIA, M/GAT informed that although the GAT Office has been working together with the Air Transport Bureau to develop future courses related to the environment, to date, GAT Office has not developed an environment-related courses.

9. Regarding the number of scholarships available for the ITPs, M/GAT indicated that GAT is currently refining its process to identify and select qualified scholarship candidates, which includes the involvement of the ICAO Regional Offices. The intention is to expand the scholarship programme beyond the ITPs to the other courses developed by GAT together with the TRAINAIR PLUS network.

10. With respect to the question raised on the use of the financial surplus generated by GAT Office, M/GAT explained that on the basis of the current triennium, GAT contributes to the Ancillary Revenue Generation Fund (ARGF), consistent with the expectations set forward in the budget. For the upcoming triennium, the expected contribution of GAT Office would be considered as part of the future budget discussions, and further information could be provided at that time.

11. Echoing the comments of the Representative of Spain, the Representative of Cuba also noted the number of available scholarships in comparison to the annual number of trainees. Drawing attention to the table of indicators on page A-7 of the documentation, the Representative highlighted that consistent with indicator 7.10 regarding the provision of scholarships for ICAO-recognized training packages to support the *No Country Left Behind* (NCLB) initiative, there are critical elements that need be improved. However, she was encouraged to hear from M/GAT that the number of scholarships was expected to increase in the future.

12. On page A-6, indicator 7.6, relating to support for the development of personnel through ICAO-recognized training packages delivered in all ICAO Regions, through TRAINAIR PLUS Members, the Representative of Cuba noted that there is a discrepancy between the matrix and the corresponding KPI. Keeping in mind the importance of developing the TRAINAIR PLUS packages, the methodology for developing these training courses should be based on the findings of USOAP and USAP audits, to ensure that personnel receive targeted, relevant training. Moreover, it was suggested that an additional possible key performance indicator be included that pertains to the development of packages and courses that would improve implementation on the basis of critical elements with respect to audit findings. The Representative of Cuba concluded in highlighting the usefulness of discussing such KPIs with the Secretariat.

13. Responding to the preceding interventions, the Secretary General noted that under the current budget and operational plan, the GAT Office is committed to providing 20 scholarships. Based on the estimated ARGF revenues, an assessment will be undertaken to determine whether additional scholarships could be accommodated. In this regard, the Secretary General recalled the recently-concluded \$2 million agreement between ICAO and the Government of China to provide 500 scholarships, as well as other such agreements with other Governments to support developing States in meeting their training needs. She highlighted the value of such arrangements and called upon other States to also facilitate training opportunities for developing States, and to work together with ICAO to this end.

14. The Representative of Ecuador expressed his appreciation for the work undertaken to prepare the operating plan for the GAT Office, and stated his delegation's support and approval of the plan. He advised that efforts will need to be taken to strengthen these activities to support States' training needs, including, as stated by the Secretary General, through the establishment of new donor partnerships with States and institutions in support of this programme. The Representative pointed out that the scholarship policy must be flexible enough to take into account the various subject areas and training needs for each State, and that ICAO should consider applications on a case-by-case basis, based on the training course and scholarship in question.

15. A suggestion was made by the Representative of South Africa to replace "should" with "must" in all instances, on page A-18, section 5, regarding qualification of ICAO instructors. The Council agreed to this revision.

16. The Director, Air Transport Bureau (D/ATB) drew the attention of the Council to the issues arising when making a direct link between training and the civil aviation authorities, and giving preference to the civil aviation authority. Recalling that there is training provided across all of the Organization's Strategic Objectives, D/ATB reiterated the importance of having a common approach in this context. Citing the example of aviation security, under the project with the Government of Canada, training is being provided to the police force directly, as they are those staff on-site in the State working with ICAO to implement the relevant SARPs and guidelines. Thus scholarships in this case are not being granted to the civil aviation authority, but rather to the stakeholders in charge of assisting ICAO to implement its Strategic Objective. Moreover, while the Organization has not thus far developed courses on the environment, the Director highlighted the work undertaken with the United Nations Institute for Training and Research (UNITAR) to develop a related course on State Action Plans. On economic development, entities under different ministries must be consulted as well. Therefore, the design of the scholarship policy and the eligibility requirements must be flexible enough to be able to address all the needs with the Secretariat.

17. Thanking the Director, Air Transport Bureau for the information provided, the Representative of Saudi Arabia reiterated that civil aviation authority must remain the primary focus for ICAO, and in doing so, the Organization should ensure a direct line of communication to States, in all cases.

18. In concluding its consideration of this item, the Council noted with appreciation the GAT Operating Plan as presented in the Appendix to C-WP/14706. The Council also affirmed that the eligibility criteria for scholarships to attend ICAO Training Packages should emphasize a prioritization for employees of Civil Aviation regulatory bodies. Moreover, the Council requested that the Secretariat explore options to reduce the overall training costs in order to facilitate Member States in their endeavours to achieve the objectives of the *No Country Left Behind* (NCLB) initiative.

Subject No. 16: Legal Work of the Organization**Subject No. 24.3: Action on Assembly resolutions and decisions****Progress Report on the Implementation of the ICAO Policy on Interactions with External Parties**

19. The Council considered this item on the basis of C-WP/14707 presented by the Chairperson of the Committee on Cooperation with External Parties (Representative of Japan), which provided a report highlighting the status and progress made in the Committee's implementation of the *ICAO Policy on Interactions with External Parties*. The Chairperson of CCEP took the opportunity to convey his gratitude to the Representative of Mexico, as the former Chairperson of the Committee for his contributions, and for his continuing guidance to CCEP.

20. As per the revised *ICAO Policy on Interactions with External Parties*, the CCEP has focussed on reviewing whether the terms of the proposed relationships with external parties are consistent with the core values, principles and procedures contained in the revised ICAO policy and the Guidelines on a Principle-based Approach to the Cooperation between the United Nations and the Business Sector. He noted that the revised ICAO Policy has increased the Committee's membership, as well as support from the Secretariat, which has allowed the Committee to more efficiently process incoming proposals. In particular, the Chairperson highlighted that the revised ICAO Policy has stabilized and facilitated the process and risk management more assuredly, and has thus contributed to the efficiency and effectiveness of ICAO external interactions.

21. However, the Chairperson noted that there were several operational challenges being faced by the Committee. In terms of process, the Committee found that in a number of cases, there were very short deadlines to the expected date of signature; the CCEP recommended that being given an average of from the start of the coordination to the conclusion of the CCEP review, with an additional five working days for President or Secretary General to consider the agreement for signature would be more appropriate. With respect to risk management, the Committee identified some cases where the description of ICAO was inappropriate in the proposal, or the benefit to be gained from ICAO's engagement was unclear, or where the financial, legal or reputational impact on ICAO should have been more carefully processed before submission to the CCEP.

22. Noting that quite a number of proposals considered by CCEP involved interaction between ICAO and European Union based Organizations, the Representative of Turkey suggested that the membership of the CCEP also include a representative from the European region.

23. Following consideration, the Council concluded its consideration of this item by welcoming the progress that had been achieved by the CCEP, and while noting its report, endorsed its findings and approved the recommendations in paragraph 3.1 of the working paper as follows:

- a) to ensure thorough and effective review of all proposed arrangements, the Committee stresses the importance that documents in their final version are received by the Committee at least 10 working days before they are to take effect and/or be signed;
- b) to ensure informed decisions by the Committee with appropriate process management in all phases of arrangement development processes, there is a need of continued involvement and support by LEB, which is necessary in each CCEP meeting. The practical insight of LEB representatives on the interpretation of the ICAO Policy in the Committee's review and early notice of time or policy sensitive arrangements in its pipeline will contribute to the Committee's deliberations, facilitate informed decision-making and expedite the processing of arrangements for final approval;

c) there should be some flexibility in the language used in arrangements that are based on CCEP-approved templates. In the opinion of the Committee based on its experience, departure from the template could constitute “material difference” only when there is a substantial change in the text that materially alters the relationship and expected benefits of the parties not originally envisaged in the original document or template. This could include changes in the scope of the agreement, obligations of the parties; economic balance between the parties, and detected risks against the principles of the Policy; and

d) each proposal for new and/or amended arrangements submitted to the CCEP for review shall be accompanied by an assessment prepared by LEB, which shall describe the following: nature, level and extent of current cooperation (if any) with the other party; legal views on benefits and utility of the proposed arrangement; and cost or impact to ICAO if such an arrangement were not entered into by the Organization. The timely notification requirements on determination of each exemption mentioned in paragraph 2.2 d) should also be followed.

24. In addition, the Council also noted a proposal that when the membership of the CCEP was next reconsidered, the President of the Council would give consideration to including a representative of the European Union (EU) in the CCEP given the large volume of items of relevance to the EU that are the subject of deliberation.

Subject No. 15: Subjects relating to air transport

Report on the 15th Meeting of Civil Aviation Authorities of the South American Region

25. Council had for its consideration C-WP/14737, in which the Secretary General reported on the results of the 15th Meeting of Civil Aviation Authorities of the South American Region (RAAC/15), held in Asuncion, Paraguay, from 4 to 6 December 2017.

26. During her introduction, the Secretary General highlighted the primary outcomes of the meeting, which were the endorsement of the SAM Strategic Plan vision for the sustainability of air transport and its associated high-level objectives, as well as the agreement to review and adjust the proposed strategy to achieve these goals, with work to be carried out by expert focus groups. She also noted that the meeting adopted decisions relating to CO₂ emissions reductions and accession to CORSIA; alignment of the AVSEC/FAL/RG Strategic Plan with the Global Aviation Security Plan (GASeP); implementation of one-stop security (OSS); and the strengthening of civil aviation authorities’ competencies on economic oversight of air navigation service providers (ANSPs) and aerodrome operators.

27. The President of the Council underscored that the RAAC/15 adopted the SAM Plan as a key outcome, and emphasized the importance of this Plan for the Latin American region specifically, but also for ICAO in general. He pointed out that section 2, and paragraph 2.7 in particular, set forward the basis for ongoing work under the SAM Plan in various areas, such environment, GASOS, ANSPs and the economic oversight of ANSPs and aerodrome operators, and how this work would be undertaken. The President indicated that the SAM Plan will be considered further in terms of implementation, during the upcoming meeting of the Directors General of Civil Aviation, in Lima, Peru.

28. Voicing agreement with the comments of the President, the Representative of Mexico acknowledged that although the SAM Plan is new, it has been developed with a view to achieving the sustainability of civil aviation. He agreed that the meeting of the Directors General in Peru would be a valuable opportunity to share the SAM plan with other regions as an example, to promote specific needs

and circumstances for each region, with the aim of developing similar plans, and to harmonize these regional initiatives.

29. Appreciating the importance of RAAC/15, the Representative of Spain remarked that when the meeting discussed RSOOs, the topic of GASOS was also raised. He noted that, although the GASOS is not yet entirely mature, it was considered in a regional setting. He also noted the significance of the SAM Strategic Plan, and that the meeting of the Directors General of Civil Aviation was becoming an important high-level decision-making forum. In this regard, the Representative questioned how these developments in the SAM region tie in to the global framework established by ICAO. To answer this question, he suggested that the ISPG could be tasked with considering this issue in the future. At the same time, the Representative suggested that more information be provided on the SAM Strategic Plan, so that it would be easier to determine how these regional plans would fit into the broader global strategies.

30. The Representative of South Africa sought clarification on where the conclusions and SAM Strategic Plan adopted by the RAAC/15 could be accessed. He also supported the comments made by Spain and Mexico, and advised that before linking the GASOS concept with the RSOOs, more work needs to be done to enhance and better define GASOS, as it is still evolving.

31. The President of the Council indicated that paragraph 1.3 includes a hyperlink to all the documentation presented during the meeting, including the final report containing the SAM Strategic Plan, which would enable Representatives to access the information as required. Furthermore, as stated in paragraph 2.7, the RAAC/15 endorsed the SAM Strategic Plan vision and high-level objectives and that the plan will require further and careful analysis by the States to determine specific metrics, targets and the best strategies to reach these goals. The President reiterated that work is yet to be done in this regard, and will be discussed further in December 2018 during the meeting of the Directors General of Civil Aviation, to be held in Lima, Peru.

32. Regarding the comments raised on GASOS, the Director, Air Navigation Bureau (D/ANB), recalled that GASOS figured in the discussions held during the Regional Safety Oversight Organization meeting in Swaziland in March 2017, as a means to support the RSOOS. He informed that ICAO has since been working to develop the GASOS framework of potential policies and procedures that would be utilized by States and RSOOS, and that this work will be presented to the Air Navigation Commission (ANC) for evaluation, following which, a working paper will be published for consideration of the 13th Air Navigation Conference in October 2018. The Conference will provide States the opportunity to evaluate and debate the merits of the proposals, subsequent to which the Conference recommendations will be brought forward to the Council, through the ANC, next year.

33. Taking the opportunity to thank the Government of Paraguay for hosting RAAC/15, the Representative of Ecuador echoed the statements of Spain and South Africa regarding the SAM Strategic Plan. With respect to paragraph 1.2, the Representative of Ecuador highlighted that the SAM Plan is focussed on the four main components of connectivity, safety, institutional strengthening of administrations and environmental protection, and emphasized the need to ensure that this regional plan was consistent with ICAO's Strategic Objectives. He concluded by voicing support for such regional initiatives, insofar as they are aligned with the Organization's strategic objectives and macro processes.

34. The Representative of the United Arab Emirates expressed her appreciation for the report on RAAC/15, and stressed the significance of the SAM Plan drawing key linkages between ICAO Assembly Resolutions, and how the region can take action to achieve the goals set forth in these Resolutions, in light of their regional priorities and circumstances. She also highlighted that the follow-up of Assembly Resolutions was critical to the ability of the Organization to effectively address its Strategic Objectives, and this Plan could serve as a valuable example to States in other regions, in terms of how

such a Plan could be replicated elsewhere. The Representative of the UAE reiterated her gratitude for the work undertaken by the meeting, and encouraged States to continue their efforts to do more.

35. Returning to the concept of GASOS, in response to the request of the Representative of South Africa for further information to better understand the way forward with GASOS, the President of the Council recalled earlier discussions on new concepts and initiatives, as well as the request for the Secretariat to prepare corresponding concept notes detailing key issues, objectives and focus, and the strategy moving forward, be circulated to Council members to facilitate their consideration thereon. He recommended that such concept notes be prepared for any new initiative, such as GASOS, prior to the 13th Air Navigation Conference.

36. In concluding its consideration on this item, the Council noted the results of the RAAC/15 meeting; further noted that while RAAC/15 endorsed the SAM Strategic Plan's vision and high-level objectives, additional work would be required by States to determine specific metrics, targets and strategies to achieve the objectives, including, inter alia, on the issues of the environment, the Global Aviation Safety Oversight System (GASOS) concept, air navigation service providers (ANSPs), and aerodrome operators; and requested that the Secretariat, in Headquarters as well as in the SAM Regional Office, inform the Council in due course on how it was envisaged the SAM Strategic Plan would be implemented, including the resources and expertise that would be required.

Subject No. 54.1: ICAO Corporate Key Performance Indicators (CKPIs)

Annual Report on the Corporate Key Performance Indicators (CKPIs)

37. The Council considered this item on the basis of C-WP/14703, which presented a progress report on the status of the Corporate Key Performance Indicators (CKPIs) in respect of the targets established for the ICAO Strategic Objectives and supporting strategies. It was noted that all relevant information pertaining to the Organization's performance at the level of the business plan is now available in the Corporate Management and Reporting Tool (Tool), and that the performance dashboards developed for each CKPI were also available in the CMRT.

38. The Oral Report was presented by the Chairperson of the Implementation, Strategy and Planning Group (Representative of the United Arab Emirates). She indicated that the ISPG discussed revisiting certain CKPIs, specifically, those related to Finance (i.e. outstanding assessments and carryover) and Human Resources (i.e. timeliness of the recruiting process), and that the ISPG had noted while several of the CKPIs are intended to measure similar performance, the associated measures and targets differed. The ISPG recommended that for similar CKPIs, there would be a need for greater consistency and harmonization across the metrics. It was also recommended that there may also be a need to benchmark the administrative CKPIs against other UN Agencies that have similar measurements. In particular, the Chairperson of the ISPG reported that to fully benefit from the CKPIs and the newly established performance reporting system, the ISPG recommended the following: that the CKPIs should remain as stable as possible in the near term so that the Organization can benchmark performance over a longer period of time; an analysis of the CKPIs should be made by the ISPG, in light of the availability of the performance dashboards in the CMRT, and any recommendations for adjustments to the existing CKPIs be presented for consideration by the Council during its 215th Session; and finally based upon the analysis of the CKPIs, the ISPG should also recommend measures to refine the process and timelines for CKPI updates.

39. In concluding the Oral Report, the Chairperson pointed out that that CMRT is a new tool, and that the ISPG is working with the Secretariat to enhance the tool's functionality and accessibility to the Council. She encouraged new users among the Representatives to contact ISPG and the Secretariat for

any support, and more generally, invited the Representatives to provide any input they may have on the tool to the ISPG.

40. The Chief, Strategic Planning and Regional Affairs Coordination (C/PRC) outlined the structure of the CKPIs under each Strategic Objective, recalling that three CKPIs had been developed for each of the five Strategic Objectives, as approved during the 210th Session of the Council. He explained that for the three CKPIs, the first CKPI reflects the status of global aviation for each Strategic Objective, and that the remaining two CKPIs per strategic objective reflect the work of ICAO towards improving global aviation. C/PRC also informed that CKPIs had been established at the supporting strategy level, for core functions such as language services, financial management, stakeholder management, human resources, technical assistance and cooperation. These CKPIs are output oriented, and therefore directly under the control of ICAO. C/PRC presented the CMRT dashboard to the Council, which provided an update on the status of the inclusion of the CKPIs in the CMRT, and an overview of the use of the new tool.

41. The Representative of Mexico endorsed the Oral Report of the Chairperson of the ISPG, and commended the Secretariat for refining the tool, as it demonstrated continuous improvement. At the same time, the Representative of Mexico sought further clarification on certain aspects of the CMRT related to activities and strategic decisions that could have a significant impact on the budget. As an example, the Representative made reference to the KPIs for activities such as the GAT and ARGF and how these KPIs are connected to resource mobilization and information technology. Clear KPIs need to be developed for such strategic activities, as they could have a budgetary impact, and need to be monitored effectively to enable Council to make informed decisions.

42. The Secretary General articulated the importance of KPIs as a measurement for the Secretariat to meet the Council's expectations. Noting that the KPIs have been incorporated into the operating plans, which was coordinated alongside the budget process. To take into account the changing needs over the course of the triennium with respect to the budget and in terms of the operating plans, the Secretariat has developed an annual operating plan which is more detailed and links each KPI to each activity, in order to ensure consistency across the Secretariat. In this context, the CMRT aims to support the Council as the Organization's governing body to monitor the Secretariat's implementation of decisions, and the operating plans against the outcomes and KPIs determined in the budget.

43. While voicing his agreement on the value of the CMRT and encouraging greater use of this new tool by the Council, the Representative of India provided several proposals to enhance the accessibility and usability of the tool. He suggested that one such means would be to provide access to the CMRT through the secure portal rather than a separate web address, and if the tool is prominently displayed on the secure web portal, it can be more readily accessible whenever logging in to the portal. In addition, and referring to the discussions during the ISPG, the Representative of India also suggested to build-in an automated notification to alert the user, such as by email, should there be any updates to the tool, or the data contained therein. Such a notification system would ensure that the Representatives would be informed of updates, and facilitate efficiency in terms of accessing the tool at the appropriate time when a notification is received.

44. Speaking more specifically of the CKPIs, the Representative of India drew attention to the KPI in relation to environmental protection, and in particular, the deliverables identified under CORSIA for voluntary participation in the scheme. According to the CKPI 1 b), under environmental protection on page A-3, 51 States of the 72 that voluntarily joined CORSIA have participated in the CORSIA related seminars and received capacity-building support. However, on this basis, it is difficult to effectively assess States' readiness to implement CORSIA, as all 192 Member States will have to ready to implement CORSIA early next year. Moreover, as per operative clauses 22 a) and c) of Assembly

Resolution A39-3, convening seminars is just one of the deliverables in terms of assistance, while financial assistance is not included in the CKPI. Thus, this KPI alone does not adequately address the issue of States' readiness and the performance of this programme.

45. On the basis of the proposals made by the Representative of India, it was agreed to include a link to the CMRT on the secure portal, and it was requested that the Secretariat would monitor the issue of an alert system, should there be any changes to the parameters of the tool. Offering clarification to the comments raised on the CKPI related to CORSIA, the President of the Council informed the Council that another series of CORSIA regional seminars would be convened in March and April 2018, and acknowledged that more needed to be done to conduct outreach to the States to ensure greater participation in these CORSIA events. He also recognized that there are outstanding issues with respect to CORISA and the Assembly Resolution that need to be worked on in terms of providing assistance to States to implement CORSIA. The Council noted that the KPIs related to environmental protection may need to be further refined, and that an update of the information might be useful, following the holding of the forthcoming ICAO regional seminars on CORSIA and in the context of Assembly Resolution A39-3.

46. The Representative of Spain endorsed the recommendations of the ISPG, and in particular, emphasized that although the tool would need to have some flexibility to accommodate potential future changes, in the short-term, it would be important to have it stable so as to facilitate robust analyses. Regarding these analyses, he highlighted that the KPIs should be considered as part of a broader trend, in that they should illustrate the broad picture and the historical development of the work.

47. The Representative of Spain voiced his support for recommendation c) of the ISPG Oral Report. Referring to the data already populating the CMRT, the Representative sought clarification as to how the status of the indicators is determined and why a specific target has not been able to be achieved, as well as the timeline and procedures, as already, some data is out of date. The Representative of Spain concluded by lending his support to the proposal of the Representative of India regarding an alert system to notify Representatives of changes to the tool.

48. Drawing on the comments of the Representative of Spain, and voicing his support for the intervention of the Representative of India, the Representative of South Africa also raised a question with respect to how the status of the KPIs is determined in terms of the colours used to indicate whether the expected deliverable was being met. He expressed some concern as to the appropriateness of the action item b) of the Executive Summary as reflected in the working paper. In responding to this concern, the President of the Council clarified that the actions to be considered by the Council would be on the basis of the recommendations presented by the ISPG, which superseded the action paragraphs in the working paper.

49. The Chairperson of the ISPG reiterated that the CMRT is a work in progress, and that to the extent possible, the process of improving and updating the tool aims to be clear and transparent. Referring to the suggestions made by the Representative of India to enhance the tool's accessibility, the Chairperson welcomed these and invited the Representative of India to participate in upcoming meetings on the tool.

50. In concluding its consideration of this item, the Council noted the proposed baseline target changes to Security and Facilitation, Translation Services and Finance Carryover, highlighted in paragraph 3.2 and the Appendix and reviewed the information contained in this paper. In addition, based on the recommendation presented by the ISPG, the Council:

- a) agreed that the CKPIs should remain as stable as possible in the near term so that the Organization can benchmark performance over a longer period of time;
- b) noted that an analysis of the CKPIs would be undertaken by the ISPG, in light of the availability of the performance dashboards in the Corporate Management and Reporting Tool (CMRT), and that any recommendations for adjustments arising in relation to the existing CKPIs, would be presented for consideration by the Council during its 215th Session;
- c) requested that based on the analysis of the CKPIs referred to in the previous subparagraph, the ISPG should also recommend measures to refine the process and timelines for CKPI updates; and
- d) further requested the Secretariat to explore the feasibility of providing the information available in the Corporate Management and Report Tool (CMRT) via a link in the Council secure website, including the option of issuing alerts whenever new information is uploaded to the CMRT.

Subject No. 14.2: Regional Plans

Annual Report to the Council on Regional Offices' activities during 2017 and operating plans for 2018

51. Council considered this item on the basis of C-WP/14704 (Revision No. 1), which presented the Regional Offices' activities for the year 2017 and the operating plans for 2018, as well as the common trends identified among all the Regional Offices in respect of their achievements, as well as their shared challenges. It was noted that the reports of each of the Regional Offices were presented as separate appendices to the working paper, which were also available electronically, in English only, on the Council website. The Regional Offices' operating plans were also available on the CMRT. The Council also had for consideration an oral report thereon from the Implementation, Strategy and Planning Group (ISPG). In addition, the Council had the benefit of an informal briefing by Regional Directors, which occurred on the morning of Monday, 26 February 2018.

52. In introducing the paper, the Secretary General highlighted the efforts to strengthen the Regional Offices to provide improved support to Member States, under the auspices of the NCLB initiative. She informed that this additional support to the regions has reaped significant benefits, in terms of achievements across the regions, and in achieving the Strategic Objectives. Making reference to the preparation of the Business Plan for the upcoming triennium, she stressed that one of the primary strategic priorities for the next Business Plan will be to leverage, to the maximum extent possible, synergies between ICAO headquarters and the Regional Offices to better support Member States.

53. The Chairperson of the ISPG (Representative of the United Arab Emirates) then presented the Oral Report on the group's review of C-WP/14704. The ISPG welcomed the progress that had been made in moving the Regional Offices' reports to a common format. However, in considering the working paper, the ISPG agreed that subsequent Annual Reports of the Regional Offices should focus on identifying the common issues across the Regional Offices that require further guidance and action by the Council.

54. In addition, while a number of challenges were identified in the paper, with the priorities in the 2018 Operating Plans being adjusted accordingly, the ISPG observed that the paper did not contain specific proposals on how to address these challenges. The ISPG also noted that it was unclear whether

the risks identified by the Regional Offices had been properly considered within the framework of the Organization's risk management processes including by being incorporated into the ICAO Corporate Risk Register, together with any required mitigation strategies.

55. A common challenge identified across all the regions was the lack of State participation in regional meetings. The ISPG agreed on the need to address this issue through a rationalization of regional meetings, as well as a review of the costs to Member States in participating in ICAO workshops and seminars, bearing in mind the financial limitations of many States. The ISPG also noted that there is a need to improve the timeliness of communications between the Regional Offices and States, particularly with respect of the Organization's feedback to States on their Corrective Action Plans.

56. Recalling the ISPG's observations to Council during the 210th Session on the 2017 Regional Office Annual Report regarding the introduction of the CMRT, and the implications for the form and structure of future Reports, the ISPG recommended that the Secretariat continue to work on this issue and proposed that the ISPG maintain an informal dialogue with the Secretariat to improve the use and accessibility of the CMRT.

57. In light of its discussions, the ISPG recommended that the common trends among the Regional Offices in respect of their achievements, shared challenges, as well as their individual Annual Reports, be noted; that the ISPG be tasked with proposing a structure and format for next year's Annual Report to Council on Regional Offices' activities so that the report is strategic in nature and contains actionable recommendations in respect of the challenges identified by Regional Offices; that the Secretariat be requested to assess the risks identified by Regional Offices and to update the ICAO Corporate Risk Register accordingly, prior to the 215th Session of the Council; that the Regional Office Annual Operating Plans be noted and that the Secretariat should continue to make the Operating Plans available and easily accessible to the Council; that the Secretariat be tasked to rationalize the numbers of regional meetings and avoid meeting scheduling conflicts within the Organization, as well as taking into consideration like meetings organized by Regional Commissions and the industry. The ISPG also recommended that the Secretariat review the costs to Member States' participation in ICAO seminars, bearing in mind the financial limitations of many States; and that the financial and resource constraints of the Regional Offices, and their increasing focus on implementation, be noted, with the aim to address these limitations in a holistic manner within the framework of the next triennial business plan and budget.

58. The Representative of Saudi Arabia expressed his appreciation for the efforts to improve the performance of the Regional Offices. He noted that the lack of human resources in paragraph 2.9 was identified as a common challenges by all the regions, and proposed that a means to address this shortage could be through the enhancement of cooperation and sharing of resources between the regional offices, rather than sending technical experts from Headquarters to the regions. In terms of the Business Plan preparations, this proposal could be taken into consideration not only to address the needs of the Regional Offices, but also to reduce the overall costs to the Organization.

59. Echoing the comments of the Representative of Saudi Arabia, the Representative of South Africa agreed that there was a need for more travel to be undertaken between the Regional Offices, rather than between Headquarters and the regions. With respect to paragraph 2.10, on low participation by States at regional meetings, the Representative recalled previous discussions relating to the convening of PIRG and RASG meetings, and the need for greater efficiencies in this regard to improve attendance. On paragraph 2.12 which addressed the lack of high-level support within States for the aviation sector, the Representative expressed concern that this had been an ongoing issue, and questioned how this could be remedied.

60. The Representative of the United Arab Emirates wholly agreed with the Representative of Saudi Arabia, adding that the Regional Offices are increasingly being requested to support the work programme under each Strategic Objective and meet the needs of Member States, while simultaneously being faced with unforeseen challenges, such as natural disasters or political instability. In terms of the next triennium budget, the Representative stressed the value of empowering the Regional Offices with adequate resources, and suggested that resources should be reviewed and re-organized accordingly.

61. Supporting the interventions of the Representatives of the United Arab Emirates and South Africa, the Representative of Spain noted the growing strategic importance of the Regional Offices, in particular with respect to the organization's work on implementation and capacity-building, as well as the NCLB initiative. As a result, the forthcoming discussions on the Business Plan and the budget should take these developments into consideration.

62. While the Representative of Spain complimented the new structure and focus of the Report in terms of enhancing its usefulness for the Council, he also noted that there were no specific proposals for action to address the challenges identified. He underscored in this regard the importance to understand the associated risks and develop specific proposals. It was suggested that when ISPG examine the report of each regional office, compare the respective operating plans with actual results achieved.

63. In terms of the recommendation f) of the ISPG pertaining to the Regional Offices, increasing focus on implementation, the Representative of Spain suggested that it should read "focus on assistance and support to implementation" as the Regional Offices do not actually implement, but rather assist States to implement.

64. In response to the preceding interventions, the Secretary General recalled that the Council had tasked the Secretariat to determine whether the current organizational structure and resources were appropriate to meet the needs of the Organization, as well as its Member States. For the current triennium, assistance efforts were focussed on the NCLB initiative, and these assistance programmes for States have expanded beyond the original expectations. The Secretary General also highlighted that additional resources had been allocated to the regional offices, in particular to support technical assistance missions to the States in the various regions. For the discussion on the next triennium budget and operating plans, the Secretary General informed that these elements would be incorporated, and she looked forward to the further guidance from the Council when the draft budget proposal for the next triennium was presented to the Council at the 215th Session in November 2018.

65. Drawing attention to paragraph 2.8, on the general achievements across the regions, the Representative of South Africa took the opportunity to showcase the AFI Plan and the AFI SECFAL as key achievements in the AFI region.

66. In concluding consideration on this item, the Council:

a) noted the common trends among Regional Offices in respect of their achievements, shared challenges, as well as their individual Annual Reports presented in the Appendices to C-WP/14704;

b) requested that the ISPG propose a structure and format for next year's Annual Report to Council on Regional Offices' activities so that the report is strategic in nature and contains actionable recommendations to the Council in respect of the challenges identified by Regional Offices;

c) requested the Secretariat to ensure that there was a specific focus in next year's Annual Report on addressing the challenges identified by the Regional Offices as outlined in section 2 of C-WP/14704;

d) further requested the Secretariat to assess risks identified by Regional Offices and to update the ICAO Corporate Risk Register accordingly, prior to the next session of the Council, while ensuring that these were incorporated into the operating plans;

e) noted the Regional Office Annual Operating Plans and requested that the Secretariat continue to make these available and easily accessible to the Council;

f) requested the Secretariat to rationalize the numbers of regional meetings and improve the coordination process in organizing meetings to avoid scheduling conflicts within the Organization and with similar themed meetings organized by Regional Commissions as well as industry, and in addition, requested that the Secretariat review the costs to Member States to participate in ICAO workshops and seminars, bearing in mind the financial limitations of many States;

g) noted the financial and resource constraints of the Regional Offices, and their increasing focus on implementation support to States, which the Council and the Secretariat would address in a holistic manner within the framework of the next triennial business plan and budget;

h) requested the Secretariat to explore the feasibility of enabling Regional Offices to share existing resources so that where possible, these resources would have an even greater impact across the network of ICAO Regional Offices in meeting common objectives;

i) further requested the Secretariat to reduce the number of missions currently undertaken by Headquarters-based staff to Regional Offices and for the savings achieved therefrom to be re-directed to enhancing the travel budgets of the Regional Offices in order to enable the latter to expand their outreach and support efforts to Member States; and

j) further noted that there remained an ongoing need to improve the timeliness of communications between the Regional Offices and Member States, particularly in respect to the Organization's feedback to States on their Corrective Action Plans, as well as the timeliness of the validation of Corrective Action Plans through the Continuous Monitoring Approach.

67. The Council also extended its appreciation to all the Regional Directors for the invaluable work being undertaken to address the issues of implementation and provide assistance to States.

68. As proposed by the Representative of South Africa, the Council also congratulated the Secretary General for the leadership she had demonstrated in the issuance of the new Regional Office Manual (ROM), which had recently been successfully updated.

Subject No. 14.4: Air navigation meetings

Report on the First Asia Pacific Ministerial Conference on Civil Aviation

69. The Council considered this item on the basis of an Oral Report presented by the Secretary General, which provided the outcome of the First Asia Pacific Ministerial Conference on Civil

Aviation, held in Beijing, China, from 31 January to 1 February 2018. The main outcome of the conference was the endorsement of the Declaration on Asia/Pacific Ministerial Conference on Civil Aviation, or the Beijing Declaration, which was unanimously agreed by all the Delegations present. In line with the Declaration, Ministers committed to achieving specific goals in the areas of aviation safety, air navigation services, accident investigation and human resources development.

70. The Secretary General noted during her introduction that the Secretariat would review the Beijing Declaration's objectives in order to take into account, as required, any relevant aspects of resolutions to be adopted at the 40th Session of the ICAO Assembly in 2019 as well as the Second Asia/Pacific Ministerial Conference on Civil Aviation, which would be convened in 2020 or shortly thereafter. She also took the opportunity to express her gratitude to China for successfully hosting the first Ministerial Conference, and to India for offering to host the next conference.

71. The Representative of Saudi Arabia thanked the Government of China for its hospitality and for the programme that was organized for the delegates attending the meeting. In particular, he emphasized the focus on safety and security, and the opportunity that was provided to see the advanced technologies presented during the conference.

72. The Representative of Malaysia extended his gratitude to the Government of China for successfully coordinating the arrangement to hold the Conference and their hospitality in doing so. The Representative also thanked China for the informal visit organized to the ACDM Centre in Kunming as it provided an opportunity to better understand and learn about ACDM.

73. The Representative also indicated that the Honourable Minister of Transport of Malaysia had led his country's delegation at the Conference and had actively participated in the event. The Representative also thanked the efforts of the Secretariat to provide logistical support in the organisation of the Conference, expressed the full support of Malaysia to the Declaration, and commitment to the objectives set forth therein.

74. Noting the success of such high-level ministerial meetings at a regional level, the Representative of South Africa questioned whether a global high-level ministerial meeting might need to be held, and suggested the possibility of organizing such an event prior to the Assembly. In response, the President of the Council indicated that the ICAO Assembly itself is the highest level meeting of all 192 Member States and many Ministers attend the Assembly sessions. He recognized, however, that in specific instances, in the absence of an Assembly session, high-level ministerial conferences such as these are necessary and can be held to address particular or emerging issues. He suggested nevertheless that this proposal could be further considered while taking into account potential objectives and possible outcomes of any such event.

75. The Representative of Australia expressed his appreciation to the Government of China for hosting the event, and for the warm hospitality extended. Given the diversity across the Asia Pacific region, from population, to fleet size, to the rate of SARPs implementation, the Representative recognized that the Beijing Declaration marked a milestone for the region as a whole. He noted that the Beijing Declaration was the first time that the States had come together as a region within ICAO to provide civil aviation with such a shared political commitment, and assured that the Government of Australia looked forward to working with its regional parties on the implementation of this Declaration and to reviewing the progress made by the time the subsequent conference takes place in India in 2020.

76. Echoing the comments of the Representative of Australia, and in thanking the Government of China for the enriching programme that was organized for the Representatives in terms of both the Conference and the field visit, the Representative of Singapore observed that the Beijing

Declaration represented a first step in enabling a framework of KPIs, to be reported and communicated at the ministerial level. He voiced his support to the process proposed by the Secretariat to continue to use the APAN-PIRG and RASG-APAC to establish relevant goals and targets to monitor progress on the fulfilment of commitments made under the Declaration.

77. The Representative of China stated that his Government had been honoured to have successfully hosted the first Asia/Pacific Ministerial Conference on Civil Aviation, and to receive the Council Representatives in Beijing and in Yun Nan Province. He took the opportunity to express his gratitude to the President of the Council as well as to the Secretary General for their positive support and contribution to the event and in ensuring a successful convening of the Conference.

78. The Council concluded its consideration of this item by emphasizing how valuable these regional ministerial conferences had proven to be in gaining the necessary political commitment from Member States to address technical issues with clear deliverables and timelines. It was underscored that the Declaration adopted by the Conference represented a significant achievement for the Organization as well as the region, as there was previously no common platform for the Asia Pacific region, and that obtaining this level of political commitment to address technical issues represented a significant effort to be recognized.

Any other business

79. The Council was reminded that the President of the Council would be attending the World ATM Congress, which was scheduled to occur in Madrid, Spain, from 6 to 8 March 2018, and that in his absence, the Fourth Meeting of the 213th Session, which was scheduled for 5 March 2018, would be chaired by the First Vice-President, the Representative of Singapore.

State letter on CORSIA

80. Recalling the information conveyed to the Council at the First Meeting of the current session on Monday, 26 February 2018, concerning the deadline for receipt of comments from Member States on the proposed Annex 16, Volume IV for the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) (State letter – AN 1/17.14 – 17/129), it was noted that late replies to the State letter would be accommodated but not later than 20 April 2018, to enable both the Air Navigation Commission as well as the Advisory Group on CORSIA (AGC) to take into consideration the comments received while maintaining the proposed timetable on the adoption of the SARPs.

81. It was also reminded that Member States should participate actively in the upcoming CORSIA regional seminars as these events would provide information to all countries on the actions that need to be undertaken to allow for the successful implementation of CORSIA to commence as planned.

82. The meeting adjourned at 1230 hours.

COUNCIL — 213TH SESSION**SUMMARY MINUTES OF THE FOURTH MEETING****(THE COUNCIL CHAMBER, MONDAY, 5 MARCH 2018, AT 1430 HOURS)****OPEN MEETING**

First Vice-President of the Council: Mr. T.C. Ng, Representative of Singapore

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Algeria	— Mr. A.D. Mesroua	Kenya	— Ms. M.B. Awori
Argentina	— Mr. G.E. Ainchil	Malaysia	— Mr. K.A. Ismail
Australia	— Mr. S. Lucas	Mexico	— Mr. D. Méndez Mayora
Brazil	— Mrs. M.G. Valente da Costa	Panama	— Mr. G.S. Oller
Cabo Verde	— Mr. C. Monteiro	Republic of Korea	— Mr. J. Hur
Canada	— Mr. M. Pagé	Russian Federation	— Mr. S. Gudkov
China	— Mr. Shengjun Yang	Saudi Arabia	— Mr. S.A.R. Hashem
Colombia	— Mr. A. Muñoz Gómez	Singapore	— Mr. M.G. Fernando (Alt.)
Congo	— Mr. R.M. Ondzotto	South Africa	— Mr. M.D.T. Peege
Cuba	— Mrs. M. Crespo Frasquieri	Spain	— Mr. V.M. Aguado
Ecuador	— Mr. I. Arellano	Sweden	— Ms. H. Jansson Saxe
Egypt	— Mr. A. Khedr	Turkey	— Mr. A.R. Çolak
France	— Mr. P. Bertoux	United Arab Emirates	— Mr. M.A.B. Salem (Alt.)
Germany	— Mr. U. Schwierczinski	United Kingdom	— Mr. D.T. Lloyd
India	— Mr. A. Shekhar	United Republic of Tanzania	— Mr. R.W. Bokango
Ireland	— Ms. N. O'Brien	United States	— Mr. T.L. Carter
Italy	— Mr. M.R. Rusconi	Uruguay	— Mr. M. Vidal
Japan	— Mr. S. Matsui		

ALSO PRESENT:

Mr. C. Hurley	— President, ANC
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C. Fernández (Alt.)	— Argentina
Mr. R. Filippi Pecoraro (Alt.)	— Brazil
Mr. D.A. Tavares Taufner (Alt.)	— Brazil
Mr. H. Gonzales (Alt.)	— Brazil
Mr. M.G. Correia Pontes (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. H. Yoshimura (Alt.)	— Japan
Mr. M. Usami (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden
Mr. Ö. Doğrukol (Alt.)	— Turkey
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mr. J.M. Reeves (Alt.)	— United States
Mrs. M.A. González (Alt.)	— Uruguay
Mr. F. de Medina (Alt.)	— Uruguay

*Mr. M. Halidou, Chairperson of the AFI Plan Steering Committee
and Representative of Niger to ICAO*

SECRETARIAT:

Mrs. J. Yan	— C/OSG
*Mr. B. Djibo	— D/ATB
*Mr. S. Creamer	— D/ANB
*Mr. H. Gourджи	— H/SPCP
*Mr. T. Hasegawa	— DD/ECD
*Mr. S. Lefoyer	— DD/ASF
*Mr. N. Rallo	— C/OAS
*Mr. E. Lassoij	— C/PCI
*Mr. S.H. Jun	— TO/IMP/SAF
Miss S. Black	— Précis-writer

Representatives to ICAO

Bolivia (Plurinational State of)

Cyprus

Ghana

Greece

Lebanon

Niger

Paraguay

Peru

Qatar

Senegal

Uganda

Venezuela (Bolivarian Republic of)

Airports Council International (ACI)

European Union (EU)

Welcome

1. On behalf of the Council, the First Vice-President, the Representative of Singapore, Mr. T.C. Ng, who was presiding over the meeting in the absence of the President on mission, extended a warm welcome to Mr. C. Hurley, who was attending the Council for the first time in his new capacity as President of the Air Navigation Commission (ANC).

Safety Week presentation

2. The President of the ANC commenced his PowerPoint presentation (available on the Council's secure website at <https://portal.icao.int/council/Pages/meeting.aspx?session=213>) by elaborating on the ANC reports to be presented for the Council's consideration during the current week relating to: the Secretary General's Progress report on the implementation of the ICAO Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) (C-WP/14731); the update on the Air Navigation (AN) Work Programme; the ANC Work Programme for the 208th Session (C-WP/14732); the Review of the Report of the Twenty-sixth Meeting of the Dangerous Goods Panel (DGP/26) (C-WP/14730); and 16 Annex amendment proposals relating to safety and air navigation capacity and efficiency.

3. After outlining the various steps in the SARPs development process, the President of the ANC presented a matrix table of the specific topics addressed in the said Annex amendment proposals to help capture their inter-relatedness. For each topic there was an indication of the affected Annex or other document (e.g. PANS), and the proposed applicability date (including an indication if the topic contained an embedded applicability date), with a hyperlink to a more detailed reference slide summarizing some key points, such as the anticipated improvements to the Annex or other document, and the expected benefits.

Additional ANC focus areas for 2018: Communications and Implementation

4. The President of the ANC underscored that, based on a comprehensive survey which he had sent to all Commissioners in December 2017, the results of which had been discussed by them in January 2018, the ANC had decided to focus on two additional areas during 2018, namely, communications and implementation. He noted that, as a first step, the ANC had agreed to assign to its First Vice-President, Ms. K. Riensema, the role and responsibility of leading the Commission's efforts to improve communications with internal and external aviation stakeholders, and to its Second Vice-President, Mr. Tai Feng, the role and responsibility of ensuring the delivery of widely implementable SARPs.

5. In highlighting some initial successes achieved with respect to the first focus area, communications, the President of the ANC cited the start of a programme of outreach initiatives with Panels, States and regions, with the goal of improving the feedback loop to the ANC regarding the possible impact of its SARP proposals on aviation stakeholders. He noted, as an example, that the Chairperson of the Working Group of the Whole for Strategic Review and Planning (SRP), Mr. I. Pacheco, had used video-conferencing to lead the SRP's discussions on PIRG and RASG reports with ICAO's African regions the previous week, which marked the first time that the ANC had utilized that technology for those regions. Furthermore, with the First Vice-President's guidance and in close cooperation with ANB, the President of the ANC had recorded a video message on behalf of the Commission which would be delivered at the upcoming ICAO Regional Safety Management Symposium (Lima, Peru, 13-16 March 2018).

6. As an example of the many efforts underway to address the second focus area, implementation, the President of the ANC cited how the Commission's Ad hoc Working Group on Implementation was continuing its close cooperation with the ANB in maturing the Secretariat's Programmes Coordination and Implementation initiative (PCI), with the aim of ensuring, even before embarking on work that would lead to a SARP proposal, that there was a full understanding of the possible impact on States and other aviation stakeholders, and of any implementation challenges ahead.

7. The President of the ANC further noted that his attendance at the Singapore Airshow Aviation Leadership Summit (Singapore, 6-9 February 2018) and subsequent visit to ICAO's Asia and Pacific Regional Office (Bangkok) (APAC) to discuss the SARPs-development process and the implementation challenges faced by many aviation stakeholders had enabled him to learn not only about such implementation challenges but also about success stories, which he had later shared with the ANC. One such success story was the implementation of Required Navigation Performance-Authorization Required (RNP-AR) approaches at the majority of Malaysian airports, which had resulted in significant improvements in capacity at those airports, shorter flight leg times for the airlines, significant fuel savings and reduced emissions. The President of the ANC emphasized that the clear immediate benefits RNP-AR approaches had brought was a timely reminder of why the ANC was aiming to deliver widely implementable SARPs.

8. The President of the ANC also highlighted the ANC technical visit which he had led to the Canadian Forces Base (CFB) Trenton to explore, with search and rescue experts, Canada's preparations of a response to such risks as a major air disaster in the polar regions, and to engage in a series of frank discussions on the possible implementation challenges of ICAO's Global Aeronautical Distress and Safety System (GADSS).

Major change in the communication of SARP amendment applicability dates

9. The President of the ANC noted that currently there were multiple amendments of various Annexes and PANS in different versions, depending on the applicability dates. He underscored that as that posed a challenge for both States and industry, as well as for ICAO, the ANC was now consolidating all versions of the affected Annexes and PANS into single amendment versions by embedding delayed applicability dates so as to enable a better understanding by States and industry and thus facilitate and enhance SARPs implementation. The President of the ANC emphasized that such consolidation would also facilitate ICAO's maintenance of the Annexes and PANs, leading perhaps to a clearer, more effective and efficient SARPs-development process. He recalled that the ANC had successfully done such consolidation in the past. The President of the ANC further indicated that as ICAO continued to strive for improved SARPs implementation, applicability dates might be increasingly pushed further out, which would make the said change in the communication of SARP amendment applicability dates even more relevant.

10. The President of the ANC noted that the Legal Affairs and External Relations Bureau (LEB) had confirmed that the said consolidation process was merely a change to ICAO's editorial and publication practices, and had recommended that, although formal approval thereof was not required, the Secretariat fully coordinate with all aviation stakeholders and clearly communicate that change to them. He remarked that it was due in part to LEB's recommendation that he had included an explanation of the consolidation process in his Safety Week presentation.

11. In elaborating on the editorial changes resulting from the said consolidation process, the President of the ANC underscored that for the SARPs themselves there was only one change: the inclusion of the delayed applicability date at the start of the provision. He cited, as examples: that for new SARPs, the text "As of (applicability date)" would be added; and that for amended SARPs, a sunset

clause would be added, such as “until (date)”, and the text “As of (applicability date)” would be added for the revised provision. Emphasizing that that was the only change in the methodology, the President of the ANC indicated that even the paragraph numbers remained the same, although the new SARPs were identified in italicized paragraph numbers.

12. The President of the ANC highlighted that for the affected Annex amendment proposals being presented for the Council’s adoption during the current week, there was a one-time addition of a paragraph on editorial adjustments where the consolidated versions were listed and the delayed applicability dates were mentioned. Furthermore, there was a one-time addition of a new action paragraph in the executive summaries of the relevant C-WPs, whereby the Council was invited to note the consolidation, with a reference being made to the paragraph on editorial adjustments. The President of the ANC underscored that pursuant to LEB’s recommendation, the Secretariat had created a webpage in the ICAO public website to communicate to States and other aviation stakeholders the editorial changes, as well as to provide the specific topics of the 16 Annex amendment proposals.

Discussion

13. In congratulating the ANC on consolidation of Annex and PANS amendments into single amendment versions, the Representative of South Africa emphasized that it was a great step forward as it significantly enhanced clarity. He indicated his intention to comment on certain Annex amendment proposals when they were tabled for discussion, including C-WP/14714 (Amendment 175 to Annex 1) and C-WP/14715 (Amendment 46 to Annex 2). This was noted.

14. Underscoring that SARPs development was ICAO’s core function, the Representative of Colombia stressed the need for a standard methodology therefor. In commending the ANC’s consolidation process, he reiterated that it had been very difficult for States to implement the multiple amendments of Annexes and PANS. It was noted that the Representative of Colombia would seek clarification regarding certain aspects of the said process after the meeting.

15. In the absence of further comments, the Council noted the detailed information provided by the President of the ANC during his comprehensive Safety Week presentation.

Subject No. 14: Subjects relating to air navigation

Report of the Twentieth Meeting of the AFI Plan Steering Committee

16. The Council considered this subject on the basis of the following oral report by the Chairperson of the AFI Plan Steering Committee, the Representative of Niger to ICAO, Mr. Moussa Halidou, which was accompanied by a PowerPoint presentation (available on the Council’s secure website at <https://portal.icao.int/council/Pages/meeting.aspx?session=213>):

“1. The Twentieth Meeting of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) Steering Committee (AFI Plan SC/20) was held on 7 December 2017 at ICAO Headquarters in Montréal, Canada.

“2. During the Meeting, the Steering Committee reviewed the overall progress made in the implementation of the 2017 Work Programme of the AFI Plan, as well as actions taken on the decisions and recommendations of previous meetings, including the implementation status of the State-specific ICAO Plans of Action. The Committee was also updated on the progress made in the revision of the Abuja Safety Targets, the status of the development of a strategy to strengthen the Regional Safety Oversight Organizations (RSOOs) in the African Region, the implementation status of the AFI Plan projects, the development of the Aviation Training Roadmap for Africa, as well as the implementation of the AFI Plan

evaluation recommendations made by the ICAO Evaluation and Internal Audit Office (EAO), in particular, related to the revision of the AFI Plan Programme document and the Regional Office Safety Team (ROST) terms of reference (TOR). Various presentations were also made by partners on their contributions and programmes within the context of the AFI Plan.

“3. Particular attention was paid to the implementation status of the Abuja Safety Targets and updates received on the key AFI Plan goals for the end of 2017 relating to the attainment of 60 per cent Effective Implementation (EI) by 80 per cent of AFI States; the resolution of all Significant Safety Concerns (SSCs), the certification of 45 per cent of international aerodromes, the implementation of the AFI Plan Projects and the 2017 Work Programme and training activities. The Committee also reviewed the proposed 2018 Work Programme of the Plan and its estimated budget.

“4. With respect to the three key AFI Plan goals targeted for December 2017 (i.e. 60 per cent EI for 80 per cent of the States, zero SSCs and certification of at least 45 per cent of international airports) the progress made is indicated below.

- Twenty-nine States (56 per cent of Universal Safety Oversight Audit Programme (USOAP) audited African States) have attained 60 per cent EI.
- Two SSCs remain unresolved in two States, namely Eritrea and Malawi.
- 24 per cent of international airports in the region have been certified.

“5. As envisaged in the ICAO Plans of Action (which exist for 36 States to date), collaboration is ongoing between ICAO and the African Civil Aviation Commission (AFCAC) AFI Cooperative Inspectorate Scheme (AFI-CIS), RSOOs and the cooperative development of operational safety and continuing airworthiness programmes (COSCAPs), as well as other partners, to provide assistance to African States in addressing safety deficiencies identified through USOAP.

“6. The ROSTs have been active in assisting States in the implementation of their Corrective Action Plans (CAPs) prepared in response to deficiencies identified by USOAP audits. Accordingly, in 2017 ROST missions were conducted in 16 States in the Eastern and Southern African (ESAF) Region and in 17 States in the Western and Central African (WACAF) Region.

“7. The Steering Committee noted with appreciation the high-level contacts made by the Secretary General and President of the Council to urge those States with low levels of EI to prioritize actions for the improvement of their safety oversight systems.

“8. The following decisions and recommendations are the key outcomes of the Twentieth AFI Plan Steering Committee Meeting:

- a) recalling the decision taken at its Nineteenth Meeting to adopt the TOR for the development and implementation of a strategic plan to support and strengthen RSOOs in the region, the Steering Committee requested the AFI Plan Secretariat to finalize the development of a strategic plan document and submit it to its next meeting for approval;
- b) the Steering Committee requested that the AFI Plan Secretariat continue to coordinate and monitor the implementation of the four ongoing AFI Plan projects for aerodrome certification, State Safety Programme (SSP) implementation, air navigation services provider (ANSP) peer review and search and rescue (SAR);
- c) the Steering Committee approved the new proposed Fundamentals of Safety Oversight (FSO) and Accident and Incident Investigation (AIG) Projects presented by the AFI Plan Secretariat and requested the latter to coordinate and monitor their implementation together with the approved ongoing projects;
- d) the Steering Committee endorsed the proposed revised Abuja Safety Targets and AFI air navigation services (ANS) performance indicators and targets and requested

AFCAC and the AFI Plan Secretariat to follow up and monitor their implementation while regularly reporting back on their progress to the Steering Committee;

- e) the Steering Committee approved the proposed amendments to the updated AFI Plan Programme document and the revised ROST TOR;
- f) the Steering Committee thanked the development partners and encouraged them to continue providing support to African States through their implementation assistance activities aimed at improving aviation safety in the region;
- g) the Steering Committee encouraged the Association of African Aviation Training Organizations (AATO) to collaborate with ICAO's Global Aviation Training (GAT) Office and partners for the finalization of the Aviation Training Roadmap for Africa in 2018;
- h) the Steering Committee reviewed and approved the proposed 2018 AFI Plan Work Programme and budget with amendments;
- i) the Steering Committee recommended that the ICAO Council President and the Secretary General continue to engage, at the highest level, especially during visits to States and regional meetings, authorities of States that were not cooperating and/or sufficiently advancing in addressing their aviation safety deficiencies; and
- j) the Steering Committee was briefed on the outcomes of the third ICAO World Aviation Forum (IWAF/3) held in Abuja, Nigeria (20-22 November 2017) and was informed that Niger has offered to host the fifth AFI Aviation Week (Niamey, 16-20 July 2018), including the Twenty-first AFI Plan Steering Committee Meeting, the Seventh AFI SECFAL Plan Steering Committee Meeting and the Seventh AFI DGCA Meeting.

“9. The Council is hereby invited to note the contents of this oral report and endorse the decisions and recommendations of the Twentieth Meeting of the AFI Plan Steering Committee as outlined above.”

Discussion

17. Noting that significant progress had been made, the Representative of the United Republic of Tanzania highlighted: that the number of SSCs had decreased from 20 SSCs in 13 AFI States in July 2012 to 2 SSCs in 2 AFI States (Eritrea and Malawi) as at 31 December 2017 – a great achievement; and that there had not been any fatal accidents for commercial flights in the AFI region for three consecutive years, 2015, 2016 and 2017 – also a very impressive achievement. Observing, however, that approximately 44 per cent of AFI States had not yet reached the AFI Plan goal of EI \geq 60 per cent, he underscored that that was an area where much work remained to be done. The Representative of the United Republic of Tanzania noted that ICAO had already provided much implementation assistance to AFI States to enhance their EI level, and that development partners had also played a major role by providing support through their implementation assistance activities. He emphasized that the establishment of the Council President Certificates to recognize States from each ICAO region which had made significant progress in resolving their safety-related deficiencies and improving the EI of relevant ICAO SARPs had sensitized States and motivated them to make further efforts to enhance their EI level and be awarded such a Certificate. The Representative of the United Republic of Tanzania recalled that several AFI States had already received Council President Certificates, including, in 2017, Burkina Faso, Equatorial Guinea, Rwanda, and his State.

18. The Representative of the United Republic of Tanzania commended the outreach efforts of the President of the Council and the Secretary General, in particular, their engagements with high-level government officials during their visits to States and their attendance at regional meetings, which had substantially increased the political will of AFI States to prioritize aviation in their national development plans given its importance as a catalyst for socio-economic development.

19. In emphasizing that further great achievements were anticipated as AFI States strove to attain the revised Abuja Safety Targets which had been endorsed by the AFI Plan Steering Committee, the Representative of the United Republic of Tanzania highlighted the aim of eliminating the two remaining SSCs in Africa by at least 30 June 2018. Observing that the Steering Committee's oral report made reference to the ICAO Plans of Action developed by AFI States to address their safety-related deficiencies identified through the USOAP CMA, he suggested that future oral reports contain hyperlinks thereto so as to facilitate access.

20. In concluding, the Representative of the United Republic of Tanzania commended the Chairperson of the AFI Plan Steering Committee, the ICAO Secretariat, and the ICAO Regional Directors (ICAORDs), ESAF and WACAF for the good progress achieved.

21. The Representative of South Africa noted, with much satisfaction, that: 56 per cent of audited AFI States had achieved $EI \geq 60$ per cent; only two SSCs remained unresolved in two AFI States, with the aim being to eliminate them by at least 30 June 2018 ; that 24 per cent of international airports in the AFI region had been certified; and that there had not been any fatal accidents for commercial flights in the AFI region for 2015, 2016 and 2017 (cf. slides 3, 5 and 6). In congratulating the dynamic Chairperson of the AFI Plan Steering Committee on the good work done, he wished the AFI Plan long life.

22. The Representative of Cabo Verde underscored that while significant progress had been made in achieving the ambitious AFI Plan goals, some difficulties were still being encountered by AFI States in areas such as the State Safety Programme (SSP) and aerodrome certification and were only gradually being overcome. While noting that an aerodrome certification assistance project was ongoing in 18 AFI States, including Cabo Verde, he urged developed countries and development partners to also provide support in that area. The Representative of Cabo Verde emphasized the importance of continuing to provide instructor training to ensure that there were certified instructors in the AFI region to assist States in meeting their safety-related challenges, improving coordination on the basis of identified priorities, and focusing efforts in order to be more efficient and to achieve the established goals, ideally before the target date. Expressing confidence that AFI States would be able to do so if they all worked together, he appealed to developed countries to continue to support the AFI Plan so that its goals could be achieved.

23. In agreeing on the need for certified instructors for the regional training centres, the Chairperson of the AFI Plan Steering Committee emphasized that there were many development partners which were working with the GAT Office in the framework of TRAINAIR PLUS to provide training courses and workshops in a wide variety of areas in order to build capacity in AFI States. Noting that the Aviation Training Roadmap for Africa being developed by the AATO with the support of the AFI Plan Secretariat and development partners was expected to be finalized later in 2018, he underscored that it would provide any organization seeking to offer aviation training in the African region with an indication of the needs, the capacity, and the competencies of the instructors in place.

24. Welcoming the commitments made by AFI States under the AFI Plan, the Representative of Saudi Arabia voiced support for the decisions and recommendations arising from the Steering Committee's Twentieth Meeting as set forth in paragraph 8 of the oral report.

25. The Representative of Spain noted, with much satisfaction, the progress made in the AFI region through the States' efforts to achieve the AFI Plan's goals, with the support of the development partners. Emphasizing that RSOOs played a crucial role in terms of carrying out safety oversight tasks and functions on behalf of their Member States and thus contributing to the enhancement of EI levels, he enquired whether the envisaged strategic plan to support and strengthen RSOOs referred to in paragraph 8 a) of the oral report would be specifically for the African region or whether it would also be applicable to the other regions. The Representative of Spain stressed, in this regard, that the RSOO concept was of importance worldwide. Turning to paragraph 8 h), he sought clarification regarding the magnitude of the changes to the AFI Plan's 2018 budget and any potential impacts on ICAO's Regular Programme Budget.

26. In confirming that the said strategic plan only applied to RSOOs in the AFI region, the Chairperson of the AFI Plan Steering Committee recalled that the *Forum on Regional Safety Oversight Organizations (RSOOs) for Global Aviation Safety*, co-organized by ICAO and the European Aviation Safety Agency (EASA) (Ezulwini, Swaziland, 22-24 March 2017), had comprised two days of global discussions followed by one day dedicated to the AFI region at the Ministerial level. He noted that in order to develop the said strategic plan an evaluation of the seven RSOOs in Africa would be conducted to determine their relevance, effectiveness, efficiency, sustainability and adaptability.

27. Responding to the query regarding paragraph 8 h), the Chairperson recalled that during the Steering Committee's consideration of the 2018 AFI Plan budget the representative from the GAT Office had indicated that the costs had been underestimated for some of the training courses, in particular, the Government Safety Inspectors (GSI) courses relating to aircraft operations (OPS), airworthiness of aircraft (AIR), personnel licensing (PEL) and aerodrome certification. Consequently, the Steering Committee had adopted the 2018 AFI Plan Budget in principle, subject to the inclusion of the new figures that the GAT Office would provide for the said training courses.

28. The Representative of Egypt expressed appreciation to the Chairperson of the AFI Plan Steering Committee for the progress made in enhancing aviation safety in Africa, as well as to the Secretary General, the Secretariat, ICAORD, ESAF and ICAORD, WACAF, whose ongoing support also contributed thereto. He urged the Secretariat to continue its efforts to assist AFI States, in particular the two States (Eritrea and Malawi) that were striving to resolve their SSCs. The Representative of Egypt also urged all Member States to provide capacity building for those AFI States which had not yet achieved an $EI \geq 60$ per cent, in line with ICAO's *No Country Left Behind* (NCLB) initiative.

29. The Secretary General took this opportunity to thank the Chairperson of the AFI Plan Steering Committee for his strong leadership which had enabled such remarkable achievements to be made under the AFI Plan, building on the work done since 2012. She also thanked the AFI Council Members for their support in enabling the Steering Committee to efficiently perform its tasks relating to the implementation of the AFI Plan. In addition, the Secretary General thanked the donor States and Council Members for their support of the AFI Plan, which enabled the Secretariat to carry out all of its assigned tasks. Emphasizing the importance of continuing to make achievements under the AFI Plan, she stressed the need to further mobilize development partners to address the remaining issues and to sustain and enhance the level of aviation safety in Africa.

30. The Secretary General fully agreed with the Chairperson of the AFI Plan Steering Committee and the Representative of the United Republic of Tanzania that the high-level missions which she and the President of the Council undertook to AFI States and their high-level communications with their government officials were extremely important and effective in gaining the AFI States' political will and commitment to take the actions necessary under the AFI Plan. She thanked the President of the Council for his leadership in that regard. The Secretary General also thanked, last, but not least, the ICAORD, ESAF and ICAORD, WACAF, as well as the Secretariat at Headquarters, for performing their

tasks, which had also enabled such significant progress to be achieved. She recalled that they had already discussed the continuous improvement of the AFI Plan and enhanced coordination between Headquarters and the ESAF and WACAF Regional Offices in order to deliver more efficient and effective assistance to AFI States, particular with regard to capacity building.

31. The comments and suggestions made by Representatives and the clarifications provided were noted.

32. In noting the above oral report by the Chairperson of the AFI Plan Steering Committee on the Committee's deliberations during its Twentieth Meeting, and the supplementary information provided in the accompanying PowerPoint presentation on the progress made in the implementation of the AFI Plan, the Council commended the good work done and encouraged its continuation. The Council then endorsed the decisions and recommendations arising from the Steering Committee's Twentieth Meeting, as set forth in paragraph 8, sub-paragraph a) to j) thereof (cf. paragraph 16 above).

33. It was understood that an oral report on the outcomes of the above-mentioned Twenty-first Meeting of the AFI Plan Steering Committee would be presented to the Council for consideration during its 215th Session in October/November 2018.

Subject No. 14.5: Safety oversight

Progress report on the implementation of the ICAO Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA)

34. This subject was considered on the basis of: information paper C-WP/14731, in which the Secretary General presented a progress report on the implementation of the USOAP CMA, highlighting the milestones achieved, activities conducted and improvements made in 2017, as well as outlining the activities and developments planned for 2018; an accompanying PowerPoint presentation by the Chief, Safety and Air Navigation Oversight Audit Section (C/OAS); and a related oral report by the ANC. Note was taken of an editorial amendment to Appendix A, paragraph 2.2, of the paper.

PowerPoint presentation

35. C/OAS gave a PowerPoint presentation (available on the Council's secure website at <https://portal.icao.int/Council/Pages/home.aspx>) in which he introduced C-WP/14731 and provided clarification regarding some of the terminology used therein so as to enable a better appreciation of the Programme-related tools and methodology developed for States and ICAO. He underscored that after 21 years of existence the USOAP CMA methodology for auditing and monitoring had become a model for other international organizations, including several UN Specialized Agencies.

36. In highlighting the main milestones achieved in 2017 (cf. Section 2 of the paper), C/OAS cited the establishment of the Group of Experts for a Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) Structured Review (GEUSR) following the Council's consideration (210/6) of C-WP/14559 – *Review of Assembly resolutions and decisions – Safety and Air navigation capacity and efficiency*. He noted that the Group comprised 11 Members nominated by Australia, Brazil, Cabo Verde, the Dominican Republic, Egypt, Finland, Singapore (Chairperson), South Africa, Switzerland, the United States and the European Aviation Safety Agency (EASA). The GEUSR's aim was to review the USOAP CMA to identify adjustments thereto with a view of further strengthening it, taking into consideration the evolving safety strategy of ICAO and States'

progress in implementing Annex 19 – *Safety Management*, especially State Safety Programme (SSP) requirements. The GEUSR had held two meetings in 2017 (in April and September), and a third and last meeting in February 2018 to finalize the Group’s recommendations, which would be presented to the Council for consideration during the next (214th) session in June 2018 in a working paper by the Secretary General. An oral report thereon by the ANC would also be presented at that time.

37. C/OAS also cited, among other significant milestones, the following: the continued improvement of the functionality and user experience of the Online Framework (OLF), the main platform for conducting and tracking USOAP CMA activities which fed Programme information to iSTARS; the performance by ICAO of two voluntary, confidential and cost-recovery assessments of SSP implementation at the request of France and China; the postponement of voluntary and non-confidential SSP implementation assessments to the end of 2018 to reflect the fourth edition of the *Safety Management Manual (SMM)* (Doc 9859); ICAO’s continued work on the development of amended USOAP CMA Protocol Questions (PQs) and methodology for SSP implementation assessments; ICAO’s continued implementation of the USOAP CMA designee programme to perform an increasing number of validation activities to respond to States’ growing demand; the increased active participation of qualified ICAO technical officers and technical experts, from both ICAO Headquarters and the Regional Offices, as well as of safety partners, to support continuous monitoring activities, including off-site validation activities, for fully independent validation by OAS experts; in particular, the use of EASA experts for the collection of evidence regarding the resolution of some USOAP CMA findings of EASA Member States, likewise for validation by OAS experts; the issuance of the third edition of the *Safety Oversight Manual* (Doc 9734), Part A – *The Establishment and Management of a State Safety Oversight System*, which introduced updates reflecting the adoption of Amendment 1 to Annex 19, as well as numerous enhancements resulting from the experience gained over 10 years since the last edition and feedback received from USOAP experts, States and other aviation stakeholders; and the successful transition of Monitoring and Oversight (MO) within ANB to the ISO 9001:2015 standard, through its ISO recertification audit in September 2017 with no findings.

38. C/OAS then elaborated on the USOAP CMA activities performed in 2017, including on-site activities [audits, ICAO Coordinated Validation Missions (ICVMs), SSP implementation assessments (voluntary)], off-site activities [validation activities, Mandatory Information Requests (MIRs)], and training activities [training of auditor and subject matter expert (SME) nominees, familiarization training for States employees and workshops], and their impact on the average global EI level of the critical elements (CEs) of a State’s safety oversight system (cf. Section 3 and Appendices A and B). Highlighting that a total of 55 USOAP CMA activities impacting States’ EI levels had been conducted, representing 17 additional activities beyond the original target identified in ANB’s Operating Plan, he emphasized that the increased number was result of the maturity of the USOAP CMA, as well as of the efficiency gained in the Programme’s implementation, with better coordination with the ICAO Regional Offices and better work with safety partners. C/OAS underscored that the said voluntary SSP implementation assessments had not affected the EI levels of the States concerned (France and China).

39. C/OAS highlighted that the audit areas with the lowest level of EI continued to be aircraft accident and incident investigation (AIG) and aerodrome and ground aids (AGA). He underscored, however, that despite the high number of USOAP CMA audits conducted in 2017, the average global EI level had increased from 63.5 per cent at the end of 2016 to 65.03 per cent. C/OAS also highlighted that the CEs with the lowest level of EI continued to be CE-4 (qualified technical personnel) and CE-8 (resolution of safety issues) (cf. Appendix B, Figures B-1 and B-2).

40. C/OAS then outlined the USOAP CMA activities planned for 2018 on the basis of the ongoing collection of data from the OLF and consistent with the criteria outlined in the *Universal Safety Oversight Audit Programme Continuous Monitoring Manual* (Doc 9735). As indicated in Electronic

Bulletin 2018/2 dated 9 January 2018, they included: 14 USOAP CMA audits; 16 ICVMs; 2 regional workshops; and 2 SSP voluntary implementation assessments, the second of which would take place at the end of 2018 and would be historic as it would be the first non-confidential assessment, enabling the report thereon to be shared with all other States and thus contributing to the exchange of best practices for SSP implementation. C/OAS underscored that additional cost-recovery activities might be conducted upon request by States and considering available risk indicators for the States concerned, as well as available ICAO resources. In then elaborating on USOAP CMA improvements planned for 2018, he highlighted the updating of the said Manual to reflect new guidance, processes and procedures, new types of validation activities and the roll-out of the designee programme, as well as the GEUSR recommendations following their envisaged review and endorsement by the Council.

ANC oral report

41. In presenting the Commission's oral report, the President of the ANC indicated that during its review of C-WP/14731 at the Third Meeting of its 207th Session on 25 January 2018, the Commission had acknowledged the work of the Secretariat and States, the positive results of USOAP CMA activities conducted in 2017, and the MO's successful ISO recertification audit and transition to the new ISO Standard 9001:2015, which had required the implementation of a risk-based approach.

42. The ANC had suggested that the National Continuous Monitoring Coordinators (NCMCs) would benefit from improved user interface on the USOAP CMA Online Framework (OLF).

43. With respect to the roll-out of voluntary assessments of SSP implementation under the USOAP CMA, the ANC had discussed the availability of guidance material. The Secretariat had clarified that the guidance would be that contained in the *Safety Management Manual* (Doc 9859), which was complemented by examples and best practices posted on the ICAO Safety Management Implementation (SMI) website.

44. The ANC had also discussed the USOAP CMA designee programme and clarifications had been provided by the Secretariat regarding the qualification and selection process for designees, as well as the integration of the designee programme policies and procedures within the MO Quality Management System.

45. The ANC had highlighted the increased collaboration with the EASA, as a safety partner, in the collection of evidence regarding the resolution of some USOAP findings of EASA Member States. The Commission had requested assurance of the independence of the process and had been advised that the evidence collected was fully validated by OAS experts and that whatever the source of experts, the qualification process of the experts was equivalent. The ANC had also noted that this type of activity was monitored through the MO Quality Management System, for which independence was a key principle.

46. With respect to the States' results, the ANC had noted that C-WP/14731 did not show year-over-year progress and had considered that information on how many States accepted audit findings would be of interest. The Commission had been informed that only 1.5 per cent of audit findings were not accepted. In terms of reporting on the USOAP CMA, the ANC had recalled that each year a report was presented on the previous year's activities and that every Assembly year a comprehensive report with in-depth analysis was presented.

47. The Commission had focused on Critical Elements CE-4 (Qualified technical personnel), CE-7 (Surveillance obligations) and CE-8 (Resolution of safety issues), which had the lowest average EI levels, and had noted the increase in overall average EI between 2016 and 2017. With respect to CE-4, implementation had been limited by availability of resources, especially funding for inspector training.

Regarding CE-8, implementation depended not only on sufficient staff and effective surveillance but also on legal empowerment to ensure resolution of safety issues. Another aspect of CE-8 was the gathering of safety data and information, and incident reporting. The Secretariat had highlighted the slow progress in this area and remarked that there were very few States with effective mandatory reporting systems. The ANC had underscored the need to help States improve on data systems as a priority.

48. With regard to the work of the GEUSR, the ANC had noted that the recommendations made by that independent group would be wholly contained in a C-WP to be presented by the Secretary General, along with information on the resources needed for their implementation. The C-WP would be reviewed by the Commission and, subsequently, an oral report by the President of the ANC would be presented to the Council during the next (214th) Session in June 2018.

49. Following the discussion of C-WP/14731, the Members of the ANC had been encouraged to complete the USOAP CMA familiarization computer-based training (CBT) modules as that would build awareness of the Programme and of the role of States in the USOAP CMA process.

Discussion

50. In expressing his State's appreciation for its June 2017 U SOAP CMA audit, the Representative of Colombia noted that its EI level was, in general, higher than the average EI level for the South American Region (SAM). He underscored that his State's audit findings had helped obtain the necessary political will and financial resources for Colombia to achieve the goal of full implementation of all ICAO safety-related SARPs. It was noted that the Representative of Colombia would seek clarification regarding the acronyms used in the paper after the meeting.

51. Endorsing the ANC's oral report, the Representative of Mexico commended MO for its successful recertification audit and transition to the new ISO Standard 9001:2015, as referred to in paragraph 2 thereof. With regard to paragraph 4, he stressed that it was essential that the guidance material on SSP implementation contained in the *Safety Management Manual* (Doc 9859) be made available to States in a timely manner and in all ICAO official languages. With respect to paragraph 6, the Representative of Mexico underscored that it was also very important for the Secretariat to develop a formal mechanism to ensure: the independence of the collection by safety partners of evidence regarding the resolution of safety-related deficiencies identified during USOAP CMA audits; and the full validation of such evidence by ICAO prior to acceptance. Referring to paragraph 7, he endorsed the ANC's suggested inclusion in future reports of year-over year progress with respect to States' audit results and expressed support for the current practice of submitting, to each Assembly, a comprehensive report on the implementation of the USOAP CMA containing in-depth analysis.

52. The Representative of South Africa recalled from C/OAS' PowerPoint presentation that AIG and AGA continued to be the audit areas with the lowest EI level. Noting that AGA related to runways, and that some aircraft accidents and incidents were the result of runway incursions, poor ground aids, runway grooving, etc., he enquired as to how the AIG and AGA challenges could be addressed. The Representative of South Africa emphasized, in this regard, that the sole objective of an accident or incident investigation was the prevention of a recurrence: its purpose was not to apportion blame or liability (cf. Annex 13, Standard 3.1).

53. Drawing attention to Figure B-2 in Appendix B of the paper, the Representative of Italy averred that although there had been an increase in the average EI level by CE between 2016 and 2017, the efforts made by States had not been sufficient. He underscored that the CEs were the defence tools of a State's safety oversight system and that their level of implementation was a good indicator of the State's safety oversight capabilities. The Representative of Italy fully agreed with the views expressed by the ANC regarding the low level of implementation of CE-4 (qualified technical personnel), CE-7

(surveillance obligations) and CE-8 (resolution of safety), which were all directly linked to safety oversight capabilities. With regard to CE-4, he reiterated that implementation was limited by availability of resources in some Member States, especially funding for inspector training, as had been indicated not only by the ANC but also by some ICAORDs in their annual reports on Regional Offices' activities (cf. C-WP/14704; 213/3). The Representative of Italy affirmed that skilled inspectors were essential to ensuring the robustness of States' safety oversight systems.

54. In also endorsing the ANC's recommendation to include data showing year-over-year progress in future reports, the Representative of Italy emphasized that it would be useful for the Council to have such a quick snapshot of the situation. Comparing the data from the past five years, he noted that the EI level of CE-4 had increased from 44.3 per cent in 2012 to 54 per cent in 2017, which clearly demonstrated that States were working hard to improve the establishment of requirements for technical personnel performing safety oversight functions. The Representative of Italy emphasized, however, that that performance had not been matched for CE-7 and CE-8, whose EI level had remained almost the same during that five-year period. Indicating that it was his understanding that the Secretariat intended to include the issue of Regional Offices' resources in the discussion of the next triennial Regular Programme Budget, he suggested that the Secretariat conduct a study to determine the root causes of the lack of progress in implementing CE-4, CE-7 and CE-8.

55. The Representative of the United Republic of Tanzania congratulated MO for the USOAP CMA's impressive customer satisfaction rate of 94 per cent for the Programme activities conducted in 2017, and for its successful ISO recertification audit, with no findings. In acknowledging the improvements of the functionality and user experience of the OLF, he noted that some of the problems previously faced by States in using that system were due to their lack of effective Internet connections. The Representative of the United Republic of Tanzania also expressed appreciation for the OLF training being offered by ICAO. Underscoring, however, that there were sometimes delays on the part of ICAO in responding to the updated information uploaded by States on the OLF, he enquired as to the action being taken to rectify that situation. In then referring to Appendix B of the paper, the Representative of the United Republic of Tanzania endorsed the comments made by the Representative of South Africa regarding the EI levels of AIG and AGA, as well as the ANC's recommendation that data showing year-over-year progress be included in future reports.

56. The Representative of Australia noted, with great appreciation, the efforts aimed at USOAP CMA standardization referred to in paragraph 4.4 of the paper. In similarly welcoming the commitment to ongoing improvement of the OLF, he underscored that those measures would help to address two of the frustrations that Member States had in their engagement with ICAO and their work with the USOAP CMA, as effectively pointed out by the Representative of the United Republic of Tanzania. In noting paragraph 2.3 of the paper on delays in SSP-implementation assessments due to delays in finalizing the next version of the *Safety Management Manual* (SMM) (Doc 9859) and paragraph 4.2 on the delays in the introduction of SSP-related PQs, the Representative of Australia emphasized that it would be very important that any further delays in the SMM or the PQs caused a proportionate delay in the commencement of the ICAO SSP implementation assessment work so that States would have time to make use of the guidance material and work with the PQs before they were assessed under the USOAP CMA. In indicating that he and the Government of Australia looked forward to the Report of the GEUSR, he noted that the latter was very pleased that ICAO was taking a structured review of the USOAP CMA and considering how that Programme could be further strengthened. They also looked forward to the related ANC oral report and to the Council's discussions so that ICAO could improve the services that it was offering to its Member States as they engaged with that important Programme.

57. The Representative of Saudi Arabia endorsed the ANC's recommendations as contained in its oral report.

58. The Representative of Cuba also expressed support for the ANC's oral report, as well as for the interventions by the Representatives of Mexico and the United Republic of Tanzania relating to improvements to future progress reports, such as the inclusion of comparative data, and most importantly, to the timely issuance, in all ICAO official languages, of the guidance material on SSP implementation contained in the *Safety Management Manual* (Doc 9859).

59. Drawing attention to Figure B-2 in Appendix B of the report and the average EI level of CE-8 (resolution of safety issues) (51 per cent), the Representative of Panama noted that he had been concerned, ever since the launch of the USOAP in January 1999, that the resultant safety findings were not accorded priority by the audited States. Averring that if the latter did not resolve their safety issues as identified under CE-8 then they were unlikely to take the action necessary to address their deficiencies as identified under the other seven CEs, he stressed the need to determine how to enhance audited States' awareness of the extreme importance of resolving all of their identified deficiencies.

60. Responding to the point raised by the Representative of Mexico regarding paragraph 6 of the ANC's oral report, C/OAS underscored that every single piece of evidence of resolution of an identified safety-related deficiency collected for every single PQ by Regional Officers and safety partners was fully validated by OAS experts to ensure that there was no bias. Reiterating that such collection of evidence was monitored through the MO's Quality Management System, he emphasized that it was reviewed constantly for compliance with all the latter's principles, independence being the key one. C/OAS noted that this issue would be addressed in the envisaged Report of the GEUSR.

61. In observing that many questions had been raised regarding the root causes for the lack of progress in implementing certain CEs, C/OAS invited Representatives to consult the *Safety Report* setting forth the USOAP CMA results for 1 January 2013 to 31 December 2015, which contained not only statistical analyses of the data collected by ICAO through Programme activities but also analyses of such root causes based on that safety information. He highlighted that the next report setting from the USOAP CMA results for the three-year period 2016-2018 would be developed and issued in 2019, prior to the 40th Session of the Assembly (A40).

62. Referring to comments made regarding the training of technical personnel performing safety oversight functions, C/OAS emphasized the need to provide not only academic training but also on-the-job-training, which required a longer-term investment.

63. With regard to the question raised by the Representative of the United Republic of Tanzania, C/OAS stressed the need to bear in mind that there were currently some 80 000 findings that had been uploaded on the OLF, and that it was necessary for ICAO to assess the contents of States' CAPs and to assess the progress made in resolving the identified safety-related deficiencies and to validate it, either on-site or off-site. Those activities were governed by a number of indicators which helped in their prioritization. C/OAS also underscored that in some cases there was a communications gap, with the submitting State mistakenly thinking that it had properly completed the process of uploading its findings on the OLF. He noted, in this regard, that there was a significant number of CAPs on the OLF which were in draft mode, which precluded the Secretariat from viewing them and taking any action.

64. Referring to the ANC's recommendation that future USOAP CMA reports show year-over-year progress, C/OAS noted that such comparisons would not reveal much movement as they involved global average EI levels. Underscoring that the Secretariat already published the said Safety Reports, which contained comparative EI data for the previous three-year period, he suggested that Representatives await the next Safety Report, to be issued in 2019.

65. Responding to points raised by the Representatives of Australia and Mexico, C/OAS emphasized that PQs were never rolled out before the related SARPs had become applicable and the necessary guidance material was available in all ICAO official languages. He reiterated that SSP assessments of States which met ICAO criteria established in line with the GASP would only formally commence in 2020, and that prior to that time SSP assessments were only being done on a voluntary basis.

66. The President of the ANC appreciated the expressions of support for the work done by the Secretariat and the Regional Offices to promote the implementation of the USOAP CMA. In noting that some concerns had also been raised, he reiterated that during its upcoming session the ANC would review the GEUSR's recommendations for the evolution and further enhancement of the USOAP CMA and provide its advice to the Council.

67. The Representative of Spain commended the progress report, as well as the excellent presentation by C/OAS. Emphasizing that the USOAP CMA was important not only for aviation safety but also for ICAO's credibility, he stressed the need for it to be effectively implemented. Recalling that the post of D-1 DD/MO had been vacant for several months following the re-assignment of the incumbent to the post of D-1 Head, Strategic Planning, Coordination and Partnerships Office (H/SPCP), he encouraged the Secretary General to fill it as soon as possible in view of the critical and strategic importance of MO-related work, although recognizing that it continued to be carried out by other Members of the Secretariat on a temporary basis. The Representative of Spain enquired as to the reasons for the delay in filling the said post.

68. Referring to paragraph 7 of the ANC's oral report and to the intervention made by the Representative of Italy, among others, the Representative of Spain queried whether a sufficient number of USOAP CMA activities were being carried out and whether there was a sufficient number of qualified professionals to support those activities. He noted, in this regard, that there was a total of 114 qualified USOAP auditors and/or SMEs on the USOAP CMA roster (cf. Appendix A, paragraph 3.1, of the paper).

69. The Secretary General clarified that the delay in filling the vacant post of D-1 DD/MO was due to the fact that it had been necessary to re-advertise it as an insufficient number of qualified candidates had applied in response to the Vacancy Notice when it was first issued. She noted that at its upcoming Third Meeting on 7 March 2018 the HRC would review the applications received in order to ensure that the candidates on the shortlist met the selection criteria contained in the Vacancy Notice. In accordance with Article IV and Annex IV of *The ICAO Service Code* (Doc 7350), and after taking into account the advice offered by the HRC on the shortlisted candidates and obtaining the written approval of the President of the Council, the Secretary General would then appoint her preferred candidate. The Council would be informed accordingly.

70. Responding to the other questions raised by the Representative of Spain, the Director, ANB (D/ANB) indicated that although it was desirable to conduct a greater number of USOAP CMA audit activities, that would require additional resources, either in the form of an increased number of Regular Programme personnel at ICAO Headquarters and/or an increased number of seconded aviation personnel, such as auditors, from Member States. He underscored that although there was a sufficient number of nominees through the auditor training programme, it was necessary for them to complete the final step of on-the-job training on an USOAP CMA audit in order to be qualified, which was difficult given the limited number of full audits conducted under the Programme. D/ANB noted that once they were qualified, they would need to participate in at least one USOAP CAM audit annually in order to remain qualified. The Secretariat therefore considered that the current targeting process was effective and efficient. D/ANB indicated that it would nevertheless be conducting a review thereof to plan for the next budget cycle and to determine whether or not to seek additional resources or to identify another way to creatively resolve current problems. He further noted that while the Secretariat was very interested in

focusing on the timeliness question raised by the Representative of the United Republic of Tanzania and others, it involved using the same limited number of personnel at ICAO Headquarters.

71. The above comments and suggestions made were noted, as were the clarifications provided.

72. The Council noted the information provided in C-WP/14731, as well as the ANC's oral report. It was understood that during the next (214th) Session in June 2018 the Secretary General would present for the Council's consideration a working paper setting forth the recommendations of the independent GEUSR for the evolution and further enhancement of USOAP CMA and providing information on the resources needed for their implementation. An oral report thereon by the ANC would also be presented.

Subject No. 13: Work Programmes of Council and its subsidiary bodies

Update on the Air Navigation (AN) Work Programme

73. The Council considered this subject on the basis of the following joint oral report by the President of the ANC and D/ANB on the evolution of the AN Work Programme, a mechanism for monitoring and driving ICAO's approved work relating to the development of provisions in the safety and air navigation capacity and efficiency fields. It was delivered by means of a PowerPoint presentation, which is available on the Council's secure website at <https://portal.icao.int/council/Pages/meeting.aspx?session=213>).

Oral report by the President of the ANC

74. The President of the ANC commenced the PowerPoint presentation by providing historical background information on the AN Work Programme. In then elaborating on the updates and enhancements made thereto since the last report (210/4), he noted that at the start of 2017 there had been 169 Job cards. During the 204th and 205th ANC Sessions, 19 new Job cards had been approved, and 14 Job cards had been archived (either due to their having been delivered or having been cancelled as a result of being superseded by events). Thus there had been a total of 174 Job cards by the ANC's 206th Session. In highlighting that 46 per cent of those Job Cards had been extended, the President of the ANC indicated that part of the root cause was resources, and part was choice, as the aim was to issue more comprehensive packages of SARPs and related guidance material to States, taking into account a fuller implementation perspective, and using the Secretariat's Programme Coordination and Implementation (PCI) process to better assess the needs of all aviation stakeholders. Noting that the ANC and ANB had been closely monitoring the effect of the said extensions, he underscored that their impact on the AN Work Programme was minimal. The President of the ANC cited, as examples, that despite the extensions there was no change in the previously reported (210/4) expected delivery dates in the timelines of the Global Air Navigation Plan's (GANP's) Block 0 and Block 1 or in the timelines of the Global Aviation Safety Plan (GASP).

75. The President of the ANC emphasized that the ability to monitor and manage the AN Work Programme was enhanced by the database tool, which was continuously adapted to ANC and ANB procedures. Noting that the regular use of that online database had led to the identification of several opportunities for system enhancements, he cited, as an example, exporting information, which was much easier as the database was now able to produce reports in Word or PDF formats. That saved time for the ANC and ANB as it standardized the methodology and tools used for Job card amendment proposals. The President of the ANC further noted that there was also greater efficiency once reports were approved, as they were automatically entered in the database. In addition, existing processes between the

ANC and ANB were being integrated in the database, which not only increased efficiency and reduced duplication but also increased transparency. The President of the ANC cited, as an example, the development by the Secretariat of an Access Database to produce a report for multiple Job cards, which after trials within the ANC had become widely-accepted and had been added as a new feature in the said database tool.

76. The President of the ANC also highlighted the establishment of a link between the AN Work Programme and the ICAO Business Plan, through the Secretariat's Corporate Management and Reporting Tool (CMRT), to avoid the duplication of work and to make the information in the AN Work Programme as accessible as possible, including to decision-makers. He underscored that all of the said efforts for enhanced project management allowed ICAO to improve its implementation support. Emphasizing that the ANC and ANB were working in close collaboration thereon, the President of the ANC indicated that one of the ways being explored to tackle that issue was to introduce a more rigorous project-oriented methodology which detailed the steps from initial SARPs development up until their implementation. He emphasized that if that was successful, then it would enable the further evolution of the current AN Work Programme, from one that was focused on SARPs-development efforts at ICAO Headquarters to one which would incorporate regional work programmes. The President of the ANC reiterated that that would ensure that the AN Work Programme was focused on assisting States with their SARPs implementation efforts. He underscored that some of the ANC's initiatives in that regard were aimed at developing ways to prioritize and rationalize the AN Work Programme, as well as ways to improve the impact assessment and implementation plans for Annex amendment proposals. The President of the ANC noted that that work was being led by the ANC's Second Vice-President (Implementation), Mr. Tai Feng, in close coordination with Mr. I. Pacheco, the Chairperson of the Working Group of the Whole for Strategic Review and Planning (SRP), and the other Members of the ANC.

Oral report by D/ANB

77. Observing that the President of the ANC had already highlighted the Commission's and ANB's joint initiative to improve implementation support through a project-oriented methodology for an implementation-driven AN Work Programme, D/ANB emphasized that the PCI Section had been established in his Bureau to explore ways to enhance their current methodologies and processes to ensure that implementation was taken into account from the very start, even in the ANC's panels. He noted that the PCI was working very closely with the ANC's Ad hoc Working Group on Implementation, which was the formal channel for the said coordinated approach. D/ANB affirmed that the project-oriented methodology was ideal as it allowed for better transparency, increased coordination through a standardized format, and better decision-making. Noting that ANB was not starting from scratch, he indicated that it was working with the ANC to enhance the current Job cards with new fields related to project management. D/ANB underscored that that approach allowed them to leverage the lessons learned from past experiences, and to manage change more easily as the Job card format was familiar to all aviation stakeholders. Furthermore, it would build on the ANC's and ANB's planning so that all the necessary elements for implementation (e.g. guidance material, regional workshops, etc.) would be ready by the time the Council considered and adopted the Annex amendment proposals.

78. D/ANB indicated that the Secretariat was working with the ICAO Regional Offices and the regional groups i.e. the Planning and Implementation Regional Groups (PIRGs) and the Regional Aviation Safety Groups (RASGs) to increase their participation in the development of regional plans for activities related to improvements in safety and air navigation capacity and efficiency. He noted that while the aspirational goal was to merge the PIRGs and the RASGs at some future point, that might not be possible for some of the groups as they had a particular *modus operandi* for the conduct of their meetings and their decision-making which was best suited to the regional specificities that they faced. D/ANB highlighted that the objective was that, from 2020 onwards, the PIRGs and the RASGs would

have a dialogue with ICAO Headquarters and the ANC along four streams of thought, namely, organizational challenges, infrastructure, including the intellectual infrastructure for safety oversight, operational risks for priority actions, and performance measurement, to enable the delivery of reports against metrics that would give a clear picture of each region's performance, not only in terms of its USOAP CMA EI level but also in terms of the performance of the air navigation service providers, inter alia.

79. D/ANB noted that, following the completion of pilot projects to test the said project-oriented methodology on Job cards, training on change management would be given to personnel, including Regional Officers, to enable its full roll-out. The necessary staffing and resource requirements would be incorporated into the ICAO Business Plan so that they could be introduced into the next triennial Regular Programme Budget. D/ANB emphasized that attention would be focused on that project-oriented methodology, with appropriate automation to support personnel not only at ICAO Headquarters but also in the Regional Offices and the regional groups. It was expected that as safety management capacity and safety risk assessment capability was developed in the regions, the regional groups would identify their own challenges and problems and begin to shape their proposed solutions in a way that could be presented to ICAO Headquarters and considered by the ANC without necessarily going through the process that was currently followed, whereby the Panels developed solutions independently. It was considered that the experiences in the States and the regions could be very effectively applied to Annex amendment proposals so that problems could be resolved globally. D/ANB noted that various options were being explored where States had already done intellectual and operational development that could be taken up by ICAO and utilized for a SARPs review.

Thirteenth Air Navigation Conference (AN-Conf/13) (2018)

80. D/ANB recalled the Council's earlier decision to convene AN-Conf/13 at ICAO Headquarters in Montréal from 9-19 October 2018, whose theme was *From development to implementation* (cf. C-WP/14661; 212/5). The Council had agreed that language services would be provided in all six ICAO official languages. In addition, it had noted: the Conference's Agenda as approved by the ANC, which contained five Agenda items (with sub-items) relating to air navigation capacity and efficiency, as well as three Agenda items (with sub-items) relating to aviation safety; the Conference's structure, which would be based on two Committees, the Air Navigation Committee (Committee A) and the Aviation Safety Committee (Committee B), working in parallel during the first week and reporting back to the Plenary at the end of the second week; and the detailed organizational plan for the consideration of Agenda items by the Plenary and the said Committees.

81. D/ANB noted that State letter ST 14/1-17/120 had subsequently been issued on 15 December 2017 inviting attendance at AN-Conf/13. The Conference was open to all Member States, with the target audience being Directors General of Civil Aviation (DGCA) and their SMEs. Attendance by senior officials in a decision-making capacity was desirable as AN-Conf/13 was a forum for detailed technical discussions which were expected to lead to agreement on high-level recommendations in the field of safety and air navigation that would be submitted to the Council for approval and thereafter to the 40th Session of the Assembly (A40) in 2019 for endorsement.

82. D/ANB emphasized that the Conference's theme encompassed not only current SARPs implementation but also the consideration of implementation before the development of new provisions. It also highlighted the importance of considering implementation and operational issues in the development of technologies, operational concepts, and associated roadmaps. The AN-Conf/13 theme emphasized the importance of the operational concepts for global use, the development of implementation plans regionally, and the implementation of performance improvements locally based on specific operational requirements in a cost-effective manner that made sense for States. D/ANB noted that the

work would be packaged into essentially three groupings: the GANP, the GASP, and related changes that were necessary to update the relevant Assembly Resolutions.

83. In outlining the AN-Conf/13 documentation arrangements, D/ANB indicated that for each Agenda item there would be a basic Secretariat working paper providing the historical background of the topic and a definition of the problem to be considered. The working papers would be distributed beginning as at the end of May 2018, as early as practical before the Conference. The submission deadline for States' working papers was 14 August 2018 to allow for their translation and publication in ICAO's six official languages and 14 September 2018 for international organizations' papers, which would be published in the languages received. The ANC was reviewing each of the Secretariat's working papers and providing feedback prior to approval and publication as documentation for AN-Conf/13. D/ANB underscored that a comprehensive presentation on preparations for the Conference would be given to the Council during its upcoming session in June 2018.

84. D/ANB highlighted that, pursuant to the agreement reached during the 39th Session of the Assembly after the approval of the Regular Programme Budget for 2017-2019, seven new Regional Officers, Safety Implementation had been recruited, or were in the process of being recruited, to assist with SARPs implementation. He underscored, however, that the States in the various regions and the Regional Offices themselves considered that it was necessary to have additional support for their evaluation activities related to the ICVMs and the sought-after increases in EI levels. Consequently, a percentage of the said new Regional Officers' time was being devoted to ICVMs and work on States' CAPs, as well as audit work associated with validating the resolution of identified safety-related deficiencies. D/ANB emphasized that while the said Regional Officers were performing both implementation- and validation-related work, it was never in the same State nor in the same place.

Discussion

85. While commending the collaboration and coordination between the ANC and ANB highlighted during the joint oral report (cf. slides 14, 16 and 19), the Representative of South Africa underscored the need to bear in mind Article 54 e), Article 55 b) and Article 57 a) of the Chicago Convention, according to which it was a mandatory function of the Council to establish the ANC and a permissive function of the Council to delegate to the latter duties additional to those set forth in the Convention, and the duty of the ANC to consider and recommend to the Council for adoption modifications of the Annexes. He then suggested an editorial amendment to slide 25, which was noted for appropriate action.

86. The Representative of Saudi Arabia expressed appreciation to the President of the ANC and D/ANB and their respective teams for all of their efforts to strengthen and improve ICAO's future work in the field of safety and air navigation. Recalling that the AN Work Programme covered numerous Annexes to the Chicago Convention, he affirmed that the use of PCI to implement the project-oriented methodology and the involvement of the Regional Offices in the impact assessment of Annex amendment proposals would greatly contribute to the enhancement of SARPs' implementation in the various regions. The Representative of Saudi Arabia emphasized that the Council should support the AN Work Programme and provide it with all of the necessary resources.

87. Note was taken of the detailed information provided by the President of the ANC and D/ANB regarding, inter alia: the updates and enhancements made to the AN Work Programme since the last report (210/4), including improved tracking of high level changes (Job cards), more efficient processes through the evolution and application of tools, and the establishment of a link with the ICAO Business Plan through the CMRT to avoid the duplication of work and make the information in the AN Work Programme as accessible as possible; ANB's next steps and the way forward to further improve

implementation support in close collaboration with the ANC; and administrative arrangements for AN-Conf/13 (2018) (Montréal, 9-19 October 2018), including the processing of papers prepared by the Secretariat, States and international organizations.

88. It was understood that a comprehensive presentation on preparations for AN-Conf/13 would be given during the next (214th) session. Comments made during the discussion were also noted.

ANC Work Programme for the 208th Session

89. Following its review of C-WP/14732, whereby the ANC presented the proposed Work Programme for its 208th Session for approval and its planned items for its 209th and 210th Sessions for information purposes, the Council approved the ANC's Work Programme for its 208th Session as set forth in Appendix A to the paper.

90. Referring to Item No. 20803 (AN-WP/9239) – *Final review of proposed new Volume IV to Annex 16 relating to CORSIA and approval of draft report to Council* in Appendix A, the Representative of Saudi Arabia recalled that the deadline for the submission of comments on the proposed First Edition of Annex 16, Volume IV, transmitted under cover of State letter AN 1/17.14-17.129 dated 5 December 2017, had been extended from 5 March 2018 to 20 April 2018. He stressed the need for the ANC to take into account all replies received from States by that new deadline when conducting its final review of Volume IV. These comments were noted.

Subject No. 15: Subjects relating to air transport

Assistance to passengers in case of airport/airline disruptions

91. This subject was considered on the basis of: C-WP/14697 Revision No. 1 presented by the United Arab Emirates, which proposed the development of guidance material on assistance to passengers in case of airport and airline disruptions; and an oral report thereon by the Air Transport Committee (ATC), which had reviewed the paper at its Second Meeting of the current session on 24 January 2018.

Oral report by the ATC

92. In presenting the ATC's oral report, its Chairperson, the Representative of Saudi Arabia, Mr. S.A.R. Hashem, indicated that the Committee had focused its consideration on the actions proposed in paragraph 6.1 d) and e) of the paper relating to the development of guidance material on assistance to passengers in case of airport and airline disruptions and a report on progress at the next (214th) session.

93. Appreciation had been expressed to the United Arab Emirates for having raised the issue that there were no SARPs, procedures and guidance material to specifically address assistance to passengers in case of airport and airline disruptions. Some Members had supported the development of guidance material on that subject and the establishment of a specific Task Force under the Council or the ATC for that purpose, while other Members had questioned the need for additional guidance and had preferred that the Air Transport Regulation Panel (ATRP) and, if required, the Facilitation Panel (FALP), be tasked with considering the subject from the technical viewpoint.

94. It had been recalled that the ATRP had recommended, at its Fourteenth Meeting (Montréal, 27-29 June 2017), that additional time should be allowed for States and the industry to gain more experience from their regulatory and operational practices before considering amendments to the existing *ICAO Core Principles on Consumer Protection* (cf. AT-WP/2148). In that regard, the Secretariat

had informed the ATC that a database on States' consumer protection rules and regulations was available on the ICAO public website at <https://www.icao.int/sustainability/Pages/ConsumerProtectionRules.aspx>. Clarification was been provided by the United Arab Emirates that the issue of massive disruptions referred to in C-WP/14697 was beyond the scope of consumer protection addressed by the said ICAO Core Principles.

95. There had been a suggestion that the Secretariat should put together States' rules and regulations in a white paper or a compendium, indicating best practices currently undertaken by States. It had also been suggested that the aviation industry organizations such as Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO), and the International Air Transport Association (IATA), as well as the World Tourism Organization (UNWTO) that had been working on the development of the International Convention on the Protection of Tourists and Tourism Service Providers, be consulted to obtain comprehensive views on this subject.

96. Based on the comments made during the discussion, the ATC had recommended to the Council that, as a first step, the Secretariat should compile the information available on the best practices of States, seek the views of the aviation industry organizations and the UNWTO on this subject, and report its findings to the 215th Session instead of to the 214th Session as proposed by C-WP/14697 Revision No. 1.

Discussion

97. In the absence of comments, the Council noted the information provided in C-WP/14697 Revision No. 1, as well as the ATC's oral report. The Council then took the action indicated in paragraphs a) to c) of the executive summary of the paper and in paragraph 6 of the ATC's oral report, and:

- a) noted that airport and airline disruptions which may arise from factors such as extreme weather conditions, natural disasters, mechanical problems, strikes/industrial action, and air traffic congestion may pose major challenges to the global aviation system, including safety and passenger welfare challenges;
- b) noted that with the exception of Chapter 3, Section P, of Annex 9 – *Facilitation* which essentially addressed the subject of temporary entry visas, there were currently no ICAO Recommended Practices, procedures or guidance material on assistance to passengers in case of airport and airline disruptions, although such disruptions often affected stakeholders in more than one State;
- c) noted that the *ICAO Core Principles on Consumer Protection* called on airlines and other stakeholders to have advance planning in place for situations of massive disruptions but that guidance material on assistance to passengers in case of airport and airline disruptions was not presently available; and
- d) as recommended by the ATC, requested that, as a first step, the Secretariat compile the information available on the best practices of States, seek the views of the aviation industry organizations, such as ACI, CANSO and IATA, as well as UNWTO, on this subject, and report its findings to the Council, through the ATC, during the 215th Session in October/November 2018.

Any other business

Subject No. 6.3: Election of Chairmen and Members of subsidiary bodies of the Council

Appointment of a Member on the ANC

98. In the absence of comments by 27 February 2018 to the President of the Council's e-mail dated 21 February 2018, Mr. D. Marshal Freitas, nominated by the Government of Brazil, has been appointed as a Member on the ANC, to succeed Mr. R.H. Godinho, with effect from 23 February 2018.

Subject No. 10: ICAO relations with the United Nations, the Specialized Agencies and other international organizations

Request from ACI to participate as Observer in closed meetings of the Council

99. In the absence of comments by 23 February 2018 to the President of the Council's e-mail dated 19 February 2018, Mr. M. Rossell, Deputy Director General – External Affairs, ACI in Montréal, has been invited, in accordance with Rule 32 a) of the *Rules of Procedure for the Council* (Doc 7559), to participate as Observer on behalf of ACI during the 213th Session of the Council's consideration, in closed session, of items related to aviation safety, security, and environmental protection, as appropriate.

100. The meeting adjourned at 1720 hours.

COUNCIL — 213TH SESSION

SUMMARY MINUTES OF THE FIFTH MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 7 MARCH 2018, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|------------|------------------------------|-----------------------------|-------------------------|
| Algeria | — Mr. A.D. Mesroua | Malaysia | — Mr. K.A. Ismail |
| Argentina | — Mr. G.E. Ainchil | Mexico | — Mr. D. Méndez Mayora |
| Australia | — Mr. S. Lucas | Panama | — Mr. G.S. Oller |
| Brazil | — Mrs. M.G. Valente da Costa | Republic of Korea | — Mr. J. Hur |
| Cabo Verde | — Mr. C. Monteiro | Russian Federation | — Mr. S. Gudkov |
| Canada | — Mr. M. Pagé | Saudi Arabia | — Mr. M.S. Habib (Alt.) |
| China | — Mr. Chunyu Ding (Alt.) | Singapore | — Mr. T.C. Ng |
| Colombia | — Mr. A. Muñoz Gómez | South Africa | — Mr. M.D.T. Peege |
| Congo | — Mr. E. Anguesomo (Alt.) | Spain | — Mr. V.M. Aguado |
| Cuba | — Mrs. M. Crespo Frasquieri | Sweden | — Ms. H. Jansson Saxe |
| Ecuador | — Mr. I. Arellano | Turkey | — Mr. A.R. Çolak |
| Egypt | — Mr. A. Khedr | United Arab Emirates | — Mr. M. Salem (Alt.) |
| France | — Mr. P. Bertoux | United Kingdom | — Mr. D.T. Lloyd |
| Germany | — Mr. U. Schwierczinski | United Republic of Tanzania | — Mr. R.W. Bokango |
| India | — Mr. A. Shekhar | United States | — Mr. T.L. Carter |
| Ireland | — Ms. N. O'Brien | Uruguay | — Mr. M. Vidal |
| Italy | — Mr. M.R. Rusconi | | |
| Japan | — Mr. S. Matsui | | |

ALSO PRESENT:

- | | |
|--------------------------------|----------------------|
| Mr. C. Hurley | — President, ANC |
| Mrs. M.F. Loguzzo (Alt.) | — Argentina |
| Mr. C. Fernández (Alt.) | — Argentina |
| Mr. R. Filippi Pecoraro (Alt.) | — Brazil |
| Mr. D. Tavares Taufner (Alt.) | — Brazil |
| Mr. H. Gonzales (Alt.) | — Brazil |
| Mr. M. Millefert (Alt.) | — France |
| Mr. N. Naoumi (Alt.) | — Germany |
| Mr. F. Nicolai (Alt.) | — Italy |
| Mr. H. Yoshimura (Alt.) | — Japan |
| Mr. M. Usami (Alt.) | — Japan |
| Mr. Y.H. Lim (Alt.) | — Malaysia |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mr. K. Lee (Alt.) | — Republic of Korea |
| Mr. D. Subbotin (Alt.) | — Russian Federation |
| Mr. A. Korsakov (Alt.) | — Russian Federation |
| Mr. S. Vuokila (Alt.) | — Sweden |
| Mr. Ö. Dođrukol (Alt.) | — Turkey |
| Mrs. K.L. Riensema (Alt.) | — United Kingdom |
| Mr. J.M. Reeves (Alt.) | — United States |
| Mrs. M.A. González (Alt.) | — Uruguay |
| Mr. F. de Medina (Alt.) | — Uruguay |

SECRETARIAT:

- | | |
|----------------|-----------------|
| Mrs. J. Yan | — C/OSG |
| Mr. S. Creamer | — D/ANB |
| Mr. Y. Wang | — C/AOI |
| Mr. C. Dalton | — C/AMO |
| Ms. L. Cary | — PM/RPAS |
| Mr. M. Marin | — C/OPS |
| Mr. A. Larcos | — C/ACS |
| Ms. D. Cooper | — Précis-writer |

Representatives to ICAO

Bolivia (Plurinational State of)

Cameroon

Chile

Cyprus

Equatorial Guinea

Greece

Indonesia

Lebanon

Paraguay

Peru

Qatar

Senegal

Venezuela (Bolivarian Republic of)

Airports Council International (ACI)

Civil Air Navigation Services Organization (CANSO)

European Union (EU)

International Coordinating Council of Aerospace Industries Associations (ICCAIA)

International Women's Day 2018

1. The President of the Council delivered the following comments on the occasion of International Women's Day:

“In 2018, rising gender inequalities across the world have become one of the defining challenges of our time. Unless we take action to reverse this trend, it is expected that they will further deepen, stirring social unrest, undermining social progress, and threatening political and economic stability. This could imperil a wide range of United Nations objectives, whether relating to development, human rights, or peace and security. In every instance, socio-economic development will only be sustainable if it is also more equitable. This helps to explain why the United Nations has taken a leading role in fostering coordinated and integrated approaches to combatting gender inequalities and discrimination at the national, regional and global levels.

Specifically, with the implementation of the 2030 Sustainable Development Agenda, the United Nations has mobilized the entire world to intensify commitments to eliminate discrimination and reduce gender inequality, and to advocate for strengthened accountability for related results so that no one is left behind. What is very clear is that current future development achievements will only be sustainable if their benefits accrue equally to both women and men. Furthermore, women's rights will only become a reality if they are part of broader efforts to protect the planet and ensure that all people can live with dignity and respect. The Sustainable Development Agenda's focus on peace, equality and sustainability provides a powerful counter-narrative to the current rise of conflict, exclusion and environmental degradation. Women globally are up against an unprecedented set of challenges in all of these areas, and urgent action is needed to address them.

This year's theme for International Women's Day is: “Time is Now: Rural and Urban Activists Transforming Women's Lives”. Benefitting from the current and unprecedented global momentum for women's rights, equality, safety and justice, this 2018 theme highlights the need to empower women in all settings, and to recognize women's rights so that they can realize their full potential. As we have all taken note of recently, the need to prevent and eradicate sexual harassment, violence and discrimination against women has captured headlines and public discourse, propelling a rising determination for change. People around the world are mobilizing for a future that is more equal, and International Women's Day 2018 is an opportunity for all States and individuals to transform this momentum into action. International Women's Day is also an opportunity for us each to recall our joint responsibility for the promotion and participation of women in global aviation, and the renewed commitment towards gender equality made by ICAO's Member States at the 39th Assembly (Resolution A39-30). Similar to this year's International Women's Day theme, we should all remind ourselves that: “Now is Time for the Global Aviation Community to Take Action”.

2. The President then congratulated the Secretary General and all female Representatives on the Council as well as the women in the Secretariat on the occasion of International Women's Day.

3. In thanking the President for his very kind words, the Secretary General invited all Council Representatives and Secretariat to attend a roundtable discussion at ICAO Headquarters that had been organized in cooperation with ACI, IATA and CANSO in celebration of the day.

Subject No. 14.4.1: International Standards and Recommended Practices**Report of ANC – Adoption of Amendment 175 to Annex 1**

4. The Council considered this item on the basis of ANC report C-WP/14714, which presented a proposal of the Air Navigation Commission for Amendment 175 to Annex 1 — *Personnel Licensing*. The amendment proposal related to the introduction of a regulatory structure for the issuance of remote pilot licenses and the provision of a global framework for the regulation of remotely piloted aircraft systems (RPAS) licensing to support international flights operating under instrument flight rules (IFR); approval and global recognition of approved maintenance organizations (AMOs); and an adjustment to the reference to the World Meteorological Organization (WMO) requirements for the qualifications, competences, education and training of aeronautical meteorological personnel.

5. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2018 and a proposed applicability date of 8 November 2018 would be suitable for Amendment 175 to Annex 1. As part of the proposed amendment, the elements concerning approval and global recognition of approved maintenance organizations (AMOs) would contain an embedded applicability date of 5 November 2020, while those concerning remotely piloted aircraft systems would contain an embedded applicability date of 3 November 2022.

6. In introducing C-WP/14714, the President of the Air Navigation Commission (P/ANC) highlighted the financial implications to States and industry associated with the introduction of the RPAS Standards and Recommended Practices (SARPs) and that significant updates to the *Procedures for Air Navigation Services — Training* (PANS-TRG, Doc 9868) and other guidance material would be completed in good time to support SARPs implementation.

7. Although in agreement with Amendment 175 to Annex 1, the Representative of Brazil proposed that validation of the remote pilot licence should be carried out by the State of Registry rather than the State of the Operator, as indicated in Standard 1.2.1.3 on page C-5, otherwise, she advised that Brazil would file a reservation against the provision.

8. The Programme Manager - RPAS (PM-RPAS) explained that the term “remote pilot” was developed as a different category not subject to Article 8, *Pilotless Aircraft* and Article 32, *Licensing of personnel* of the Chicago Convention; and given the new technologies involved, P/ANC added that this approach was strongly felt to be the best option as the State of the Operator was involved in all aspects of the operations and best positioned to provide licensing oversight for remote pilots. The President of the Council further clarified that the provision allowed the State of the Operator of the RPAS to render valid the remote pilot license by any other Contracting State which in essence was the normal validation process and that perhaps Brazil could address the challenge between the amendment and its national regulations prior to the 2022 applicability date.

9. To a suggestion by the Representative of Panama that Article 83 *bis*, *Transfer of certain functions and duties* might apply in this instance, the President of the Council confirmed it would pertain to the provisions of Annex 6 — *Operation of Aircraft* and Annex 8 — *Airworthiness of Aircraft*.

10. The Representative of Cuba underscored the need for multilingualism and timely publication in all ICAO working languages of guidance material to allow for effective SARPs implementation and given the importance to the *No Country Left Behind* initiative. Echoing support,

P/ANC realized this initiative required the Organization to focus on timely issuance of guidance material to support proper SARPs implementation.

11. In reference to the RPAS impact assessment on page B-1, the Representative of South Africa felt the term “minimum competency” of remote pilots, as described in paragraph 2.1.1 of the safety impact, was compromising and should be reworded. He also queried the use of the term “increase in resources” in paragraph 2.1.2 of the financial impact. He also requested clarification as to why the RPAS provisions were being adopted ahead of those for Annexes 6 and 8.

12. P/ANC explained that the term “minimum competency” for safe operations of RPAS was to ensure specific job functions could be performed without the need for prescriptive requirements, and that the increase in resources highlighted the necessity of States to start developing national licensing regulations and training while the airworthiness and operations SARPs continued to mature. PM-RPAS added that the original intent of a single package of Annex 1, 6 and 8 SARPs would have been delayed many years and it was thought to be more beneficial to bring forward the licensing and training requirements to support national operations while the airworthiness and operations provisions to support international operations continued to be developed.

13. To a further query by the Representative of South Africa on the rationale for the element of the amendment regarding aeronautical meteorological personnel, the Director of the Air Navigation Bureau (D/ANB) explained it was consequential to proposed Amendment 78 to Annex 3 — *Meteorological Service for International Air Navigation*.

14. Following consideration, the Council, by 34 votes in favour, none against and no abstentions (two Representatives being absent):

- a) adopted, as Amendment 175 to Annex 1, the amendments to definitions and to Standards and Recommended Practices as contained in Appendix C to C-WP/14714;
- b) approved, as part of the said amendment, the amendment to the notes and attachments as contained in that Appendix C to C-WP/14714;
- c) approved the Resolution of Adoption in Appendix D to C-WP/14714; and
- d) approved, as part of the said amendment, the amendment to the Foreword of Annex 1, as contained in Appendix E to C-WP/14714.

15. In relation to the general issue of multilingualism vis-à-vis Annex amendments, the Council reaffirmed the need to ensure the timely issuance of SARPs and related guidance material in all languages so as to facilitate Member States in their implementation efforts, especially in the context of the *No Country Left Behind* initiative.

Subject No. 14.4.1: International Standards and Recommended Practices

Report of ANC – Adoption of Amendment 46 to Annex 2

16. The Council considered this item on the basis of ANC report C-WP/14715, which presented a proposal of the Air Navigation Commission for Amendment 46 to Annex 2 — *Rules of the Air*. The amendment concerned consequential amendments as a result of the proposed provisions for Annex 1 — *Personnel Licensing* introducing a regulatory structure for the issuance of remote pilot licences and the provision of a global framework for the regulatory structure for the issuance of remote

pilot licences and the provision of a global framework for the regulation of remotely piloted aircraft systems (RPAS) licensing to support international flights operating under instrument flight rules; and restructuring of the *Procedures for Air Navigation Services — Aircraft Operations Volume I — Flight Procedures* (PANS-OPS, Doc 8168).

17. It was noted that having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2018 and a proposed applicability date of 8 November 2018 would be suitable for the implementation of these provisions.

18. In his introduction of C-WP/14715, P/ANC pointed out an editorial amendment on page C-3, in Appendix 4, Section 2, Note 2 to delete “and licensing” in the second line.

19. Following consideration, the Council, by 34 votes in favour, none against and no abstentions (two Representatives being absent):

- a) adopted, as Amendment 46 to Annex 2, the amendment to definitions and an appendix as contained in Appendix C to C-WP/14715 and as amended;
- b) approved, as part of the said amendment, the amendment to Notes as contained in Appendix C to C-WP/14715;
- c) approved the Resolution of Adoption in Appendix D to C-WP/14715; and
- d) approved, as part of the said amendment, the amendment to the Foreword of Annex 2, as contained in Appendix E to C-WP/14715.

Subject No. 14.4.1: International Standards and Recommended Practices

Report of ANC – Adoption of Amendment 78 to Annex 3

20. The Council considered this item on the basis of ANC report C-WP/14716, which presented a proposal of the Air Navigation Commission for Amendment 78 to Annex 3 — *Meteorological Service for International Air Navigation*. The amendment proposal concerned the introduction of space weather advisory information services, improvement of the provision of SIGMET information by meteorological watch offices, information on the release of radioactive material into the atmosphere, SIGMET and AIRMET information, modification of IWXXM representations of information, aeronautical meteorological personnel qualification and competency, education and training; and a consequential amendment concerning change of references related to the provision of aeronautical information service.

21. It was noted that having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2018 and a proposed applicability date of 8 November 2018 would be suitable for Amendment 78 to Annex 3, except for the provisions concerning modification of IWXXM representations of information and information on the release of radioactive material into the atmosphere, in which case the proposed applicability date would be 7 November 2019, and the provision concerning IWXXM as a Standard, in which the proposed applicability date would be 5 November 2020.

22. In his introduction of C-WP/14716, P/ANC underscored the significant costs to States in the establishment and subsequent provision of space weather information services and pointed out that

those SARPs would be supported by the *Manual on Space Weather Information* (Doc 10100). He also drew attention to the WMO audits of potential space weather information service providers to be completed by March and reviewed by the Meteorology Panel (METP) with subsequent recommendations made to the ANC. It was expected that the ANC would present a proposal to the Council on the selection of space weather information service providers during its 215th Session.

23. In response to a concern by the Representative of the United Republic of Tanzania that the guidance material would only be available one month prior to the applicability date of the amendment, P/ANC explained that collaboration with industry providers was required to complete the guidance material and it would be distributed to States as soon as possible. The Chief, Airport Operations and Infrastructure (C/AOI) further clarified that as the manual would include the space weather information service providers, it could only be published after the Council's decision.

24. To a query by the Representatives of South Africa and the United Republic of Tanzania regarding the apparently cumbersome acronym IWXXM, P/ANC indicated that "I" meant ICAO, "WX" meant weather and "XM" meant exchange model. Additionally, C/AOI further explained it was a well-known meteorological acronym and widely understood by industry professionals since it related to the meteorological information exchange model in a digital format.

25. In highlighting the need to holistically review the many emerging challenges faced by the MET services such as RPAS operations, commercial space and high altitude operations, the Representative of South Africa sought clarity on the relationship between the MET services and Civil Aviation Authorities (CAAs). C/AOI explained that the MET authority provided both public and aviation MET services within a State and that those CAAs that had separate MET services were audited by the World Meteorological Organization (WMO). D/ANB added that in conjunction with the quality management system (QMS) oversight of State weather service providers carried out by WMO, an assessment of the protocol questions related to weather services could be considered as future work on the subject. The President of the Council further highlighted that regardless as to whether the provision of MET services was in a different structure, oversight for Annex 3 aeronautical meteorology requirements was always the responsibility of the relevant CAA.

26. In reply to a question by the Representative of South Africa on the scheduling of the proposed amendment to Annex 15 — *Aeronautical Information* and new *Procedures for Air Navigation Services —Aeronautical Information Management* (Doc 10066), C/AOI indicated that the Annex 15 amendment would be presented to Council in the Friday meeting (C213/6 of 9 March 2018 refers) and the PANS-AIM would be submitted for approval by the Council via correspondence in the spring.

27. Following consideration, the Council, by 34 votes in favour, none against and no abstentions (two Representatives being absent):

- a) adopted, as Amendment 78 to Annex 3, the amendment to definitions and to Standards and Recommended Practices as contained in Appendix C to C-WP/14716;
- b) approved, as part of the said amendment, the amendment to notes and attachments as contained in Appendix C to C-WP/14716;
- c) approved the Resolution of Adoption in Appendix D to C-WP/14716;
- d) approved as part of the said amendment, the amendment to the Foreword of Annex 3, as contained in Appendix E to C-WP/14716; and

- e) noted the incorporation of Amendment 77-B with proposed Amendment 78 in a new, consolidated edition of Annex 3 as described in paragraph 5.1 of C-WP/14716.

28. In relation to the issue of coverage of meteorological services within each country, it was noted that while the World Meteorological Organization (WMO) provides an oversight of the weather service providers in States, it is the Civil Aviation Authority (CAA) that should provide the necessary oversight for aeronautical meteorological services.

29. The Council also noted that in order to provide States with a comprehensive edition of Annex 3, Amendment 77-B (adopted by the Council on 22 February 2016 and applicable on 5 November 2020) would be consolidated with the proposed Amendment 78 in a new edition of the Annex. In so doing, the provision of Amendment 77-B would be adjusted editorially to feature the 2019 and 2020 applicability dates at the beginning of each affected provision.

Subject No. 14.4.1: International Standards and Recommended Practices

Report of ANC – Adoption of Amendment 43 to Annex 6, Part I

30. The Council considered this item on the basis of ANC report C-WP/14718, which presented a proposal of the Air Navigation Commission for Amendment 43 to Annex 6 — *Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes*. The amendment proposal concerned guidance on rescue and fire-fighting services; airborne image recorder recordings including a cockpit voice recorder (CVR) and AIR erase function, flight data recorder parameter lists and the simplification of flight recorder SARPs; security of the flight crew compartment; approval and global recognition of approved maintenance organizations (AMOs) and the introduction of provisions linked to electronic aircraft maintenance records (EAMR) framework; harmonization and alignment of fatigue management SARPs; a consequential amendment as a result of the review and proposed restructuring of Annex 15 — *Aeronautical Information Services* and the proposed new PANS-AIM (Doc 10066); and restructuring of the *Procedures for Air Navigation Services — Aircraft Operations, Volume I — Flight Procedures* (Doc 8168).

31. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2018 and a proposed applicability date of 8 November 2018 would be suitable for Amendment 43 to Annex 6, Part I. As part of the proposed Amendment 43, the elements concerning approval and global recognition of AMOs and the introduction of the EAMR framework would contain an embedded applicability date of 5 November 2020, while those elements concerning flight data recorder parameter lists, CVR and AIR erase functions and flight crew machine interface recordings would contain an embedded applicability date of 1 January 2023.

32. In introducing C-WP/14718, P/ANC highlighted the proposed amendment regarding the reinforced flight crew compartment door did not pose a significant security risk to aviation as it attempted to balance safety and security. As well, he indicated that the reference to airborne image recording had proven to be problematic as it implied a specific technology and that in keeping with performance-based SARPs and following State consultation, the provision now referred to flight crew machine interface recordings.

33. C/OPS clarified that the flight crew machine interface dealt with the recording of the movement of the switch rather than the physical touching of the switch and on this point, P/ANC highlighted the importance to accident investigators of capturing what was displayed on the screens.

34. The Representative of Spain voiced support for the provisions regarding flight crew machine interface recordings. At the same time however, he felt that the small decrease in security and safety regarding the proposal for reinforced cockpit doors did not follow the normal practice of enhancing international standards. Additionally, he felt the proposal to introduce an erase function should be more performance-oriented and sought clarification that this function would not compromise the data which was essential should there be an incident or accident.

35. In response, P/ANC explained that given the interface between security and safety, the benefits of the proposal related to reinforced cockpit doors, outweighed the potential security risk. Chief, Operational Safety (C/OPS) added that the security measures for passengers on business aircraft were more stringent than commercial air transport and consequently would mitigate the additional risk of the increase maximum certificated take-off mass (MCTOM) from 45 500 kg to 54 500 kg.

36. To the Representative of Spain's comments on the proposed erase function provision vis-à-vis the cockpit voice recorders (CVRs) and airborne image recorders (AIRs), P/ANC indicated it could not be activated in flight and that in the event of an inadvertent erasure, it would still be possible for accident investigation authorities to access the recordings.

37. Referring to Appendix B, paragraph 1.1 b) on the element of Amendment 43 to Annex 6, Part I regarding the flight crew machine interface, the Representative of South Africa queried its meaning; and in subparagraph d) he queried whether the type of fatigue management SARPs was meant to refer to flight and duty for crew. C/OPS responded that proposals in Annex 6, Part I did not change the intent of the current provisions and only provided updates as result of the introduction of fatigue management provisions in Annex 11 — *Air Traffic Services* and Annex 6, Part III — *International Operations — Helicopters*.

38. The Representative of South Africa remarked that perhaps the term “small security decrease” regarding the impact assessment of the flight crew compartment door, presented on page B-3, paragraph 2.3.3, should be reworded as the safety and security of passengers was non-negotiable and recalling that the International Federation of Air Line Pilots' Associations (IFALPA) had indicated disagreement with the proposed amendment, he requested clarification of that organization's response to consultation State letter AN 11/1.1.32-17/66.

39. The President of the Council also queried whether Standard 13.2.2 b), as presented on page C-18, would cause any implementation and oversight issues as many commercial regional operations fell into this category. P/ANC responded that the provision would not present implementation difficulties for States and reconfiguration rarely occurred in business aircraft. Rather, the capacity had to do with the certification standard for the aircraft and C/OPS added that the regulatory impact to implement the new provision was not very complex as the certified seating capacity of the aircraft governed the provision.

40. In response to the intervention from South Africa, C/OPS further explained that the disagreement to 13.2.2 b) from 17 States and IFALPA arose because the consultation State letter did not clearly explain the minimum security impact of the proposed amendment and the ANC, during its final review of the amendment proposal, requested the Secretariat to provide additional information in the Council working paper to address the balance between safety and security. IFALPA was concerned that the provision regarding the reinforced cockpit door should apply to all aircraft not just passenger-carrying aircraft which was beyond the remit of the proposal as the original Standard only addressed reinforced cockpit doors for passenger carrying aircraft.

41. Following consideration, the Council, by 34 votes in favour, none against and no abstentions (two Representatives being absent):

- a) adopted, as Amendment 43 to Annex 6, Part I, the amendments to definitions and to Standards and Recommended Practices as contained in Appendix C to C-WP/14718;
- b) approved, as part of the said amendment, the amendment to Notes and attachments as contained in Appendix C to C-WP/14718;
- c) approved the Resolution of Adoption in Appendix D to the C-WP/14718;
- d) approved, as part of the said amendment, the amendment to the Foreword of Annex 6, Part I as contained in Appendix E to C-WP/14718; and
- e) noted the incorporation of Amendment 40-B, 40-C and 42 with proposed Amendment 43 in a new, consolidated edition of Annex 6, Part I as described in paragraph 5.2 to C-WP/14718.

42. In relation to the supporting documentation published by the European Organization for Civil Aviation Equipment (EUROCAE), the Council welcomed the fact that some of these were being provided to ICAO Member States at no cost. In this connection, the Secretariat was requested to monitor the effectiveness of this arrangement with a view to ascertaining whether such an arrangement could be applied to other standards-making bodies as well. It was also noted that a Memorandum of Understanding (MoU) between ICAO and EUROCAE was currently under development.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of the ANC – Adoption of Amendment 36 to Annex 6, Part II

43. The Council considered this item on the basis of ANC report C-WP/14719, which presented a proposal of the Air Navigation Commission (ANC) for Amendment 36 to Annex 6 — *Operation of Aircraft, Part II — International General Aviation — Aeroplanes*. The amendment proposal concerned cockpit voice recorder (CVR) and airborne image recorder (AIR) erase function, flight data recorder parameter lists and the simplification of flight recorder SARPs; approval and global recognition of approved maintenance organizations (AMOs) and the introduction of provisions linked to electronic aircraft maintenance records (EAMR) framework; and a consequential amendment as a result of the restructuring of the *Procedures for Air Navigation Services — Aircraft Operations, Volume I — Flight Procedures* (Doc 8168).

44. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2018 and a proposed applicability date of 8 November 2018 would be suitable for Amendment 36 to Annex 6, Part II. As part of the proposed Amendment 36, the elements concerning approval and global recognition of AMOs and the introduction of the EAMR framework would contain an embedded applicability date of 5 November 2020, while those elements concerning flight data recorder parameter lists, and CVR and AIR erase functions, would contain an embedded applicability date of 1 January 2023.

45. Following consideration, the Council, by 33 votes in favour, none against and no abstentions (three Representatives being absent):

- a) adopted, as Amendment 36 to Annex 6, Part II, the amendments to definitions and to Standards and Recommended Practices as contained in Appendix C to C-WP/14719;
- b) approved, as part of the said amendment, the amendment to Notes and attachments as contained in Appendix C to C-WP/14719;
- c) approved the Resolution of Adoption in Appendix D to C-WP/14719;
- d) approved, as part of the said amendment, the amendment to the Foreword of Annex 6, Part II, as contained in Appendix E to C-WP/14719; and
- e) noted the incorporation of Amendments 34-B and 34-C with proposed Amendment 36 in a new, consolidated edition of Annex 6, Part II as described in paragraph 5.2 of C-WP/14719.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of the ANC – Adoption of Amendment 22 to Annex 6, Part III

46. The Council considered this item on the basis of ANC report C-WP/14720, which presented a proposal of the Air Navigation Commission (ANC) for Amendment 22 to Annex 6 — *Operation of Aircraft, Part III — International Operations — Helicopters*. The amendment proposal concerned helicopter refuelling; cockpit voice recorder (CVR) and airborne image recorder (AIR) erase function, flight data recorder parameter lists and the simplification of flight recorder Standards and Recommended Practices (SARPs); approval and global recognition of approved maintenance organizations (AMOs) and the introduction of provisions linked to electronic aircraft maintenance records (EAMR) framework; harmonization and alignment of fatigue management SARPs; and consequential amendments as a result of the restructuring of the *Procedures for Air Navigation Services — Aircraft Operations, Volume I — Flight Procedures* (Doc 8168).

47. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2018 and a proposed applicability date of 8 November 2018 would be suitable for Amendment 22 to Annex 6, Part III. As part of the proposed Amendment 22, the elements concerning approval and global recognition of AMOs and the introduction of the EAMR framework would contain an embedded applicability date of 5 November 2020, while those elements concerning flight data recorder parameter lists, and CVR and AIR erase functions, would contain an embedded applicability date of 1 January 2023.

48. Following consideration, the Council by 33 votes in favour, none against and no abstentions (three Representatives being absent):

- a) adopted, as Amendment 22 to Annex 6, Part III, the amendments to definitions and to Standards and Recommended Practices as contained in Appendix C to C-WP/14720;
- b) approved, as part of the said amendment, the amendment to Notes and attachments as contained in Appendix C to C-WP/14720;
- c) approved the Resolution of Adoption in Appendix D to C-WP/14720;
- d) approved, as part of the said amendment, the amendment to the Foreword of Annex 6, Part III, as contained in Appendix E to C-WP/14720; and

- e) noted the incorporation of Amendment 20-B with proposed Amendment 22 in a new, consolidated edition of Annex 6, Part III as described in paragraph 5.1 of C-WP/14720.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of the ANC – Adoption of Amendment 106 to Annex 8

49. The Council considered this item on the basis of ANC report C-WP/14721, which presented a proposal of the Air Navigation Commission for Amendment 106 to Annex 8 — *Airworthiness of Aircraft*. The amendment concerned global recognition of approved maintenance organizations (AMOs); design Standards; continuing airworthiness provisions; halon replacement; and electronic aircraft maintenance records.

50. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2018 and a proposed applicability date of 8 November 2018 would be suitable for Amendment 106 to Annex 8.

51. In his introduction of C-WP14721, P/ANC pointed out an editorial amendment on page C-3, Table of Contents, in the title of Part VA to replace “[D] + 3 years – 1 day” by “but before [D] + 3 years” and also in the title of Part VA on page C-17.

52. To a question raised by the Representative of South Africa on the type of training required for implementation of the Annex 8 provisions, C/OPS explained that in this regard either traditional or competency-based training could be carried out by a State.

53. In reference to paragraph 5.1 on page A-3, the President of the Council queried when the next amendment cycle of Universal Safety Oversight Audit Programme (USOAP) protocol questions (PQs) would be undertaken considering the applicability date of the amendment proposal was 2018. In response, D/ANB indicated that they were periodically updated and that presently an expert group was reviewing the questions and would provide advice on required amendments. Even so, the President of the Council underscored the importance of harmonizing the applicability dates with the PQs that would be disseminated to States as well as the guidance material.

54. Following consideration, the Council by 34 votes in favour, none against and no abstentions (two Representatives being absent):

- a) adopted, as Amendment 106 to Annex 8, the amendments to Standards and Recommended Practices as contained in Appendix C to C-WP/14721 and as amended;
- b) approved, as part of the said amendment, the amendment to Notes as contained in Appendix C to C-WP/14721;
- c) approved the Resolution of Adoption in Appendix D to C-WP/14721;
- d) approved, as part of the said amendment, the amendment to the Foreword of Annex 8 as contained in Appendix E to C-WP/14721; and
- e) noted the incorporation of Amendment 105-B with proposed Amendment 106 in a new, consolidated edition of Annex 8 as described in paragraph 5.1 of C-WP/14721.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of the ANC – Adoption of Amendment 91 to Annex 10, Volume I

55. The Council considered this item on the basis of ANC report C-WP/14722, which presented a proposal of the Air Navigation Commission for Amendment 91 to Annex 10 — *Aeronautical Telecommunications, Volume I — Radio Navigation Aids*. The amendment proposal concerned the global navigation satellite system (GNSS) and the instrument landing system; ground-based augmentation system (GBAS), satellite-based augmentation system (SBAS) and the strategy for introduction and application of non-visual aids to approach and landing; and a consequential amendment concerning change of references as a result of the review and proposed restructuring of Annex 15 and the proposed new PANS-AIM (Doc 10066).

56. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2018 and a proposed applicability date of 8 November 2018 would be suitable for the implementation of these provisions.

57. During his introduction of C-WP/14722, P/ANC highlighted the significant financial implications that were associated with the amendment proposal regarding the enhancement of the ground-based augmentation system. At the same time however, he reiterated that implementation of the proposal was voluntary and would be driven by specific cost/benefit considerations that applied to individual States.

58. Following consideration, the Council by 34 votes in favour, none against and no abstentions (two Representatives being absent):

- a) adopted, as Amendment 91 to Annex 10, Volume I, the amendments to Standards and Recommended Practices as contained in Appendix C to C-WP/14722;
- b) approved, as part of the said amendment, the amendment to Notes and Attachments as contained in Appendix C to C-WP/14722;
- c) approved the Resolution of Adoption in Appendix D to C-WP/14722; and
- d) approved, as part of the said amendment, the amendment to the Foreword of Annex 10, Volume I as contained in Appendix E to C-WP/14722.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of the ANC – Adoption of Amendment 91 to Annex 10, Volume II

59. The Council commenced consideration of this item on the basis of ANC report C-WP/14723, which presented a proposal of the Air Navigation Commission for Amendment 91 to Annex 10 — *Aeronautical Telecommunications, Volume II — Communication Procedures including those with PANS status*. The amendment proposal concerned pronunciation of numbers and a consequential amendment related to changes of references as a result of the proposed restructuring of Annex 15 and the proposed new PANS-AIM (Doc 10066).

60. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of

July 2018 and a proposed applicability date of 8 November 2018 would be suitable for the implementation of these provisions.

61. In his introduction of C-W/14723, P/ANC highlighted that the amendment included new phraseologies to avoid the potential confusion generated by the repetition of “zeros” in specific circumstances and that words were used as aviation codes. He pointed out that during the final review of the amendment the issue of how “1 000” might be expressed in the Spanish language arose even though consultation State letter AN 7/63.1.1-17/23 had not included any reference to this. Nevertheless, the ANC had agreed that the comments by Cuba regarding this specific issue should be referred to the next meeting of the CAR/SAM Regional Planning and Implementation Group (GREPECAS), which was due to take place from 9 to 14 April 2018. In this connection, the latter would hopefully provide the opportunity for States to find consensus on the matter even though this issue did not impact the amendment proposal per se. P/ANC also pointed out an editorial correction in the references on page 2 of the covering paper to amend “AN-WP/9055” to read “AN-WP/9155”.

62. The Representative of Cuba thanked the Commission and the Air Navigation Bureau for their efforts to improve communication and implementation processes and acknowledged that the format for the presentation of amendments to the Annexes of facilitation and security used at the previous Council meeting on Monday (C213/4 refers) is different to the one used by the Safety Annexes, which she could verify in the contact held with the P/ANC and VP/ANC. She also highlighted the need for transparency in the Standards-making process and asked how States that are not represented at ICAO headquarters are aware of the responses to the comments they made to the proposed amendments. It was important that Council had information on the outcomes of the consultation process, to be able to assess comments received and have a clear understanding of the proposed amendments. As well, more quality control was required in the Air Navigation Commission and Council working papers especially in the references material listed in C-WP/14714.

63. The Representative of Cuba further underscored the utmost importance of correct phraseology to aviation. Although the amendment attempted to prevent any possible confusion in the repetition of “zeros”, Cuba agreed with Spain and the International Federation of Air Traffic Controllers’ Associations (IFATCA) that the term “uno mil” was never used in the Spanish language and therefore preferred that this amendment be postponed to allow for further consultation with States and also given that the participants to the GREPECAS meeting did not necessarily have the technical expertise to address this issue.

64. In response to the intervention from the Representative of Cuba, D/ANB explained that the Secretariat did not directly reply to States regarding their replies to consultation State letters, in which this specific issue had been raised. Incoming responses from Member States were categorized by the Secretariat and addressed in the AN working paper and subsequently evaluated by the Commission. Any changes integrated into the draft report to Council were reviewed by the Commission prior to presentation to the Council for adoption after which the State letter on the adoption of the Annex amendment was dispatched.

65. The Representative of Spain voiced support for the comments by the Representative of Cuba regarding transparency in the States consultation process which should be applied to other activities within the Organization. He also took the opportunity to note the need for improved quality control in Secretariat working papers. As to the question of whether specific Spanish language issues should be addressed by GREPECAS, the Representative of Spain pointed out that not all Spanish-speaking countries were members of that regional group. The Representative cited his own country of Spain as being a prime example of such a Member State that was not part of the GREPECAS process. The Representative also observed that participants to those meetings were in any case not necessarily experts in phraseology. He therefore preferred that consultations be undertaken directly with all Spanish-speaking States and that the Secretariat develop a new proposal based on comments received as a result of any such consultation process.

66. Likewise, the Representative of Colombia expressed support for the comments by the Representative of Cuba and suggested more participation by State experts in the Annex amendment process could be achieved through electronic or virtual meetings. It was also important to have the necessary guidance material in hand for implementation purposes and adequate resources were required by the Secretariat to properly maintain the standards development process. He concurred with the proposal by P/ANC to refer to the issue of the Spanish phraseology to GREPECAS but the Representative took note of the preceding intervention from Spain and suggested that to other Spanish speaking States, such as Equatorial Guinea and Spain, be invited to the GREPECAS discussions.

67. The Representatives of Argentina, Brazil and Uruguay also supported the concerns raised by the Representative of Cuba as the phraseology could create problems in understanding and warranted further study and careful analysis.

68. Understanding the points raised by the Representative of Cuba, the Representative of Mexico suggested a compromise solution; that the amendment be adopted by the Council at this meeting while at the same time, further consultation be undertaken to resolve the specific Spanish phraseology issue.

69. The President of the Council, as an alternative compromise, suggested that the State letter on notification of adoption of the amendment draw attention to the need to resolve the Spanish language issue and that USOAP protocol questions bear this issue in mind pending its resolution. In the meantime, the Spanish-speaking Council Representatives and ANC Members, together with the Secretariat, would try to arrive at a solution to the problem either through a virtual consultation with Spanish-speaking States or through the support of GREPECAS. Once resolved, the consequential amendment to the Spanish text of the amendment could be presented to the Council for approval in its 215th Session.

70. To the concerns raised by the Representative of Cuba on the impact the delay in reviewing the outstanding amendment proposal would have on the work of the Secretariat, the President of the Council proposed Amendment 91 to Annex 10, Volume II be adopted and that the issue of the Spanish phraseology be resolved separately. D/ANB felt this would permit the introduction of the safety-related provisions and the accelerated process to resolve the language issue prior to the notification of adoption of the amendment would allow for continued planning by States even though the updated provision may be only published in early 2019.

71. The Representative of Spain thought this proposed arrangement could be perceived as complex and suggested an alternative solution would be to approve the element on the Spanish phraseology during the 215th Session following a quick consultation process with States. The Representative of Argentina also supported this approach and the Representative of Cuba also preferred that the phraseology issue be corrected prior to publication of the next edition of the Spanish version of Annex 10, Volume II in November 2018 or to postpone the effective date until November 2019 to allow for proper consultation with Member States.

72. The Representative of Singapore suggested a review be carried out of the differences filed to ascertain the extent of the language issue to which the President of the Council responded that this issue only concerned the Spanish language version and it was only Spain that had submitted a notification of difference in this regard.

73. The Representatives of South Africa and Columbia expressed concerns regarding the low response rate to the consultation State letters and in this regard, the President of the Council noted that this was an ongoing issue that was unlikely to be resolved during the current meeting of the Council. Indeed, he recalled that the issue of the low response rate had also been addressed at the most recent Assembly session.

74. In light of the preceding interventions concerning the phraseology issue in the Spanish language, the President of the Council proposed that further consideration of this item be suspended to allow more time for consultation on the language issue outside the chamber prior to the Friday meeting at which time a decision would hopefully be made on the complete Annex amendment. The President also took the opportunity to highlight the concerns raised by the Representatives of Cuba and Colombia on the need to ensure that the guidance material in support of the implementation of the Annex amendment was ready in all ICAO working languages.

75. Accordingly, the Council noted that certain language issues remained outstanding especially with respect to the correct phraseology that ought to appear in the Spanish language version of the Annex. In the circumstances, the Council agreed to adjourn further consideration of the proposed Annex amendment in order to enable consultation to be undertaken with a view to finding a consensus solution vis-a-vis the correct Spanish language terminology and for this item to be brought back to the Council for consideration and adoption at the next meeting on Friday, 9 March 2018.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of the ANC – Adoption of Amendment 90 to Annex 10, Volume IV

76. The Council considered this item on the basis of ANC report C-WP/14724, which presented a proposal of the Air Navigation Commission for Amendment 90 to Annex 10 — *Aeronautical Telecommunications, Volume IV — Surveillance and Collision Avoidance Systems*. The amendment proposal concerned surveillance and airborne collision avoidance systems (ACAS); and secondary surveillance radar (SSR) and wide area multilateration.

77. In his introduction of C-WP/14724, P/ANC indicated that the new technologies being introduced were not mandatory and would be driven by specific cost/benefit considerations in regard to the current saturation of radio frequency bands and airport operations.

78. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2018 and a proposed applicability date of 8 November 2018 would be suitable for the implementation of these provisions.

79. Following consideration, the Council by 32 votes in favour, none against and no abstentions (four Representatives being absent):

- a) adopted, as Amendment 90 to Annex 10, Volume IV, the amendments to definitions and to Standards and Recommended Practices as contained in Appendix C to C-WP/14724;
- b) approved, as part of the said amendment, the amendment to Notes as contained in Appendix C to C-WP/14724;
- c) approved the Resolution of Adoption in Appendix D to C-WP/14724; and
- d) approved, as part of the said amendment, the amendment to the Foreword of Annex 10, Volume IV as contained in Appendix E to C-WP/14724.

Any other business

Canada – invitations

80. The Representative of Canada reminded the Council that Representatives and their partners had been cordially invited to participate in a cultural visit to Ottawa, incorporating lunch at the

Canada Aviation and Space Museum, a guided tour of the Parliament of Canada and of Rideau Hall (the residence of the Governor General), which was scheduled to occur on Wednesday, 21 March 2018. Representatives were also reminded of the invitation to attend a reception hosted by Canada to mark the occasion of International Francophonie Day 2018, with the event taking place on Thursday, 22 March 2018, in the Delegates Lounge of the ICAO Headquarters building. Additionally, Representatives were also invited to attend the annual information and familiarization session, in collaboration with Montreal International and the Spousal Association, on Tuesday, 27 March 2018, and which would be followed by a luncheon and guided bus tour of Montréal.

81. The meeting adjourned at 1250 hours.

COUNCIL — 213TH SESSION

SUMMARY MINUTES OF THE SIXTH MEETING

(THE COUNCIL CHAMBER, FRIDAY, 9 MARCH 2018, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Algeria	— Mr. A.D. Mesroua	Kenya	— Ms. M.B. Awori
Argentina	— Mr. G.E. Ainchil	Malaysia	— Mr. K.A. Ismail
Australia	— Mr. A.H.R. Tiede (Alt.)	Mexico	— Mr. D. Méndez Mayora
Brazil	— Mrs. M.G. Valente da Costa	Nigeria	— Mr. M.S. Nuhu
Cabo Verde	— Mr. C. Monteiro	Panama	— Mr. G.S. Oller
Canada	— Mr. M. Pagé	Republic of Korea	— Mr. J. Hur
China	— Mr. Shengjun Yang	Russian Federation	— Mr. S. Gudkov
Colombia	— Mr. A. Muñoz Gómez	Saudi Arabia	— Mr. S.A.R. Hashem
Congo	— Mr. R.M. Ondzotto	Singapore	— Mr. T.C. Ng
Cuba	— Mrs. M. Crespo Frasquieri	South Africa	— Mr. M.D.T. Peege
Ecuador	— Mr. I. Arellano	Spain	— Mr. V.M. Aguado
Egypt	— Mr. A. Khedr	Sweden	— Ms. H. Jansson Saxe
France	— Mr. P. Bertoux	Turkey	— Mr. A.R. Çolak
Germany	— Mr. U. Schwierczinski	United Arab Emirates	— Miss A. Alhameli
India	— Mr. A. Shekhar	United Kingdom	— Mr. D.T. Lloyd
Ireland	— Ms. N. O'Brien	United Republic of Tanzania	— Mr. R.W. Bokango
Italy	— Mr. M.R. Rusconi	United States	— Mr. T.L. Carter
Japan	— Mr. S. Matsui	Uruguay	— Mr. M. Vidal

ALSO PRESENT:

Mr. C. Hurley	— President, ANC
Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C. Fernández (Alt.)	— Argentina
Mr. R. Filippi Pecoraro (Alt.)	— Brazil
Mr. D. Tavares Taufner (Alt.)	— Brazil
Mr. H. Gonzales (Alt.)	— Brazil
Mr. G. do Prado Lima (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. H. Yoshimura (Alt.)	— Japan
Mr. M. Usami (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden
Mr. Ö. Doğrukol (Alt.)	— Turkey
Mr. M.A.B. Salem (Alt.)	— United Arab Emirates
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mr. J.M. Reeves (Alt.)	— United States
Mrs. M.A. González (Alt.)	— Uruguay
Mr. F. de Medina (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— C/OSG
Mr. S. Creamer	— D/ANB
Mrs. J. Hupe	— DD/ENV
Mr. C. Dalton	— C/AMO
Dr. K. Rooney	— C/CSS
Mr. E. Lassooij	— C/PCI
Mr. T. Tanaka	— C/CC
Mr. N. Dickson	— C/ES
Ms. C. Kim	— AMO
Mr. M. Caballero Alarcon	— CC
Miss L. McGuigan	— CSS
Miss S. Black	— Précis-writer

Representatives to ICAO

Afghanistan
Bolivia (Plurinational State of)
Cameroon
Chile
Cyprus
Ghana
Greece
Indonesia
Lebanon
Paraguay
Peru
Qatar
Senegal
Venezuela (Bolivarian Republic of)

Airports Council International (ACI)
European Union (EU)

Subject No. 14.4.3: Aerodromes, air routes and ground aids

Review of the Report of the Twenty-sixth Meeting of the Dangerous Goods Panel (DGP/26)

1. Tabled for the Council's consideration was C-WP/14730, in which the ANC: summarized the results of its review of the Report of the DGP/26 Meeting (Montréal, 16-25 October 2017); reported on its preliminary review of proposals for the amendment of Annex 18 – *The Safe Transport of Dangerous Goods by Air* as contained in DGP/26 Recommendations 1/1 and 6/4; and presented for approval amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) and supporting documents. The majority of the latter proposed amendments aligned the Technical Instructions with the twentieth revised edition of the United Nations (UN) *Recommendations on the Transport of Dangerous Goods – Model Regulations*. Other proposed amendments reflected the need to enhance safety or to address the need to transport new commodities. In response to difficulties reported by industry, an amendment to the Technical Instructions allowing for the transport of small quantities of lithium batteries as cargo on passenger aircraft with the approval of the State of the Operator, the State of Origin and the State of Destination had been developed, and guidance material in support thereof had also been developed for inclusion in the Supplement to the Technical Instructions which included control measures for achieving an acceptable level of safety. The ANC supported that proposed amendment, subject to the inclusion of explicit quantity limits in Special Provision A201 (cf. Appendix B to the paper).

2. With regard to the ANC's preliminary review of proposals for the amendment of Annex 18, it was highlighted that the Commission had agreed that Recommendation 1/1 be referred for comments to Member States and appropriate international organizations, together with its own comments and proposals thereon. The ANC would conduct a detailed review of the comments received and present its recommendations for action by the Council in due course. While the ANC had agreed with the intent of Recommendation 6/4, it had not considered the latter to be sufficiently mature to be referred to Member States and international organizations for comment and had requested that it be revised in a manner which would foster consistent global implementation. The ANC had requested the Secretariat to quickly develop a new ANC Job card using the Programmes Coordination and Implementation (PCI) review process to capture the opinions of other sections of the Secretariat, with the goal of providing clear expectations and direction to the DGP and any supporting panels. In addition, the ANC had tasked its Working Group on Procedural Matters to holistically review, with the Secretariat, how the DGP currently works at developing amendments to Annex 18 and to the Technical Instructions (Doc 9284), 2017-2018 Edition, and to propose any necessary improvements.

3. It was also highlighted that the DGP had not reached any final conclusions on the recommendations from the Second Meeting of the Cargo Safety Group (CSG/2) (cf. C-WP/14663, Appendix B; 212/5). The Panel had recommended developing an over-arching strategy to address the risks posed by lithium battery-powered portable electronic devices and spare lithium batteries carried and/or used by passengers, crew and the operator over the next biennium. The ANC would review a proposed work programme for completing that task.

4. Responding to a question raised by the Representative of Mexico regarding the reference made to "new commodities" in paragraph 4.1 of the paper, the Chief, Cargo Safety Section (C/CSS) noted that the United Nations Committee of Experts (UNCOE) on the Transport of Dangerous Goods had spent a considerable amount of time developing provisions for articles not otherwise specified in the UN *Recommendations on the Transport of Dangerous Goods – Model Regulations* to allow for the transport of very general entries. As a result, approximately a dozen new entries had been added to the latter. DGP/26 had proposed a corresponding amendment to ICAO's Technical Instructions (Doc 9984) in order to align its provisions, for multimodal purposes. To a further query by the Representative regarding

paragraph 4.3, C/CSS clarified that the proposed amendment to the lithium battery provisions of the Technical Instructions arising from DGP/26 Recommendation 6/2 related to the transport of small quantities of lithium batteries in the cargo hold of passenger aircraft and not in the flight cabin.

5. In response to a question raised by the Representative of South Africa, C/CSS noted that although the DGP/26 Meeting had been scheduled to take place from 16-27 October 2017 i.e. over 10 working days, the customary duration, the Panel had completed its work early, on 25 October 2017. She emphasized, in this regard, that all of the agenda items had been discussed to conclusion, and that the remaining two days (26-27 October 2017) had been used to perform additional work on training material, inter alia. In underscoring that the length of the Panel's deliberations was dependent to a large extent on the number of working papers submitted by its Members, C/CSS noted that the latter had submitted 33 of the 52 DGP/26 working papers, the Secretariat having submitted the remainder (19).

6. Recalling that the Commission itself had been concerned that the DGP had completed its work early, the President of the ANC indicated that it was his understanding that that had not been due to a lack of work but rather to the number of working papers having been produced by Panel Members in time for the DGP/26 Meeting.

7. To additional points raised by the Representative of South Africa, the President of the ANC noted that in its search for a more holistic approach to cargo safety, the Commission was exploring opportunities to gain wider expertise to weigh in on that very important matter. He highlighted that, through the said PCI review process, a wider consultation was ensured during the development of new Job cards for the DGP. The President of the ANC indicated that the Commission had previously noted that it would be beneficial for the DGP to have the input of airworthiness and flight operations experts, as two examples of many, in order to develop such an approach. He recalled that the Secretariat had previously proposed the establishment of a Cargo Safety Panel to address the perception that while the DGP had a deep expertise it was in too narrow a field to manage cargo safety risk (cf. AN-WPs/8950 and/9063; AN-Mins. 198-9 and 202-8). The President of the ANC emphasized that the Commission would thus not characterize the DGP as lacking in expertise, as referred to by the Representative of South Africa, but rather as not having the broad expertise required to address the multidisciplinary subject of cargo safety.

8. The President of the ANC indicated that the Chairperson and Vice-Chairperson of the Working Group on Procedural Matters (PM) had accordingly been tasked with exploring opportunities to change the working structure of the DGP and its terms of reference, in concert with CSS and the Air Navigation Bureau (ANB). Separately, to address the immediate concerns regarding DGP working papers, the Secretariat had been tasked with coordinating, through the PCI review process, a wider consultation, even before the completion of the Job cards, which would promote a fuller understanding of all the safety risks involved.

9. Replying to a further query by the Representative of South Africa, C/CSS clarified that the ANC had only completed its preliminary review of the Panel's proposed amendments to Annex 18. If the Council so agreed, DGP/26 Recommendation 1/1 – *Amendment to classification and segregation provisions for toxic and infectious substances in Annex 18* would be transmitted, under cover of a State letter, to Member States and appropriate international organizations for comments. Thereafter, the ANC would conduct its final review, taking into account the comments received, including any relating to the proposed applicability date of the envisaged amendment to Annex 18, and present its recommendations to the Council.

10. The above comments and clarifications were noted.

11. The President of the Council indicated that while during the last session he had made a very strong statement regarding the DGP and its increasing difficulty to develop, on the basis of consensus, technical solutions to the issue of the safe transport of dangerous goods by air (cf. C-MIN 212/5, paragraph 85), he now wished to congratulate C/CSS and her staff for the challenging work they were doing, with the DGP, in that highly-specialized field. He expressed appreciation in particular to C/CSS for going above and beyond her duties as Secretary of the DGP in guiding the Panel's deliberations on the various agenda items towards a logical conclusion.

12. In then taking the action indicated in the executive summary of C-WP/14730, as amended by the President of the ANC, the Council:

- a) took action on Recommendations 2/1, 3/1 and 6/3 of the DGP/26 Meeting as proposed in Appendix A to the paper, approving the amendments to the Technical Instructions (Doc 9984) and its Supplement (Doc 9284SU) for incorporation in the 2019-2020 editions thereof;
- b) took action on Recommendation 6/2 as amended by the ANC and approved the amendment to the lithium battery provisions of the Technical Instructions (Doc 9984) for incorporation in the 2019-2020 edition, subject to the inclusion of explicit quantity limits in Special Provision A201, as proposed in Appendix B to the paper; and
- c) noted the action taken by the ANC with respect to Recommendations 1/1, 2/2, 2/3, 2/4, 4/1, 6/1 and 6/4 of the DGP/26 Meeting as set forth in Appendix A to the paper.

Subject No. 14.1.1: International Standards and Recommended Practices

Report of the ANC — Adoption of Amendment 91 to Annex 10, Volume II

13. The Council resumed (213/5) and completed its consideration of C-WP/14723, which presented a proposal by the ANC for Amendment 91 to Annex 10 – *Aeronautical Telecommunications, Volume II – Communication Procedures including those with PANS status*. The proposal concerned: amendments to the phraseology of the pronunciation of numbers in radiotelephony to avoid potential confusion being generated by the repetition of zeros in specific circumstances; and an amendment related to a change of references as a result of the proposed restructuring of Annex 15 and the proposed new *Procedures for Air Navigation Services – Aeronautical Information Management (PANS-AIM)* (Doc 10066).

14. The Chief, Airspace Management and Optimization Section (C/AMO) informed Council Representatives that the Secretariat had reviewed the steps taken in the development of the ANC's proposal for Amendment 91 to Annex 10, Volume II, and confirmed that the Commission had followed the normal procedure for the consideration of language and operational issues that were not a specific part of an Annex amendment proposal. In so doing, the ANC had nevertheless included the proposed use of the CAR/SAM Regional Planning and Implementation Group (GREPECAS) or perhaps another group to further consider the existing language challenges. C/AMO underscored that the Secretariat itself had followed the normal procedure, whereby existing translated phrases should be the basis for newly-proposed Annex provisions.

15. C/AMO further indicated that, in light of the Council's previous discussion (213/5), the Secretariat had undertaken consultations with the International Federation of Air Traffic Controllers'

Associations (IFATCA), the International Federation of Air Line Pilots' Associations (IFALPA), the Regional Offices concerned, and other aviation stakeholders regarding the changes proposed previously by some Spanish-speaking Council Representatives to the Spanish phraseology used in Section 5.2.1.4 *Transmission of numbers in radiotelephony* in Amendment 91, whereby “uno mil” (one thousand) would be replaced with “mil” (thousand) and “uno cien” (one hundred) with “cien” (hundred), as appropriate. While feedback was still being received, it appeared that the proposed changes to the Spanish phraseology would not have a negative impact on aviation safety and that, on the contrary, the existing non-intuitive textual phrases would be confusing in some circumstances. The Secretariat had shared these views with the ANC during the latter’s meeting on 8 March 2018, as well as with a number of interested Representatives and their technical advisors.

16. Noting that the Commission had discussed the issue with much interest for over an hour, the President of the ANC indicated that it had recalled the rationale behind Amendment 91 and its importance and urgency and had been supportive of the consensus reached by the Secretariat regarding the proposed changes to the Spanish phraseology used in Section 5.2.1.4 in Amendment 91, although it had noted that all affected States might have preferred to give their views on any potential unintended consequences.

17. The Representative of Spain expressed appreciation to the Secretariat and the ANC for all of the efforts undertaken in such a short period of time to address an issue that was not simply one of translation of an Annex provision from one language into another but rather one of phraseology in radiotelephony which could have an impact on aviation safety. He voiced support for the proposal, whereby “uno mil” (one thousand) would be replaced with “mil” (thousand) and “uno cien” (one hundred) with “cien” (hundred), as appropriate, in the Spanish text of Section 5.2.1.4 (cf. Appendix C to C-WP/14723). The Representative of Spain underscored that it might be necessary to have broader consultations with all Spanish-speaking States on the Council to determine if the said changes to the Spanish phraseology used in Section 5.2.1.4 had any unintended consequences and if the Spanish text of other provisions of Annex 10, Volume II, needed to be likewise amended.

18. In also voicing support for the proposal, the Representative of Colombia indicated that the issue should be referred to GREPECAS and other Spanish-speaking States such as Equatorial Guinea and Spain for consideration.

19. Expressing gratitude to the Secretariat and the ANC for their understanding, the Representative of Cuba likewise supported the proposed “quick fix” solution, affirming that it was a good compromise. In endorsing the comments made by the Representative of Colombia, she emphasized the importance of being aware that the repetition of zeros in specific circumstances when transmitting numbers in radiotelephony risked generating confusion.

20. Responding to a query by the Representative of the United States, C/AMO clarified that the issue of confusion between flight level 220 and flight level 200 arising from the requirement to pronounce each digit separately was a longstanding one which likely had its origins with flight crew members and air traffic controllers. He noted that the Air Traffic Management Operations Panel (ATMOPSP) had recently recommended the new phraseology in part to address that issue.

21. Remarking that the new phraseology seemed to apply mostly to flight levels, the Representative of the United States highlighted that it would still be possible, under Amendment 91, to use a repetition of zeros when transmitting, inter alia: headings, such as 100 degrees; wind direction and speed, such as 200 degrees 70 knots; and certain altimeter settings, such as 1009.

22. The Representative of South Africa stressed the need to be very careful in the transmission of numbers in radiotelephony.
23. The above comments and clarifications were noted.
24. On the basis of the consensus reached by the Secretariat regarding the proposed changes to the Spanish phraseology used in Section 5.2.1.4, and the support therefor expressed during the present discussion, the Council, by 36 votes in favour, none against and no abstentions, adopted, as Amendment 91 to Annex 10, Volume II, the amendments to the Standards as contained in Appendix C to C-WP/14723, subject to any changes required to the Spanish text thereof as referred to in paragraph 15 above. The Council also approved, as part of the said amendment, the amendment to the Notes as contained in that same Appendix C, likewise subject to any changes required to the Spanish text thereof. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 10, Volume II, as set forth in Appendix E. It was understood that the Secretariat would undertake further consultations with Spanish-speaking States on the Council to determine if the said changes to the Spanish phraseology used in Section 5.2.1.4 had any unintended consequences and if the Spanish text of other provisions of Annex 10, Volume II, needed to be likewise amended.
25. The President of the Council expressed appreciation to the Representative of Cuba for having raised the said issue of Spanish phraseology of the pronunciation of numbers in radiotelephony and to the Secretariat and the President of the ANC for their successful efforts to address it.

Report of the ANC — Adoption of Amendment 40 to Annex 15

26. The Council reviewed C-WP/14729, which presented a proposal by the ANC for Amendment 40 to Annex 15 – *Aeronautical Information Services*. The proposal concerned: the restructuring of Annex 15 to facilitate incorporation of aeronautical information management (AIM) requirements; changes to the technical content of Annex 15 to facilitate the transition from aeronautical information services (AIS) to AIM environments; and a consequential amendment in support of space weather information.
27. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2018; a proposed applicability date of 8 November 2018; and an embedded applicability date of 5 November 2020 for those parts of the amendment concerning the SNOWTAM format.
28. The Representative of Cuba congratulated the ANC and the Secretariat on the successful restructuring of Annex 15 which had entailed not only the development of Amendment 40 but also the creation of the new *PANS-AIM* (Doc 10066) containing the relevant technical specifications and operating procedures. Noting that the transition from AIS to AIM was one of the priorities under the Global Air Navigation Plan (GANP), she emphasized that this long-awaited Annex 15 amendment, together with the *PANS-AIM*, met the needs of the international aviation community, in particular, of those involved in the provision of aeronautical information. Recalling that the delay in the transition from AIS to AIM had been a common complaint in the 2017 annual reports on Regional Offices' activities (cf. C-WP/14704; 213/3), with the exception of the annual report for the EUR/NAT region, which was far ahead of other regions in making that transition, the Representative of Cuba enquired as to when the guidance material referred to in paragraph 3.1 of Appendix A to the paper would be published.

29. The Chief, Programmes Coordination and Implementation Section (PCI) (C/PCI) clarified that the new *PANS-AIM* (Doc 10066) and the updated *Aeronautical Information Services Manual* (Doc 8126) to support the transition to AIM were expected to be published by November 2018.

30. The above comments and clarifications were noted. The President of the Council reiterated the importance of ensuring that relevant guidance material be available to States prior to the applicability date of this Annex amendment, as well as of all other Annex amendments, in order to enhance the implementation of Standards and Recommended Practices (SARPs).

31. The Council, by 35 votes in favour, none against and no abstentions (one Representative being absent), then adopted, as Amendment 40 to Annex 15, the amendments to the SARPs as contained in Appendix C to C-WP/14729. The Council also approved, as part of the said amendment, the amendment to the Notes as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 15 as set forth in Appendix E. Furthermore, the Council noted the incorporation of Amendment 39-B (207/5) with Amendment 40 in a new, consolidated edition of Annex 15, as described in paragraph 5.1 of the paper.

32. The President of the Council expressed appreciation to the Secretary General, the Secretariat, and the ANC for the work done in developing Amendment 40 to Annex 15 and the other consequential Annex amendments to facilitate the timely transition from AIS to AIM, one of the priorities under the GANP. He suggested that this milestone achievement be brought to the attention of the international aviation community through appropriate means, such as a Press release and/or an Electronic Bulletin. This was noted.

Report of the ANC – Adoption of Amendment 60 to Annex 4

33. Tabled for the Council's consideration was C-WP/14717, which presented a proposal by the ANC for Amendment 60 to Annex 4 – *Aeronautical Charts*. The proposal concerned consequential amendments as a result of: the review and restructuring of Annex 15 relating to data quality requirements and performance-based data error detection requirements; and the revised definition and description of “procedure altitude/height” in the *Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)*, Volume I – *Flight Procedures* and Volume II – *Construction of Visual and Instrument Flight Procedures* (Doc 8168).

34. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2018; and a proposed applicability date of 8 November 2018.

35. In the absence of comments, the Council, by 35 votes in favour, none against and no abstentions (one Representative being absent), adopted, as Amendment 60 to Annex 4, the amendment to the Definitions and SARPs as contained in Appendix C to C-WP/14717. The Council also approved, as part of the said amendment, the amendment to the Notes as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 4 as set forth in Appendix E.

Report of the ANC — Adoption of Amendment 51 to Annex 11

36. The Council next considered C-WP/14725, which presented a proposal by the ANC for Amendment 51 to Annex 11 – *Air Traffic Services*. The proposal concerned consequential amendments resulting from the review and restructuring of Annex 15 and the creation of PANS-AIM (Doc 10066) relating to change of references, data quality requirements and performance-based data error detection requirements.

37. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2018; and a proposed applicability date of 8 November 2018.

38. There being no comments, the Council, by 35 votes in favour, none against and no abstentions (one Representative being absent), adopted, as Amendment 51 to Annex 11, the amendments to the Definitions and SARPs as contained in Appendix C to C-WP/14725. The Council also approved, as part of the said amendment, the amendment to the Notes and Attachments as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 11 as set forth in Appendix E. Furthermore, the Council noted the incorporation of Amendment 50-B (207/5) with Amendment 51 in a new, consolidated edition of Annex 11, as described in paragraph 5.1 of the paper.

Report of the ANC — Adoption of Amendment 16 to Annex 13

39. The Council reviewed C-WP/14726, in which the ANC presented a proposal for Amendment 16 to Annex 13 – *Aircraft Accident and Incident Investigation*. The proposal concerned access to evidential material during investigations by the accident investigation authorities, and monitoring the progress of safety recommendations.

40. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2018; and a proposed applicability date of 8 November 2018.

41. In welcoming the proposed upgrading of Recommended Practices 5.4.3, 6.11 and 6.12 to Standards, the Representative of Spain underscored that it was important that a State that received a safety recommendation from the State conducting the accident investigation implement procedures to monitor the progress of its preventive action taken in response thereto (cf. new Standard 6.12). He nevertheless considered that more work was required to ensure that a safety recommendation of relevance not only to the addressee but also to other States or groups of States became a global recommendation with a view to avoiding similar aircraft accidents in the future. The Representative of Spain emphasized that in that manner the safety recommendation would have a positive impact on safety worldwide and not solely on safety in the individual State (addressee).

42. The President of the Council agreed that safety recommendations arising from aircraft accident investigations that impacted a particular aircraft type or operation should be brought to the attention of all States so that they could be taken into account by their operators. He underscored that that would enable the important lessons learned from the investigations to be shared globally. The President of the Council recalled that he had requested the President of the ANC and the Commissioners to consider what action was currently taken with regard to the voluminous information which ICAO received from

audits conducted under its Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA), accident investigation reports and the assessments of training organizations carried out by the Global Aviation Training (GAT) Office, inter alia, with a view ensuring that there was mechanism in place to enable a policy review to be done by ICAO based on such information.

43. The above comments and clarifications were noted.

44. The Council, by 35 votes in favour, none against and no abstentions (one Representative being absent), then adopted, as Amendment 16 to Annex 13, the amendments to the Definitions and SARPs as contained in Appendix C to C-WP/14726. The Council also approved, as part of the said amendment, the Note contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 13 as set forth in Appendix E.

Report of the ANC — Adoption of Amendment 14 to Annex 14, Volume I

45. The Council considered C-WP/14727, which presented a proposal by the ANC for Amendment 14 to Annex 14 – *Aerodromes, Volume I – Aerodrome Design and Operations*. The proposal concerned: modifications of aerodrome design specifications in Chapters 3 and 4; an update to footnote e. in Table 4-1; and consequential amendments as a result of the review and restructuring of Annex 15 and the creation of PANS-AIM (Doc 10066) relating to change of references, data quality requirements and performance-based data error detection requirements.

46. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2018; and a proposed applicability date of 8 November 2018.

47. In applauding and supporting the work done to develop Amendment 14, the Representative of Singapore emphasized that it was very timely and would result in substantial cost-savings for States developing their aerodromes.

48. Referring to the impact assessment contained in Section 2 of Appendix B to the paper, the Representative of South Africa suggested that affirmative language be used instead of words such as “neutral”, “negligible” or “nil” in order to properly capture the aim of the Amendment.

49. The above comments and suggestion were noted.

50. The Council, by 35 votes in favour, none against and no abstentions (one Representative being absent), then adopted, as Amendment 14 to Annex 14, Volume I, the amendments to the Definitions and SARPs as contained in Appendix C to C-WP/14727. The Council also approved, as part of the said amendment, the amendment to the Notes and Attachments as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 14, Volume I, as set forth in Appendix E. Furthermore, the Council noted the incorporation of Amendment 13-B (207/5) with Amendment 14 in a new, consolidated edition of Annex 14, Volume I, as described in paragraph 5.1 of the paper.

Report of the ANC — Adoption of Amendment 8 to Annex 14, Volume II

51. Tabled next for the Council's consideration was C-WP/14728, in which the ANC presented a proposal for Amendment 8 to Annex 14 – *Aerodromes, Volume II – Heliports*. The proposal concerned consequential amendments as a result of the review and restructuring of Annex 15 and the creation of PANS-AIM (Doc 10066) relating to change of references, data quality requirements and performance-based data error detection requirements

52. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2018; and a proposed applicability date of 8 November 2018.

53. In the absence of comments, the Council, by 35 votes in favour, none against and no abstentions (one Representative being absent), adopted, as Amendment 8 to Annex 14, Volume II, the amendments to the Definitions and SARPs as contained in Appendix C to C-WP/14728. The Council also approved, as part of the said amendment, the amendment to the Notes and Attachments as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 14, Volume II, as set forth in Appendix E.

54. It was understood that the appropriate adoption, effective and applicability dates would be inserted in the Forewords of the above-mentioned Annexes and in the Resolutions of Adoption of their respective Amendments. With regard to the State letters notifying the adoption of Amendment 40 to Annex 15, Amendment 51 to Annex 11, and Amendment 14 to Annex 14, Volume I, the Secretariat was requested to explain therein the incorporation of those amendments with previous amendments in a new consolidated edition of those Annexes using embedded delayed applicability dates to facilitate any consequential changes to States' national regulations. In addition, the ANC was requested to consider, as part of its impact assessment of future Annex amendment proposals, the amendments' impact on States' administrative and legislative procedures, which could affect the States' ability to meet the amendments' proposed applicability date.

Subject No. 50: Questions relating to the environment

Eleventh Meeting of the Committee on Aviation Environmental Protection (CAEP/11)

55. The Council considered C-WP/14694, whereby the Secretary General presented a proposal to convene the Eleventh Meeting of the CAEP (CAEP/11) at ICAO Headquarters in Montréal from 4 to 15 February 2019, which included information on administrative arrangements, as well as the draft Provisional Agenda.

56. In introducing the paper, the Deputy Director, Environment (DD/ENV) highlighted that the meeting's duration, ten working days as proposed in the *Programme of Meetings for 2018 and Tentative Programme of Meetings for 2019-2020* (C-WP/14623, Appendix B; 211/8), would provide CAEP Members with sufficient time to consider all of the technical issues on the work programme and to produce and review the CAEP/11 Report. Furthermore, the conduct of the meeting in February 2019 would enable the Council to review and approve the CAEP/11 Report during its 217th Session in May/June 2019 prior to reporting to the 40th Session of the Assembly in the Fall of that year.

57. Drawing attention to the draft Provisional Agenda appended to the paper, DD/ENV noted that the CAEP/11 Meeting would discuss technical issues relating to the development of SARPs and the forecasting, modelling and quantification of the impacts of aviation on the environment. The would include, inter alia, technical issues regarding the implementation of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), the use of sustainable aviation fuels (SAF), the development of a new non-volatile particulate matter (nvPM) Standard, aircraft noise, airports and operations, and impacts and science.

58. The Representative of Saudi Arabia voiced support for the actions proposed in the executive summary of the paper. Underscoring that the CAEP was a purely technical Committee which undertook specific studies, as requested by the Council, relating to aircraft noise, air quality and the basket of measures for reducing international aviation CO₂ emissions, he queried why that Committee, and not another group of experts, had been tasked with considering certain political and economic issues. The Representative of Saudi Arabia also enquired as to why the CAEP did not have a permanent Chairperson, selected from among its members. Recalling that during the Council's sessional discussion of environmental protection-related issues several developing countries always expressed concern regarding the CAEP's working methods and geographical representation, he suggested that the Council request the Working Group on Governance and Efficiency (WGGE) to review the CAEP's TOR, structure, membership and working methods to ensure equal opportunity to participate in the CAEP's work, as well as transparency in that work.

59. Speaking in a similar vein, the Representative of India indicated that the CAEP had worked well with its current composition as long as it had been discussing purely technical issues. However, as political and economic issues were now being referred to the CAEP for consideration, it was time for the Council to ensure that there was a balanced representation of the different geo-political regions on the Committee. He recalled, in this regard, that Assembly Resolution A39-1, Appendix B, Operative Paragraph 10 "*Urges* Member States from regions of the world that are currently under-represented in CAEP to participate in the Committee's work;". The Representative of India emphasized that it was important for the CAEP to have a permanent chairperson, selected from among its members, in order to enhance communication with the Council.

60. Supporting the interventions by the two previous speakers, the Representative of Brazil observed that part of the problem currently being encountered by the Council in addressing CORSIA-related matters was due to the lack of fluid communication between it and the CAEP. She considered that it was necessary to slightly change the CAEP's structure and functioning in order to resolve that situation.

61. In voicing agreement with the actions proposed in the executive summary of C-WP/14694 relating to the convening of CAEP/11 at ICAO Headquarters in Montréal from 4 to 15 February 2019, the Representative of Spain indicated that it would be useful to have, in due course, more detailed information on the expected outcome of each Agenda item in its draft Provisional Agenda. He cited, as examples, the expected outcomes for: Agenda Item 3 on aircraft engine emissions, including the identification and analysis of the impact of not only CO₂ emissions but also other aviation emissions; Agenda Item 6 on CORSIA – Monitoring, Reporting and Verification (MRV); and Agenda Item 7 on CORSIA – Emissions Units. Referring to a number of articles on CORSIA that had been published recently in the press, the Representative of Spain emphasized the importance of closely monitoring the CAEP/11 Meeting's deliverables. He indicated that although he had some questions concerning the future establishment of the CORSIA Technical Advisory Body (TAB), that issue could be discussed later.

62. Highlighting that the new generation of aircraft comprising, inter alia, the Airbus A350 and A380 and the Boeing 777, produced much less noise than older aircraft such as the Trident, the BAC

111, the Boeing 707, the DC 10 and the MD 11, the Representative of South Africa queried why Agenda Item 4 on aircraft noise was still included in the draft Provisional Agenda for CAEP/11.

63. The President of the Council clarified that it was included since the subject remained relevant, aircraft noise being regarded as an irritation in some communities, although it was good music to the ears of inhabitants of other communities in view of the revenue and socio-economic development which aviation generated.

64. DD/ENV, as Secretary of the CAEP, recalled that the issue of CAEP membership had been raised at many successive Assemblies going back at least to the 32nd Session in 1998 and continuing to the last Assembly in 2016, with the Assembly having urged Member States from regions of the world that were currently under-represented in the CAEP to participate in the Committee's work, most recently in Resolution A39-1, Appendix B, Operative Paragraph 10. In underscoring the progress that had been made in that regard over the years, she highlighted that the following developing States were currently Members of the CAEP, which comprised 24 States: Argentina, Brazil, China, Egypt, India, Indonesia, South Africa and the United Arab Emirates. DD/ENV further noted that Chile, Greece, Peru, Saudi Arabia and Turkey were CAEP Observers. She indicated that Council Representatives were able to directly connect with the Members/Observers nominated by their respective States in order to obtain clarifications regarding the Committee's work. DD/ENV nevertheless recognized that there was always room to improve the communication of the CAEP's work.

65. DD/ENV, as Secretary of the CAEP, noted that when the Council had established the CAEP in 1983 it had decided that it be a technical Committee rather than a technical panel so that it could more directly monitor the CAEP's work, which involved issues that went beyond aviation. The CAEP's terms of reference, as well as its work, were approved by the Council. Under those terms of reference, CAEP Members were technical experts who were able to inform the Committee of the views of their States without, however, committing the latter. DD/ENV emphasized that any tasks originating from the AGC and referred by the Council to the CAEP were treated by the Committee as technical items, with it being left to the AGC to address the political components and to advise the Council accordingly. She noted that that was the same procedure that had been followed previously with the Council Environment Advisory Group (EAG).

66. In elaborating on the expected outcomes of the CAEP/11 Meeting, DD/ENV indicated that it would deliver the technical work previously-approved by the Council on which the Secretary General had been reporting to the Council throughout the session. She noted that one big step forward would be the development of new nvPM Mass and Number Standard.

67. In fully agreeing with the Representative of South Africa that the new generation of aircraft produced much less noise, DD/ENV emphasized that that was a success story that the Secretariat should continue to highlight, including in the ICAO Environmental Reports. Referring to the triennial report on present and future aircraft noise and emissions trends that had been presented to the last Assembly (cf. A39-WP/55), DD/ENV indicated that unfortunately many of the older aircraft continued to operate with the same level of noise or worse. That was, however, balanced with new generation aircraft, which were significantly quieter. In highlighting that there had been a flattening of the noise level globally (as shown in the Environmental Trends), she indicated that it was anticipated that the replacement of older aircraft and the use of electric aircraft that might generate less noise would potentially enable a noise neutral future, similar to carbon neutral growth (CNG).

68. DD/ENV then responded to a query raised earlier by the Representative of South Africa in an e-mail dated 4 March 2018 and repeated during the present meeting regarding a newspaper article which claimed that aviation was two to three times more damaging to the climate than industry claimed.

In noting that it referred to the impacts of aviation non-CO₂ emissions on the upper atmosphere, on which there currently was no scientific agreement, she underscored that ICAO was working very closely with the Intergovernmental Panel on Climate Change (IPCC) to progress that long-standing issue and would incorporate the resultant technical decisions into the Organization's policies based on the scientific findings. DD/ENV indicated that whenever such articles were brought to the Secretariat's attention, it referred the individuals concerned to ICAO's website, where consensus scientific information was posted on the impacts of aviation emissions on the environment.

69. While expressing appreciation for the above clarifications, the Representative of Saudi Arabia underscored that half of the developing States cited by DD/ENV were CAEP Observers and not CAEP Members. Reiterating that there was insufficient geographical balance across the regions in the CAEP's membership, he emphasized that the balance was in favour of developed countries which consequently were the decision-makers. The Representative of Saudi Arabia repeated his suggestion that the Council request the WGGE to review the CAEP's TOR, structure, membership and working methods taking into account points raised during the discussion.

70. The Representative of India highlighted that 8 of the 24 CAEP Members (33 per cent) were developing countries and that 10 (42 per cent) were European countries.

71. Agreeing with DD/ENV on the need to continue highlighting the achievements which had enabled a reduction in aircraft noise, the Representative of South Africa queried whether Agenda Item 4 could be revised to refer to local air quality instead of aircraft noise. He averred that the current title implied acceptance of the perception that aircraft were too noisy. The Representative of South Africa recalled, in this regard, how a DC 10 captain who had not considered the aircraft to be noisy while he was a pilot had changed his view following his retirement.

72. The President of the Council recalled that over the years the issue of aircraft noise had been addressed in several Assembly Resolutions, commencing with Assembly Resolution A16-3: *Aircraft noise in the vicinity of airports*, which had been followed by various Consolidated statements of continuing ICAO policies and practices related to environmental protection, the most recent one being Assembly Resolution A39-1. He underscored that every aircraft was required to have noise certification documentation attesting that it was in compliance with the applicable SARPs contained in Annex 16 – *Environmental Protection, Volume I – Aircraft Noise*.

73. Responding to other points raised, the President of the Council observed that there were a number of bodies in ICAO, such as: the ANC, which considered many issues relating to 17 of the 19 Annexes, based on work performed by its various panels; the Aviation Security Panel (AVSECP), which considered many aviation security-related issues on the basis of work carried out by its working groups; the CAEP, which considered a variety of technical issues relating to the environment, including noise and local air quality emissions, and CO₂ emissions, based on the work carried out by its working groups/Task Forces; and the Legal Committee, which considered the legal issues on its General Work Programme on the basis of the work carried out by its various groups/Task Forces. He emphasized that the reports of subordinate bodies were presented to the Council for review. Noting that the Representative of Saudi Arabia had highlighted a significant anomaly between the CAEP and the other subordinate bodies in terms of chairmanship, the President of the Council indicated that whereas the ANC had a President and the AVSECP and the Legal Committee each had a Chairperson, the CAEP made use of its rapporteurs for the annual meetings of its Steering Committee and selected a chairperson only for its triennial CAEP meeting. He thus proposed that the Council take the action suggested by the Representative of Saudi Arabia.

74. Recalling the CAEP's historical background, the Representative of France underscored that the issue of the Committee's composition was a very sensitive issue. In noting that transparency was also a very delicate issue, he emphasized that it was necessary to ensure a minimum degree of confidentiality in the CAEP as very sensitive industrial information was often shared. Controlled transparency was therefore required. Referring to the comments made regarding the CAEP's chairmanship, the Representative of France cautioned against politicizing the Committee by appointing a Council Representative as Chairperson, stressing that it should remain a strictly technical body. Noting that the CAEP's already heavy workload was expected to increase, he queried what message the Council would be conveying to its experts if it decided to task the WGGE with reviewing the Committee's TOR, structure, membership and working methods mid-way through the CAEP's tenth cycle.

75. The Representative of South Africa enquired whether Agenda Item 4 on aircraft noise could be deleted from the draft Provisional Agenda for CAEP/11 as it appeared to be covered under Agenda Item 10 on current science related to aircraft noise and emissions.

76. Replying in the negative, the President of the Council noted that Agenda Item 3 on aircraft engine emissions was also covered under Agenda Item 10, whose focus was on the current science related to both areas.

77. The above comments and suggestions were noted, as were the clarifications provided.

78. In taking the action proposed in the executive summary of C-WP/14694, as amended by the President in light of the discussion, the Council:

- a) approved the convening of CAEP/11 at ICAO Headquarters in Montréal from 4 to 15 February 2019;
- b) approved the administrative arrangements for CAEP/11 as presented in paragraph 3.1 of the paper, according to which the Committee would meet as a whole, with ad hoc working groups and drafting groups being formed as necessary, and the plenary meetings would be held in ICAO's six official working languages;
- c) approved the draft Provisional Agenda for CAEP/11 as presented in the Appendix to the paper, on the understanding that more detailed information on the expected outcome of each Agenda item would be provided to Representatives in due course; and
- d) requested the Working Group on Governance and Efficiency (WGGE) to: review, and consider if changes are needed to, the CAEP's TOR, structure, membership and working methods taking into account points raised regarding the need for the CAEP to have a permanent Chairperson, selected from among its members, in order to enhance communication with the Council, and the need to ensure a balanced geographical representation across the regions on the CAEP; and to report to the Council on the outcome of its deliberations during the 215th Session in October/November 2018.

79. With regard to paragraph 78 d) above, it was understood that any changes to the CAEP's TOR, structure, membership or working methods recommended by the WGGE and endorsed by the Council would only become applicable from the start of the next CAEP/12 cycle so as to avoid disrupting the work being undertaken during the current CAEP cycle (until the CAEP/11 meeting in 2019).

**Environmental protection – Recent developments in ICAO
and other United Nations bodies and international organizations**

80. This subject was considered on the basis of information paper C-WP/14693, in which the Secretary General reported on progress made with regard to ICAO's State Action Plans initiative, the results of the *ICAO Seminar on Green Airports* (Montréal, 29-30 November 2017), and the outcome of the 23rd Session of the Conference of the Parties (COP23) to the United Nations Framework Convention on Climate Change (UNFCCC) (Bonn, Germany, 6-17 November 2017). It was highlighted that: by 11 January 2018, ICAO had received 106 State Action Plans on CO₂ emissions reduction activities, which had been voluntarily developed and submitted by States representing more than 90 per cent of international aviation traffic; and that as a follow up to the said *ICAO Seminar on Green Airports* consideration was being given to holding an ICAO seminar on climate change resilience and adaptation in Turkey during 2018.

81. It was also highlighted that: ICAO's leadership in addressing international aviation CO₂ emissions through the adoption of CORSIA had been recognized throughout COP23 and the Organization had been invited to continue to report progress on that work at future sessions of the Subsidiary Body for Scientific and Technological Advice (SBSTA); and as the UNFCCC process would continue to deliberate on the establishment of a new market mechanism and cooperative approaches referred to in Article 6 of the Paris Agreement, it was necessary for ICAO and its Member States, in particular, the aviation experts included as part of delegations of Parties to the UNFCCC process, to closely monitor the evolution of the relevant discussions in order to understand possible implications for ICAO's work on CORSIA.

82. In providing supplementary information on the *ICAO Seminar on Carbon Markets* (Montréal, 7-9 February 2018), the Secretary General indicated that there had been approximately 300 participants from States, airlines, other industry stakeholders, academia and the general public and underscored that the information exchanged during that Seminar had facilitated the understanding of carbon markets, thereby supporting CORSIA implementation while not pre-empting any ICAO decisions on eligible emissions units under CORSIA.

83. The Representative of South Africa congratulated India on its leadership in green airports, as highlighted during the recent *ICAO Seminar on Green Airports*, and encouraged all States to follow its example. In requesting that the Council receive regular updates on the greening of airports and of the aviation industry in general, apart from CORSIA-related actions, he suggested that ACI be invited to take part therein.

84. The President of the Council remarked that he personally looked forward to the era when it would be possible for a whole journey to be carbon free, with the transit to and from the airport being by electric car or bus, with the aircraft using sustainable aviation fuel, and with air traffic management enabling a reduction in fuel burn and thus emissions. He underscored that in that manner the industry would collectively demonstrate to the upcoming generation that it was possible to significantly reduce the carbon footprint not solely for a flight but rather for the entire trip, from A to Z.

85. Note was taken of these comments, as well as of the said request for regular updates on the greening of airports and of the aviation industry in general, apart from CORSIA-related actions.

86. In taking the action proposed by the President, the Council noted the information contained in C-WP/14693, as well as the supplementary information provided on the *ICAO Seminar on Carbon Markets*.

Report of the Second ICAO Conference on Aviation and Alternative Fuels (CAAF/2)

87. The Council reviewed C-WP/14692, in which the Secretary General reported on the results of CAAF/2 (Mexico City, Mexico, 11-13 October 2017) and presented the CAAF/2 Report, as well as proposed actions by the Secretariat arising from the Conference. It was highlighted that CAAF/2 had adopted a Declaration which consisted of: the key conclusions and recommendations resulting from its discussions on developments in research and certification of sustainable aviation fuels, financing and assistance programmes, challenges and policy; as well as the *2050 ICAO Vision for Sustainable Aviation Fuels*, a living inspirational path that called on States, industry and other stakeholders to ensure that a significant proportion of conventional aviation fuels (CAF) be substituted with sustainable aviation fuels (SAF) by 2050. As that path was based on the assumption of a progressive increased use of SAF, it was agreed that a stocktaking process and periodic review be conducted, through the holding of workshops and seminars, to continuously assess progress on the development and deployment of SAF. That would lead to the convening of the next conference (CAAF/3) no later than 2025 to update the 2050 ICAO Vision to include a quantified proportion of CAF to be substituted with SAF by 2050, and carbon reductions achieved by SAF.

88. It was also highlighted that: CAAF/2 had recognized that the sustainability of aviation alternative fuels was of essential importance to the efforts to reduce international aviation CO₂ emissions, on the understanding that the application of sustainability criteria was currently under consideration by ICAO as part of the work on CORSIA; and that paragraph 2.5 of the paper set forth the additional efforts and resources required by the ICAO Secretariat in order to undertake and effectively conduct the work outlined in the CAAF/2 recommendations and Declaration.

89. The Secretary General reiterated ICAO's gratitude to the Government of Mexico for its dedication and support in hosting CAAF/2, particularly in the aftermath of devastating earthquakes. She also expressed ICAO's appreciation to the Chairperson, Mr. R. Kobeh, past President of the Council and now the *Lifetime Goodwill Ambassador of ICAO* and the Director General of Servicios a la Navegación en el Espacio Aéreo Mexicano (SENAEM), for having guided the Conference to a successful conclusion.

90. In highlighting that his Government had reservations regarding the approach adopted by ICAO to address the issue of sustainable aviation fuels, the Representative of Saudi Arabia reiterated (213/2) that ICAO was a UN Specialized Agency which dealt primarily with the safety and security of international civil aviation, and not a commercial enterprise which promoted some products over other products, in the present case, sustainable aviation fuels over conventional ones. He emphasized that whereas all international organizations addressing environmental issues, including the UNFCCC, considered greenhouse gases and not the sources of energy, ICAO had taken a different approach that was focused on the sources of aviation fuels rather than the aviation emissions.

91. The Representative of Saudi Arabia indicated that it was clear from the CAAF/2 recommendations and Declaration that ICAO was operating as if it were a commercial enterprise and was favouring certain States over others. He cited, in this context, Operative Paragraph 1 of the Declaration, wherein "The Conference endorses the *2050 ICAO Vision for Sustainable Aviation Fuels* as a living inspirational path and calls on States, industry and other stakeholders, for a significant proportion of conventional aviation fuels (CAF) to be substituted with sustainable aviation fuels (SAF) by 2050, for international civil aviation to reduce carbon emissions significantly, and whilst pursuing all opportunities

in the basket of mitigation measures to reduce emissions as necessary;”. The Representative of Saudi Arabia therefore suggested that the reference to the substitution of CAF with SAF be deleted from Operative Paragraph 1 and the text be revised to reflect that the Conference called on States, industry and other stakeholders to significantly reduce their carbon emissions by using sustainable aviation fuels. While he had other comments to make in that regard, he did not wish to go into all the details at the present time, for the sake of brevity.

92. The Representative of Saudi Arabia reiterated (213/2) that the definition of the term “alternative aviation fuel” currently used within the framework of CORSIA excluded other types of fuels, including petroleum-based ones, without any scientific justification and in contradiction of the UN Charter’s spirit of non-discrimination. He underscored, in this regard, that there were proven technologies with which to reduce the CO₂ emissions of conventional aviation fuels and enhance their sustainability. The Representative of Saudi Arabia maintained that ICAO, through its CAEP, was excluding those existing technologies which seemed promising for the future. He reiterated that the Government of Saudi Arabia called upon the Council to study all of the various sources of aviation fuel on an equal footing, without excluding any. In concluding, the Representative of Saudi Arabia emphasized that his Government could only support the CAAF/2 recommendations and Declaration if and only if they were modified to that they addressed the said issues in an appropriate manner.

93. The Representatives of Egypt, the United Arab Emirates, the Russian Federation, Algeria and Ecuador shared the concerns expressed by the Representative of Saudi Arabia, which they indicated should be taken into consideration by the Council given their importance. The Representative of the Russian Federation emphasized that airlines should have the opportunity to choose the source of aviation fuel they wished their aircraft to use and should not be forced to move to a new source of aviation fuel. The Representative of Ecuador stressed the need to clarify the various terms used within the CORSIA SARPs and implementation elements in order to help achieve harmony throughout the implementation process.

94. The President of the Council noted that on 22 January 2018 Saudi Arabia had given an informal briefing to the Council on advancing low-carbon aviation fuels. Observing that the terms “sustainable aviation fuels” and “alternative aviation fuels” were sometimes mixed-up, he clarified that a fuel was only considered to be sustainable if it produced less emissions than a conventional one. In highlighting that the CAAF/2 Declaration did not make any reference to “alternative aviation fuels”, the President indicated that it referred only to sustainable aviation fuels (SAF) and conventional aviation fuels (CAF).

95. Referring to the comments made by the Representative of Saudi Arabia, the Representative of Spain emphasized that the Council was not concerned about the sources of energy for sustainable aviation fuels but rather the impact of international aviation CO₂ emissions. He further underscored that the CAEP was considering the definitions of terms such as “sustainable aviation fuels” as part of its CORSIA-related work. Noting that CAAF/2 had been an important milestone towards the widespread use of sustainable aviation fuels, the Representative of Spain recalled that such fuels constituted the third of four pillars of the basket of measures to reduce CO₂ emissions from international aviation. He stressed that if sustainable aviation fuels were not sufficiently developed, then it would be necessary to work on the remaining three pillars in order to achieve the global aspirational goal of CNG from 2020. The Representative of Spain underscored, however, that it was already known how much aircraft technologies and operational improvements, the first two pillars, could reduce aviation emissions and that amount was insufficient to meet the said goal. If sustainable aviation fuels were not progressed sufficiently, then it would be necessary to work harder on the fourth pillar, carbon offsets of international aviation CO₂ emissions under CORSIA. For that reason it was important to make progress on the third pillar, sustainable aviation fuels.

96. In endorsing the CAAF/2 Report, the Representative of Spain indicated that while it might be desirable to fine tune the text of the Conference's Declaration the Council was unable to do so. The Declaration could, nevertheless, be adapted to ICAO's Work Programme. Observing that whereas most of the Declaration's Operative Paragraphs used terms such as "endorses", "recognizes" and "notes", Operative Paragraphs 4, 5 and 6 uses expressions such as "ICAO and its Member States ... will work together", "ICAO will act" and "ICAO will facilitate", the Representative of Spain emphasized that no conference could commit ICAO to taking any actions, even if a majority of the States in attendance decided on that action; rather, a conference could only make recommendations to ICAO, which it was for the Council to consider and decide on. He stressed the need to take this into account for future ICAO conferences.

97. The Representative of the United Arab Emirates supported this intervention by the Representative of Spain, as well as the earlier intervention by the Representative of Saudi Arabia.

98. Recalling that there had been an intense discussion of the issue of definitions during CAAF/2, the Representative of France highlighted that it was reflected in Recommendation 1.4.1 e) in the CAAF/2 Report, which indicated that "defining terminologies is an important part of the work on aviation alternative fuels. The terminologies 'sustainable aviation fuels', 'aviation alternative fuels', 'conventional aviation fuels', 'conversion process', 'feedstock' and 'pathway' are under consideration by ICAO deliberative bodies as part of the work on CORSIA, and once adopted, will be used for work on aviation alternative fuels;". He underscored that the Conference had been very careful in addressing the issue of definitions and had not wished to pre-empt the said ongoing work.

99. The Representative of France further emphasized that CAAF/2 had also been very careful in choosing the language used in Operative Paragraph 18 of the Declaration, which indicated that "The 2050 ICAO Vision does not set a precedent for or prejudice the work to be undertaken by the ICAO Council regarding the exploration of a long-term global aspirational goal for international aviation under Paragraph 9 of Assembly Resolution A39-2, or the periodic review of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) under Paragraph 18 of Assembly Resolution A39-3.". He stressed that the CAAF/2 results did not address the policies that would be adopted in the future by ICAO under CORSIA and on sustainable aviation fuels, which had enabled the Declaration to be adopted by consensus. In highlighting that CAAF/2 had placed greater emphasis on the sustainability of aviation fuels than CAAF/1, particularly in view of the Paris Agreement on climate change and subsequent events, the Representative of France indicated that it was properly reflected in the CAAF/2 Report and reiterated the need for sustainability to be part of ICAO's work going forward.

100. The Representative of Cuba indicated that while she had no objections to approving the CAAF/2 Report and endorsing the Conference's recommendations and Declaration, she was concerned that only 29 Member States i.e. 15 per cent of the total number, had attended the Conference. Recalling that CAAF/2 had taken place at the same time as another important ICAO event, the *Second ICAO Global Aviation Cooperation Symposium* (GACS2017) (Athens, Greece, 11-13 October 2017), she stressed the need for the Secretariat to be more cautious and to take appropriate precautions in scheduling events to avoid such clashes in the future.

101. In indicating that it was for the Council to decide whether or not to endorse the said Declaration, which had been adopted by CAAF/2 in which only 29 Member States had participated, the President of the Council recalled the decision that the *Convention on International Interests in Mobile Equipment* and the related *Protocol on Matters specific to Aircraft Equipment* (Cape Town, 16 November 2001) would come into force upon ratification/acceptance/approval/accession by only 3 and 8 Member States, respectively.

102. The Representative of Brazil agreed wholeheartedly with the comments made by the Representatives of Spain and Cuba. Drawing attention to the executive summary of the paper, in which it was indicated that the Council was invited to endorse the recommendations and Declaration of CAAF/2 and that implementation of the actions referred to therein would have financial implications for States, industry and the Budget of the Organization, she questioned if the Council, which only comprised 36 of ICAO's 192 Member States, had the right to endorse anything that might have financial implications for all Member States in 2019. The Representative of Brazil thus suggested that the Council take note of the CAAF/2 recommendations and Declaration rather than endorse them.

103. The President of the Council recalled that the Council had endorsed the recommendations of the second High-level Safety Conference (Montréal, 2-5 February 2015) held following the downing of Malaysia Airlines Flight MH17 over eastern Ukraine on 17 July 2014, even though they had had significant financial implications for ICAO. In underscoring that the ICAO Budget procedure was different from that of other organizations, he noted that although the Assembly approved ICAO's triennial Budget, in light of the very dynamic aviation industry which might give rise to unanticipated developments, it granted the Council the authority to reprioritize during the three years in order to address new and emerging issues and to mobilize the required resources. The President emphasized that the fact that the Council's endorsement of any proposed action would have financial implications should not be the only reason for not taking that action if the Council deemed it to be otherwise right. In underscoring that ICAO would find a way to resolve the resource issue for the implementation of the actions referred to in the CAAF/2 Declaration and recommendations, he stressed that the ICAO Vision for Sustainable Aviation Fuels was long-term, to 2050, and that it did not necessarily have to all be implemented now. The President emphasized that it could be factored into the next triennial Budget if the required resources were not found right away, and thereafter in the Work Programme. He did not wish the Council to proceed along that line as it would negate most of the actions it had already taken in the past and that it might have to take in the future if something unexpected happened.

104. While supporting and endorsing the CAAF/2 Report and Declaration, the Representative of Turkey fully agreed with the Representative of Spain that ICAO conferences could not commit the Organization to taking any actions and that that should be taken into account for future such events. He stressed that only the Assembly and the Council could put ICAO under an obligation.

105. In echoing the views expressed by the Representatives of Spain and Turkey, especially with regard to the language used in Operative Paragraphs 4, 5 and 6 of the CAAF/2 Declaration, Representative of South Africa emphasized that it would have been preferable for those Operative Paragraphs to have used the word "should", in line with the other Operative Paragraphs.

106. The Representative of the United Kingdom indicated that although he had not attended CAAF/2, he held the same view as the Representative of France that Operative Paragraph 18 made it clear that the 2050 ICAO Vision did not set a precedent for or prejudice the work to be undertaken by the Council regarding the exploration of a long-term global aspirational goal for international aviation. While agreeing with the Representatives of Spain, Turkey and South Africa that no body other than the Assembly could mandate the Council to take action, he reiterated that the CAAF/2 Declaration had been supported by all those present at the Conference. The Representative of the United Kingdom thus considered that unless those States which had not been in attendance at CAAF/2 had a major issue with it, the Council should endorse it, while recognizing that it did not create any obligations for ICAO.

107. The Representative of Colombia queried whether the Council's endorsement of the CAAF/2 Declaration would mean that ICAO would assume the tasks directed to it by the Conference and whether reference would henceforth be made to "sustainable" aviation fuels instead of to "alternative" aviation fuels. He voiced agreement with the comments made by the Representative of Saudi Arabia

regarding the definition of the latter. While the Representative of Colombia was not opposed to the CAAF/2 Report, he considered that there were lessons to be learned from the Conference. He cited, in this context, the issue of scheduling raised by the Representative of Cuba, and the issue of the language used in the Declaration raised by the Representative of Spain and echoed by the Representatives of Turkey and South Africa, inter alia.

108. Recalling that the Assembly, in Operative Paragraph 2 of Resolution A39-3, had affirmed its preference for the use of aircraft technologies, operational improvements and sustainable alternative fuels that provide the environmental benefits within the aviation sector over market-based measures (MBMs), the Representative of Colombia stressed the need to account for any reductions of aviation CO₂ emissions through those means so as to enable well-informed decisions to be taken. He also emphasized the need for all States to have the same precise information regarding those reductions as CAEP Members. The Representative of Colombia averred that if such reductions were not properly accounted for, then it would not be possible to make further reductions. Referring to the comments made by the Representative of the Russian Federation, he emphasized that while each airline could choose whatever aviation fuel it wished, if the use of sustainable aviation fuels were not accounted for in CORSIA then there would not be any known reductions. The Representative of Colombia recalled, in this regard, that the “R” in CORSIA stood for “Reduction”.

109. The Representative of Colombia noted that the Assembly, in Operative Paragraph 7 of Resolution A39-3, had also requested the Council to continuously monitor the implementation of all elements of the basket of measures, and consider the necessary policies and actions to ensure that progress is achieved in all of the elements in a balanced way with an increasing percentage of emissions reductions accruing from non-MBM measures over time. In stressing that it was thus necessary for the Council to establish a minimum percentage of aviation CO₂ emissions reductions to be achieved through the use of aircraft technologies, operational improvements and sustainable alternative fuels, he underscored it was not possible to rely solely on CORSIA to achieve the global aspirational goal of CNG from 2020.

110. In sharing the views expressed by the Representative of France, the Representative of Canada noted that his State had also attended CAAF/2. Reiterating that Delegates had been very cautious in their choice of language for the Declaration, he observed that they had utilized the word “encourage” in many of its Operative Paragraphs. Highlighting that they had also made many compromises during the Conference, the Representative of Canada underscored that Delegates had also chosen not to include in the CAAF/2 Declaration any hard and fast figures for achieving the *2050 ICAO Vision for Sustainable Aviation Fuels*. Agreeing with the President that the Declaration was more of a long-term vision, the Representative of Canada emphasized that the Council should endorse it.

111. Adding to his earlier comments (cf. paragraph 93 above), the Representative of Ecuador voiced support for the comments made by the Representatives of Spain and Turkey. Referring to the intervention by the Representative of Cuba, he emphasized that while only 29 States had participated in CAAF/2, representing some 15 per cent of the total number of ICAO Member States, the Conference’s outcomes were extremely important, including its Declaration. In agreeing with the comments made by the Representative of Brazil, the Representative of Ecuador reiterated that the Council should take note of the CAAF/2 recommendations and Declaration rather than endorse them.

112. Noting that her State had attended CAAF/2, the Representative of Sweden indicated that it welcomed the results of the Conference which had dealt with the very important issue of sustainable aviation fuels. She agreed with the Representative of Spain that the Council could not change the language used in the CAAF/2 Declaration and that the Conference could not commit ICAO to taking certain actions. The Representative of Sweden also noted the comment made by the Representative of

France that Operative Paragraph 18 of the Declaration did not set a precedent or pre-judge the work to be undertaken by ICAO. In expressing support for all work that could be done on this important subject she recalled the question raised by the Representative of Brazil regarding the financial implications for ICAO and queried what the cost would be if the Organization did not work on the issue of sustainable aviation fuels.

113. The Representative of Argentina, whose State had also participated in the Conference, expressed support for the substance of the Declaration. Observing, however, that CAAF/2 Delegates might not necessarily have been aware of the latter's legal aspects, he agreed that it would have been better to draft the Declaration differently so as to avoid the present predicament. Averring that the Conference had exceeded its authority in assigning tasks to ICAO in its Declaration, the Representative of Argentina stressed that it was for the Council to decide whether or not to endorse the latter. Emphasizing that its decision was not an automatic one, he indicated that the recommendations and Declaration of CAAF/2 would only have legal weight if endorsed by the Council. The Representative of Argentina suggested that one way to rectify the mistake made by the Conference in the choice of language used in the Declaration would be for the Council to: approve the CAAF/2 Report; take note of the CAAF/2 recommendations with appreciation and take them into consideration in the Council's future work. He underscored that in that manner the authority would continue to reside with the Council.

114. The Representative of Kenya supported the intervention by the Representative of Canada regarding the cautious approach taken by Delegates in drafting the Declaration and took cognizance of the implications of the latter's wording as exposed by the Representative of Argentina. Noting that the obligations arising from Operative Paragraphs 4 to 7 of the Declaration related mainly to ICAO facilitating support to States in their efforts to develop and deploy sustainable aviation fuels, including capacity building and assistance and the development of guidance materials, she emphasized that those were tasks which were already being undertaken pursuant to the request of the last Assembly. The Representative of Kenya further noted that Operative Paragraphs 8 to 17 had also been carefully considered by Delegates and only encouraged certain actions to be taken by States. She thus would have no difficulty with the Council endorsing the Declaration, on the understanding that the Council's mandate to perform certain tasks as referred to in Operative Paragraphs 4 to 7 thereof came from the Assembly and not CAAF/2.

115. In sharing the views expressed by the Representatives of Ecuador and Argentina, the Representative of Egypt emphasized that as the Council was unable to change the language used in the Declaration, it should only note the Declaration and the recommendations of CAAF/2.

116. While observing that the Representative of Argentina's proposal offered a very good way in which to address the procedural issue raised by the Representative of Spain, the Representative of Uruguay indicated that his preference would be to indicate that the Council welcomed the CAAF/2 recommendations and Declaration.

117. The President of the Council cautioned against allowing the said procedural issue to preclude a Council decision on sustainable aviation fuels, one of the elements of the basket of measures, and thus the fulfillment of the Assembly's request.

118. In expressing strong support for the report, the Representative of Singapore suggested that the Council endorse both actions proposed in its executive summary. Agreeing with President's comments, he reiterated that the Council should not allow concerns over the language used in Operative Paragraphs 4 to 6 to prevent it from taking a decision. Recalling that he had attended the CAAF/2, the Representative of Singapore underscored that Delegates at that Conference, which had been convened under the auspices of ICAO, had made it very clear that the 2050 ICAO Vision did not set a precedent for,

or prejudice the work to be undertaken by the ICAO Council, as reflected in Operative Paragraph 18, highlighted by the Representative of the United Kingdom. In supporting the interventions by the Representatives of France, Canada, Sweden and Kenya, he emphasized that much careful consideration had been given to the wording of the Declaration, which was balanced. Stressing that the Declaration was not the final word on work to be undertaken in the area of sustainable aviation fuels, the Representative of Singapore averred that the work referred to therein and the work referred to during the current discussion were not mutually exclusive. Underscoring that the Delegates' intention in adopting the said Declaration had been to signal their desire for a greener aviation, he noted that no Council Representatives had voiced disagreement.

119. Noting that his State had participated in CAAF/2, the Representative of the United Republic of Tanzania indicated that, having heard all of the Council Representatives' interventions, he endorsed the actions proposed in the executive summary of the report.

120. The Representative of Ireland highlighted that although her State had not attended CAAF/2, it welcomed the Conference's results. She supported the comments made by the Representatives of the United Kingdom and France regarding Operative Paragraph 18 of the Declaration, which stipulated that the latter did not set a precedent for or pre-judge the work to be undertaken by ICAO.

121. Recalling that his State had participated in CAAF/2, the Representative of Italy confirmed its support for the Declaration, in particular, for Operative Paragraph 18 thereof.

122. The Representative of Panama underscored that his State, which had also attended the Conference, fully supported its Declaration and recommendations.

123. Observing that the CAAF/2 recommendations were well-drafted, the Representative of Spain spoke in favour of the Council endorsing them, which essentially meant that it was also endorsing the Declaration, even though it was agreed that the language used in Operative Paragraphs 4 to 6 thereof was incorrect.

124. In agreeing with the interventions by the President of the Council and the Representative of Singapore, the Representative of Japan supported the important CAAF/2 Declaration by virtue of its Operative Paragraph 18. He underscored the need for more work to be done in the area of sustainable aviation fuels.

125. Referring to his earlier comments, as well as the President's, the Representative of Turkey emphasized that the language used in Operative Paragraphs 4 to 6 was not a procedural matter; rather, it was a matter of principle. While concurring that it was for the Council to decide whether to not to endorse any action, including, in the present case, the CAAF/2 Declaration, he underscored that it was sometimes faced with a *fait accompli* that it did not favour. The Representative of Turkey reiterated the need to bear in mind for future ICAO Conferences that the latter could not commit the Organization to taking any actions. While endorsing the CAAF/2 Declaration as being "fit for purpose", he stressed the need to respect principles.

126. The above comments and concerns expressed by Representatives were noted, as were the clarifications provided.

127. In offering a summary of the discussion, the President of the Council recalled that the basket of measures to reduce CO₂ emissions from international aviation contained four elements, i.e. aircraft technologies, operational improvements, sustainable aviation fuels, and a global market-based

measure (GMBM) scheme. He underscored, in that regard, that: ICAO's adoption of a global CO₂ emissions certification Standard for new aircraft, contained in Volume III to Annex 16 – *Environmental Protection*, was leading to enhancements in aircraft technologies; the implementation of the Organization's Global Air Navigation Plan (GANP) was improving the efficiency of air navigation; and ICAO had adopted a GMBM scheme in the form of CORSIA. Thus the only element of the basket of measures which remained to be addressed was the use of sustainable aviation fuels. The President emphasized that CAAF/2 had provided the logical conclusion to the *First ICAO Conference on Aviation and Alternative Fuels* (CAAF/1), held in Rio de Janeiro, Brazil, from 16-18 November 2009, under his chairmanship, in the form of the *2050 ICAO Vision for Sustainable Aviation Fuels*. It was thus possible for the Council to report to the next (40th) Session of the Assembly in 2019 that appreciable progress had been made on all four elements of the basket of measures since the 39th Session in 2016, including the said CAAF/2 outcome with the *2050 ICAO Vision*.

128. The President of the Council observed that a number of issues had been raised by Representatives regarding principles and procedures, particularly with regard to the CAAF/2 having committed ICAO to taking certain actions relating to sustainable aviation fuels in Operative Paragraphs 4, 5 and 6 of the Declaration by virtue of the language used therein. He stressed that it was the Secretariat's responsibility to ensure that the language used in Declarations or other documents emanating from ICAO conferences, including high-level ministerial conferences, was that of recommendations to the Council, for its decision, even if, as in this case, it was mostly referring to tasks requested of the Council by the last Assembly. The President emphasized, in this regard, that although Ministers were superior in rank to individual Council Representatives, the Council, as a collective body, had superior standing under the Chicago Convention. That being said, it was necessary to understand the overall intention of CAAF/2 in formulating Operative Paragraphs 4, 5 and 6, which were similar to the SAF-related provisions in Assembly Resolutions A39-1 and A39-2. He further noted that, pursuant to Operative Paragraph 18 of the Declaration, the 2050 ICAO Vision did not set a precedent for or prejudice the work to be undertaken by the Council.

129. The President of the Council recalled that the Representative of Saudi Arabia had highlighted the difference between "sustainable aviation fuels" and "alternative aviation fuels", the key word being "sustainable". Indicating that the comments and concerns that he had expressed in that regard, which had been supported by many other Representatives, were valid, the President emphasized that there was no doubt that, with the improvements in technologies that were being made, conventional aviation fuels could have even greater sustainability in the future, which could, in turn, discourage the use of fuels from other sources. Noting that enhancing the sustainability of conventional aviation fuels was a key issue, the President recalled that Saudi Arabia had given an informal briefing to the Council on 22 January 2018 on advancing low-carbon aviation fuels. He highlighted that the Council had tasked the CAEP with considering that key issue as a matter of technological advances and innovations taking place in the area of petroleum-based fuel sources. The President remarked that CAAF/2 had been very careful in its choice of words in its Report and Declaration, using the term "sustainable aviation fuels" instead of the term "alternative aviation fuels". He noted that Recommendation 1.4.1 e) in the CAAF/2 Report highlighted the importance of defining terminologies, and such terminologies were under consideration as part of the work on CORSIA, and once adopted, should be used consistently. The Council would thus continue to monitor the work being carried out by CAEP in that regard, taking into account the said key issue of enhancing the sustainability of conventional aviation fuels through technological advances and innovations.

130. The President of the Council observed that a very important concern had also been expressed regarding ICAO's own contribution to a reduced level of participation in CAAF/2 through its scheduling of another event at the same time, namely, the *Second ICAO Global Aviation Cooperation Symposium* (GACS2017) (Athens, Greece, 11-13 October 2017). He stressed that it was the collective

responsibility of the Council and the Secretariat to ensure that in future: no major ICAO global events were scheduled to take place concurrently, particularly as they were expected to make policy recommendations to the Council; and that no lower category ICAO meetings, which were informative in nature, were scheduled to take place at the same time as major ICAO global events, especially as they could negatively impact attendance at the said global events and thus their outcomes.

131. The President of the Council further noted that Representatives had expressed significant appreciation to the Government of Mexico for hosting CAAF/2. He therefore requested the Representative of Mexico to reiterate the Council's appreciation to his Government for its excellent organization of CAAF/2, and to Mr. Kobeh, past President of the Council and now the *Lifetime Goodwill Ambassador of ICAO* and the Director General of SENAEM, for his wise chairmanship of the Conference. The President of the Council recalled that he had already conveyed the Council's appreciation to the Government of Mexico and Mr. Kobeh following the conclusion of the Conference.

132. The Council accepted the President's above summary as part of its decision. Bearing in mind the caveats mentioned therein, the Council took the action indicated in the executive summary of C-WP/14692, as amended by the President in light of the discussion, and:

- a) approved the CAAF/2 Report as set forth in the Appendix to the paper;
- b) endorsed the CAAF/2 recommendations contained in paragraphs 1.4.1, 2.4.1 and 3.4.1 of the said Report, as well as the CAAF/2 Declaration contained in Appendix C thereto;
- c) noted the additional efforts and resources required by the ICAO Secretariat in order to undertake and effectively conduct the work outlined in the CAAF/2 recommendations and Declaration, as set forth in paragraph 2.5 of the paper, and requested the Secretary General to look for the necessary resources from cost-savings;
- d) urged all Member States to provide support to the ICAO Secretariat in carrying out the above-mentioned work; and
- e) agreed to take the said additional work and resource requirements into account when considering the Organization's draft Regular Programme Budget for the next (2020-2022) triennium.

Statements of objection to the use of the terms "approve" and "endorse" in paragraphs 132 a) and b)

133. Recalling his earlier comments, as well as the suggestion made by the Representative of Brazil that the Council take note of the CAAF/2 recommendations and Declaration, which had been supported by a number of Representatives, the Representative of Saudi Arabia indicated that he objected to the use of the terms "approve" and "endorse" in paragraphs 132 a) and b), respectively. The Representatives of Egypt, the United Arab Emirates, Algeria and the Russian Federation also expressed the same objection to the use of those terms. These statements were noted.¹

Any other business

Subject No. 4: Appointment of the Secretary General

¹These objections were later withdrawn at the Seventh Meeting of the 214th Session (cf. C-DEC 214/7, paragraph 1).

**Draft Charter Letter from the President of the Council, on behalf of the Council,
to the Secretary General**

134. At the request of the President, the Council agreed to waive Rule 26 b) ii) of its Rules of Procedure (Doc 7559), whereby working papers are to be distributed to all Representatives at least five working days in advance of the meeting at which they are to be considered, to enable C-WP/14699 (*Draft Charter Letter from the President of the Council, on behalf of the Council, to the Secretary General*) to be tabled for discussion on the morning of Wednesday, 14 March 2018, prior to the Council's consideration of the item "Appointment of the Secretary General" on Friday, 16 March 2018. It further agreed that although the covering working paper would be translated into all ICAO working languages, the text of the draft Charter Letter set forth in the Appendix to C-WP/14699 would be in the English language only.

135. The meeting adjourned at 1310 hours.

COUNCIL — 213TH SESSION

SUMMARY MINUTES OF THE SEVENTH MEETING

(THE COUNCIL CHAMBER, MONDAY, 12 MARCH 2018, AT 1430 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|------------|------------------------------|-----------------------------|------------------------|
| Algeria | — Mr. A.D. Mesroua | Kenya | — Ms. M.B. Awori |
| Argentina | — Mr. G.E. Ainchil | Malaysia | — Mr. K.A. Ismail |
| Australia | — Mr. S. Lucas | Mexico | — Mr. D. Méndez Mayora |
| Brazil | — Mrs. M.G. Valente da Costa | Nigeria | — Mr. M.S. Nuhu |
| Cabo Verde | — Mr. C. Monteiro | Panama | — Mr. G.S. Oller |
| Canada | — Mr. M. Pagé | Republic of Korea | — Mr. J. Hur |
| China | — Mr. Shengjun Yang | Russian Federation | — Mr. S. Gudkov |
| Colombia | — Mr. A. Muñoz Gómez | Saudi Arabia | — Mr. S.A.R. Hashem |
| Congo | — Mr. R.M. Ondzotto | Singapore | — Mr. T.C. Ng |
| Cuba | — Mrs. M. Crespo Frasquieri | Spain | — Mr. V.M. Aguado |
| Ecuador | — Mr. I. Arellano | Sweden | — Ms. H. Jansson Saxe |
| Egypt | — Mr. A. Khedr | Turkey | — Mr. A.R. Çolak |
| France | — Mr. P. Bertoux | United Arab Emirates | — Miss A. Alhameli |
| Germany | — Mr. U. Schwierczinski | United Kingdom | — Mr. D.T. Lloyd |
| India | — Mr. A. Shekhar | United Republic of Tanzania | — Mr. R.W. Bokango |
| Ireland | — Ms. N. O'Brien | United States | — Mr. T.L. Carter |
| Italy | — Mr. M.R. Rusconi | Uruguay | — Mr. M. Vidal |
| Japan | — Mr. S. Matsui | | |

ALSO PRESENT:

- | | |
|--------------------------------|------------------------|
| Mrs. M.F. Loguzzo (Alt.) | — Argentina |
| Mr. C. Fernández (Alt.) | — Argentina |
| Mr. R. Filippi Pecoraro (Alt.) | — Brazil |
| Mr. D. Marshal Freitas (Alt.) | — Brazil |
| Mr. D. Tavares Taufner (Alt.) | — Brazil |
| Mr. M.G. Correia Pontes (Alt.) | — Brazil |
| Mr. H. Gonzales (Alt.) | — Brazil |
| Mr. G. do Prado Lima (Alt.) | — Brazil |
| Mr. Chunyu Ding (Alt.) | — China |
| Mr. M. Millefert (Alt.) | — France |
| Mr. N. Naoumi (Alt.) | — Germany |
| Mr. F. Nicolai (Alt.) | — Italy |
| Mr. M. Usami (Alt.) | — Japan |
| Mr. Y.H. Lim (Alt.) | — Malaysia |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mr. K. Lee (Alt.) | — Republic of Korea |
| Mr. D. Subbotin (Alt.) | — Russian Federation |
| Mr. M.S. Habib (Alt.) | — Saudi Arabia |
| Mr. S. Vuokila (Alt.) | — Sweden |
| Mr. Ö. Doğrukol (Alt.) | — Turkey |
| Mr. M. Salem (Alt.) | — United Arab Emirates |

SECRETARIAT:

- | | |
|----------------|-----------------|
| Mrs. J. Yan | — C/OSG |
| Mr. B. Djibo | — D/ATB |
| Mr. S. Creamer | — D/ANB |
| Mr. J. Huang | — A/D/LEB |
| Mrs. J. Hupe | — DD/ENV |
| Mr. S. Lefoyer | — DD/ASF |
| Mr. T. Tanaka | — C/CC |
| Mr. A. Larcos | — C/ACS |
| Miss A. Tyo | — Précis-writer |

ALSO PRESENT (CONTINUED):

Mrs. K.L. Riensema (Alt.) — United Kingdom
Mr. S. Kotis (Alt.) — United States
Mrs. M.A. González (Alt.) — Uruguay
Mr. F. de Medina (Alt.) — Uruguay

Representatives to ICAO

Bolivia (Plurinational State of)
Chile
Cyprus
Equatorial Guinea
Greece
Indonesia
Lebanon
Paraguay
Peru
Qatar
Senegal
Uganda

Airports Council International (ACI)
European Union (EU)
International Air Transport Association (IATA)

Subject No. 50: Questions relating to the Environment

Report of the Second ICAO Conference on Aviation and Alternative Fuels (CAAF/2)

1. The Council resumed consideration of this item, which had been subject of deliberations during the previous meeting on Friday, 9 March 2018 (C213/6).
2. The President of the Council recalled that the Council at its previous meeting had affirmed that a key difference existed between the phrase “alternative aviation fuels” and “sustainable aviation fuels”. He further recalled that the Report and Declaration adopted at CAAF/2 had deliberately used the latter phrase; “sustainable aviation fuels”, since this was more appropriate given the need to emphasize the issue of enhancing the sustainability of conventional aviation fuels through technological advances and innovations. In this connection, the President of the Council proposed that the Secretariat be requested to ensure that all future events of a similar theme to CAAF/2 should avoid references to “alternative aviation fuels” so that the phrase “sustainable aviation fuels” was highlighted instead.
3. The Representatives of Saudi Arabia, United Arab Emirates and Egypt expressed their support for the proposal made by the President of the Council.
4. The Representative of Saudi Arabia advised that, on the basis of the decision that had just been agreed to, Saudi Arabia withdrew the reservation that it had expressed on this item during the previous meeting (C213/6). The Representative of the United Arab Emirates associated herself with this intervention in likewise indicating withdrawal of the reservation that had been previously expressed by her delegation.

Subject No. 50: Questions relating to the Environment

Update on the work on the Global Market-based Measure Scheme (CORSIA)

5. The Council considered this item on the basis of Information Paper C-WP/14691, presented by the Secretary General, which provided an update on ICAO’s preparatory activities towards the implementation of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), and a PowerPoint presentation by the Secretariat.
6. The Secretary General introduced information paper C-WP/14691, which comprised a status report on the development of Standards and Recommended Practices (SARPs) and other components of the CORSIA package, as well as the recent progress on ICAO’s outreach and capacity-building activities to support the implementation of the scheme. As of the date of the meeting, 73 States, including the recent announcement by Namibia, had volunteered to participate in the CORSIA. As requested by the Assembly and at the last Council Session, the Secretariat would continue to promote CORSIA and encourage States that had not already done so, to volunteer to participate in the CORSIA.
7. C-WP/14691 outlined that State letter AN 1/17.4–17/129 had been issued on 5 December 2017, requesting comments from States by 5 March 2018. Following the review of CORSIA-related SARPs, the final adoption by the Council was expected in June 2018. During the seventh meeting of its 212th Session, the Council had provisionally approved the emissions units criteria (EUC), as part of the CORSIA implementation elements. Results ascertained from the informal testing of select programmes and other technical input by the Committee on Aviation Environmental Protection (CAEP) were scheduled for consideration during the 215th Session of the Council in November 2018. CAEP was also

advancing the development of its recommendations related to sustainable aviation fuels, which were also expected to be considered by the Council in November 2018.

8. Among the activities of the Secretariat related to capacity-building and outreach outlined in C-WP/14621 was the development of outreach products, including videos, brochures and leaflets, that had been developed on the basis of the draft CORSIA package components, and which had been made possible through the generous financial support of the Government of Sweden.

9. The Council was also informed of the following initiatives: an invitation to States had been disseminated through a State letter dated 4 January 2018, requesting States to nominate a CORSIA Focal Point; the ICAO Seminar on Carbon Markets had been held from 7 to 9 February 2018 at ICAO Headquarters; and the 2018 regional seminars were to be conducted between 21 March and 18 April in all five ICAO Regions and would facilitate the provision of CORSIA-related information and assistance to States.

10. The Secretary General then introduced the Secretariat's informal briefing on the CORSIA which would serve to update the Council representatives on the latest information related to the implementation of the scheme prior to the consideration of CORSIA-related papers. Presented jointly by the Director of the Air Transport Bureau (D/ATB) and the Deputy Director, Environment Branch (DD/ENV) the presentation was comprised of an update on the preliminary status of responses to the State letter on the draft CORSIA SARPs, followed by a progress report on the outcome of the ICAO/Germany Small Scale Implementation Project which had been testing the feasibility of CORSIA monitoring, reporting, and verification (MRV) in cooperation with seven States and their airlines. In conclusion, the presentation provided an update on upcoming events and the scheduling of activities including seminars and meetings leading up to the adoption of CORSIA SARPs by the Council in June 2018.

11. D/ATB reminded the Council that the comments received from States on CORSIA implementation elements during the State letter consultation would be considered by the Advisory Group of CORSIA (AGC), in addition to the normal review by the Air Navigation Commission (ANC), prior to being taken up by the Council. He advised that, given the complexity of the material under consideration, being both the proposed new Volume IV – *CORSIA* of Annex 16 – *Environmental Protection* and the CORSIA Implementation Elements, the original deadline for States' replies of 5 March 2018 had been extended to 20 April 2018 at the latest, in order to be able to meet the deadlines of the ANC and Council.

12. The summary replies as at the current stage were: 17 replies expressing agreement without comment on the Annex 16, Volume IV, provisions; 15 replies expressing agreement with conditional comments to be considered in case other substantial changes were introduced, and 19 replies expressing agreement with comments. On the CORSIA Implementation Elements 30 replies without comments had been received, along with 11 replies with conditional comments to be considered in case other substantial changes were introduced, and 10 replies with comments.

13. Following the presentations, all Representatives expressed their gratitude to Sweden and Germany for their States' valuable support in the preparation for the implementation of CORSIA. The testing of the MRV supported by Germany and the funding provided by Sweden to enable the translation of the CORSIA-related documentation into the official languages of the Organization were crucial to the scheme's successful implementation.

14. Expressing his appreciation to the Secretariat for all the work that had taken place so far in preparation for the launch of the CORSIA, including the organization of the regional seminars, the Representative of France mentioned that his State's experts were also busily preparing for it. He advised

that the translation of the CORSIA documentation was important especially with regard to outreach and capacity-building activities. He was also pleased with the flexibility being shown by the Secretariat in the extension of the deadline for accepting replies to State letter AN 1/17.4–17/129 as the issue under consideration was complex and required a great deal of coordination among ministries. All this being said, it was important not to lose sight of the objective and of the tight and specific timetable to be followed to be ready to consider this item during the 214th Session of the Council in June. A timetable of the ANC and AGC meetings, which represented the milestones in the work leading up to June, and a regularly updated plan were required in order that the Representatives on the Council could prepare themselves and could coordinate with their capitals.

15. The Representative of Mexico made reference to paragraph 3.3 of C/WP-14691, on the availability of outreach materials, which he believed was important to achieve the greatest possible dissemination of information following the approval of the CORSIA SARPs, whether via State letter or another appropriate mechanism to ensure that the information to be sent to States was available in all official languages. Referencing paragraph 3.5, on the nomination of CORSIA focal points, it was important for those States interested in taking part in the pilot phase to very quickly designate their focal points. Finally, with regard to the regional seminars, he suggested that those States having national delegations at ICAO headquarters urge their States to take an active role in the regional seminars so as to ensure the best possible coverage.

16. The Representative of the Russian Federation thanked the Air Transport Bureau for its detailed presentation and noted that it was clear that over the next few months the ICAO Secretariat would have to carry out a lot of work. He expressed confidence that the Secretariat would fulfil the required tasks in a responsible and competent manner. More detailed comments were requested, however, given the complexity and the novel nature of structure and content of the CORSIA package and the challenging discussions regarding this documentation within the ICAO Council. Firstly, the new Volume IV of Annex 16 would contain numerous references to supporting documents on the implementation elements of CORSIA which would have to be approved by the Council. However, State letter AN 1/17.4–17/129 had described the supporting documents in a general manner only. Given the complexity of the CORSIA system, without the supporting documents, the understanding and practical implementation of Volume IV of Annex 16 would be extremely difficult. Therefore he requested clarification on the legal status of the implementation elements for CORSIA and its supporting documents and whether these were binding for States. Secondly, clarification was sought on whether a final version of these supporting documents would be submitted for approval by the Council before the Annex 16, Volume IV, SARPs were to be adopted. Thirdly, if a finalized version of these supporting documents was not presented to Council before the SARPs in Volume IV of Annex 16 were adopted, would the adoption of so-called incomplete SARPs lead to uncertainty for Member States. Fourthly, since the Council was being asked to adopt SARPs that were not fully substantive, would the envisaged adoption of the SARPs for Volume IV of Annex 16 not set a dangerous precedent within ICAO practices.

17. Additionally, the Representative of the Russian Federation noted that given the complex nature of the CORSIA, the implementation of Volume IV of Annex 16 would require diverse expertise within States, not only in the aviation field but also in the economic and environmental areas, among others. Accordingly, it would require the allocation of significant financial and human resources and because of this, rather than implementing CORSIA, certain Member States might prefer to invoke the right available to them under Article 38 of the *Convention on International Civil Aviation* and declare their full rejection of all the provisions of Volume IV of Annex 16 including provisions regarding monitoring, reporting, and verification (MRV). If such a declaration were to be made, he queried what might be the practical consequences for the State itself and its operators, and would this not lead to discrimination against operators on global air traffic markets.

18. The Deputy Director, Environment Branch (DD/ENV) welcomed the suggestions from the Representative of Mexico to increase the openness of information and to do more outreach and advised that these suggestions would be taken into consideration. She agreed with the comments from the Representative of France on the need for clarity as to the timetable and upcoming schedule so as to allow all participants to better prepare and participate. On the concerns expressed by the Representative of the Russian Federation, she directed attention to C-WP/14674 (Update on the work on a Global Market-based Measure (GMBM) Scheme), presented during the 212th Session of the Council, which addressed all the comments expressed on the legal status of the documents. She advised that, without delving into the content of C-WP/14674, the Secretariat was at the disposal of the Council to respond to any further questions, in particular on the question of what would occur should a State that had an operator choose not to adhere to the Annex 16, Volume IV, SARPs. If such cases, Annex 16, Volume IV, did contain some contingency measures, and ICAO would have the means to fill the gap using the tool search or other means to ensure that the coverage of the emissions would exist to enable the calculation of the multiplier necessary for States to do their reporting. Issues surrounding the legal status in this regard had been included in C-WP/14674.

19. The Representative of Saudi Arabia thanked the Secretary General for preparing C-WP/14691 which was highly informative, and he endorsed the views of the Representative of France in particular vis-à-vis the translation of CORSIA documentation pertaining to outreach and capacity-building activities. He then wondered whether a timetable could be developed so that Council could come back to the matter of the definition of alternative fuels. He also wondered how the Council could be expected to go about reviewing the definitions of alternative fuels during the same session when it was expected to adopt the Annex 16, Volume IV, SARPs. With reference to paragraph 2.2.1 of C-WP/14691, on Emissions Units Criteria (EUC), he suggested that it was within the mandate of CAEP to draft a recommendation to develop an advisory body that could help the Council develop all the certifications regarding sustainability of alternative fuels, and CAEP could submit those recommendations to the Council. He queried whether, rather than create an additional body to examine the definitions, could an existing body created by the Assembly, such as the technical advisory body (TAB), have its focus enlarged to take on this task.

20. The President of the Council clarified that while the TAB did not yet exist, the terms of reference for it were in the Assembly resolution (A39-3, operative paragraph 20 d)). Since the terms of reference of the TAB as presented in A39-3 were clear, any consideration of adding to those responsibilities needed to be a conscious effort and decision by the Council. With respect to the definition of alternative fuels, the President advised that he would endeavour to confer with the Secretariat to explore the implications of doing so on the SARPs and he would provide further information in this regard in due course and certainly before the Council's consideration of the Annex 16, Volume IV, SARPs at the next session.

21. Among the points raised by the Representative of India was his concern about the readiness of the States to implement CORSIA. He opined that the first and most important part of the entire CORSIA package was MRV which was to be implemented starting from 1 January 2019 and was to be implemented by all the 192 Member States and not only by the select group participating in the pilot stage. So in that regard if it were not possible to build robust, verifiable and credible data which would be used as a baseline for all future calculation during the lifetime of the scheme, the entire credibility of the scheme could be put into question. He queried whether enough was being done in terms of capacity-building and resource allocation to ensure States were ready to implement CORSIA. He recalled an earlier discussion with the Regional Directors wherein the Directors had mentioned the lack of resources and lack of interest of the States, and expressed uncertainty as to whether adequate programmes or plans were in place to address these concerns.

22. Expressing his appreciation for the pilot project undertaken by Germany, the Representative of India noted that the pilot project had been implemented over seven States and eleven airlines only and asked what plan was envisaged for the extension of this mechanism to all airlines. He then asked whether ICAO would be working in parallel with the International Air Transport Association (IATA) with regard to the reporting tool to be used by airlines or whether ICAO would have a separate system for the States to report on their data. If separate, how would the State's data integrate with those of the airlines if the latter were using IATA's software. Lastly, regarding the eligible emission units, it was his understanding that the eligible units available in the current market were mostly going to be used for offsetting of the national determined contribution after the sectorial cap had been established in different States, an issue which was still under negotiation and discussion under the Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC). He requested clarification as to whether there was an analysis of the availability of credits in the market during the time span of the entire CORSIA scheme over 15 years, how the pricing would work, and when the decision would be taken on the model and timeframe.

23. DD/ENV explained that with a view to ensuring the readiness of States to implement the CORSIA, the Secretariat, with the assistance of the Regional Offices, would be working with the State focal points. Those focal points who could not participate in the regional workshops would still benefit from the availability of tutorials on the web, and the Secretariat could follow up with them in this regard. The benefit of the pilot project undertaken with Germany was that ICAO had ownership of the intellectual property and, working with the Global Aviation Training (GAT) Office, the information could be transformed into a specific training course. However, such a course could not be launched without the availability of the approved SARPs. Thus the top priority was to have the SARPs reviewed and adopted. Potential financing for continuation of training was being explored with certain States. The Council was reminded that even though all Member States had an obligation to report, not all Member States had an airline, and only those States that had an air operator certificate in their State would be reporting. Many States would be exempted due to the low totals of emissions. Some States would be easily able to comply because the Organization had developed the CORSIA CO₂ Estimation and Reporting Tool (CERT) which would be put into service for States subsequent to the adoption of the SARPs. DD/ENV advised that although she was unfamiliar with the tool that had been developed by IATA, she was aware that many of the bigger airlines already utilized software tools for their own corporate reporting. On the ICAO tool, she reassured the Council that it would be available to States as soon as the SARPs had been approved.

24. D/ATB reminded the Council that, regarding reporting, ICAO would be waiting for States to inform how they intended to report because while States also had domestic airlines, the ICAO tool would address only international flights. For this reason, the Organization was being cautious not to give the impression that there could be a link with IATA's work. Additionally, ICAO would be asking States to ensure that they validated any data before forwarding it to the Organization.

25. The Representative of Sweden, concurring with previous speakers, noted that the upcoming work presented an impressive roadmap not only for the Secretariat but also for Member States and others. Seeing that late comments from States would be processed at the end of April and that a joint briefing for the AGC and ANC was to be held in the beginning of May, she queried whether it was possible for the Council to be provided with the information early to allow time to review the different replies in advance of the Council's discussion. In this connection, when discussing roadmaps, she also wished to stress the importance of CAEP continuing the ongoing work with the different issues related to CORSIA, the regional seminars, outreach and capacity-building.

26. Agreeing with the views expressed by previous speakers, the Representative of the United Kingdom believed that the timetable as presented did not leave much time for slippage or

unforeseen circumstances. Therefore he wondered if any contingency plan was in place to take into account any slight delays and expressed a willingness to assist should anything be needed to be done to help speed up the process. Similarly as put forth by the Representative of Sweden, he asked if there existed a way of sharing State replies ahead of their consideration by Council. He also supported the comment from the Representative of France for the provision of a regularly updated plan not only on alternative fuels but for the whole of the CORSIA adoption so all participants could be kept informed as well as made aware of the timetable in order to keep to the very tight schedule.

27. Expressing thanks to the Secretariat for the clarity of the presentation and the provision of guidance on outreach and capacity-building activities, the Representative of Spain, recalling the presentations by the Regional Directors and the difficulties being encountered by their offices, suggested that the GAT be engaged as early as possible in the CORSIA process and that the capacity of the Regional Offices be boosted to achieve the desired ends. Turning his attention to the timetable, he advised that the sequencing of events between 27 April and 18 May was crucial, and it should be clarified whether the ANC review and the AGC review were to be held sequentially or in parallel. Regarding the documentation to be brought forward by the Secretariat, he emphasized the importance, as was true for any proposed amendments to any Annex, of distinguishing between editorial observations and comments of substance.

28. Applauding the Secretariat for its work, the Representative of Cuba requested an explanation on the wording contained in the Secretariat's presentation which appeared to introduce a new sub-category of State replies. Clarification was sought on the meaning of the phrase "agreement with conditional comments" and whether this meant a comment that imposed a condition.

29. DD/ENV advised that in categorizing the State replies, the Secretariat felt it was dealing two types of replies, one group for the attention of the ANC and one for the AGC. A series of replies had been received that were viewed as being conditional in that they stated that if no other State opened debate on those subjects, the State replying would accept the SARPs as presented. If, however, another State opened a debate which led to the introduction of changes to the SARPs, some States would want to comment on these developments. It placed those comments in a category somewhere between two poles. Therefore it was decided to reflect those comments by outlining that 15 States replied that they agreed without comment on condition that the debate not be re-opened.

30. The Representative of Brazil expressed her congratulations to the Secretariat for the efforts that had been made to continue to move the CORSIA forward in the face of all its challenges. Following from the Secretariat's reply to the query from the Representative of Cuba, she was of the view that the conditions under which some States had replied would indeed apply to all States because, were some aspects of the CORSIA to change, all Representatives would have to revert to their capitals with the modifications that would be put forth. She felt more explanation was required because in her view all States would need to re-evaluate their positions in such circumstances. Regarding the challenges of capacity-building, she queried whether any ideas had been brought forward to go to certain States that had particular difficulties in order to explain the CORSIA more clearly, and if so, whether this would have any cost implications for the regular budget.

31. Noting with appreciation the effort and focus that had been placed on capacity-building and outreach as the Council had so requested, the Representative of Australia turned his attention to the involvement and resourcing of the Regional Offices on CORSIA issues. In previous discussions the Council had been informed that, due to budgetary constraints, meteorological (MET) officers, in some or all of the Regional Offices would be tasked to support CORSIA implementation. He queried whether any internal mechanisms had been undertaken to ensure that the MET staff were being trained and their skills upgraded in order to best perform their CORSIA outreach functions. He also wished to encourage the

Organization's outreach activities to look beyond the usual communication channels, such as the ICAO website and State letters, to make sure that ICAO was reaching those States that it had not be reaching via the normal channels. New and innovative ways to spread its message should be sought including direct communications with environment agencies within governments in case civil aviation authorities were not coordinating effectively. He concluded with a request that the finalized package for consideration in the 214th Session come forward with plenty of time for Council preparation and discussion with their capitals so that subsequent discussions in Council could be efficient and well informed.

32. The comments by the Representative of Singapore focused on questions of resourcing and messaging. Since resourcing in the States was fundamental to ensuring proper implementation, he wished to request that, in the CORSIA seminars, the Secretariat ensure that messaging about adequate resourcing be very clearly conveyed to all the States, even those States without an airline, which would in fact also necessitate more resources being put into the CORSIA. Caution needed to be exercised when describing the implementation of the scheme, because while the process itself may be simple for one airline, a State and, in particular a developing State, with a number of airlines might not be facing a simple implementation process.

33. Secondly, regarding the tight and ambitious timeline outlined by the Secretariat, the Representative of Singapore drew attention to an item which pointed to the establishment of a technical advisory body to deal with sustainable aviation fuels. He was of the view that the TAB was to be used specifically in regard to EUC, and he did not recall that there had been any discussion about having the TAB deal with sustainable aviation fuel issues. Therefore his suggestion was that, for the present time, it should be left to CAEP to recommend how to deal with sustainable aviation fuel issues, and perhaps if CAEP already had a task force on aviation fuels, it could make a decision thereon and then come back to the Council with a recommendation.

34. Regarding the Secretariat's presentation, the Representative of Colombia advised that it was desirable to be able to access the presentations that were given at the seminars and the outreach material, as it was important to highlight what information had been conveyed by experts about eligible units. Among the eligible units in CORSIA, reductions were preferred because they were more environmentally responsible so that should be highlighted. Article 5 of the Climate Change Framework Convention mentioned a number of agreements on CORSIA, and this included mention of vintage which was important. He re-emphasized the comments from the Representative of India as to the effect of the cost of CORSIA because there might be an increase in the price of eligible emissions over time unless reductions were included. The Representative of Colombia took the opportunity to say that at the last Council session, it had been concluded that it would be necessary to address implementation of the Assembly resolution in terms of defining the minimum percentage of reductions within the sector. He wished to know what work could be progressed by the Secretariat to that end keeping in mind that this was important because it could have an impact on how MRV would be carried out on the register and what national plans would be undertaken to implement CORSIA.

35. On the issue of resources, the Representative of Kenya wondered, noting that numerous activities needed to be conducted before the commencement of the scheme, how prepared the Secretariat was in terms of internal resources and whether this tight programme was matched in the regular budget. She sought assurance from the Secretariat on its planning and whether more resources would be required in particular because it had been mentioned that some States had volunteered their assistance. Since it was likely that a gap existed in resources, it would be helpful for the extent of the gap to be determined at this stage. On the issue of the ICAO/Germany Small Scale Implementation Project, about which the Secretariat had provided an overview, she expressed an interest that, at the conclusion of the project, the Council be provided with more details to learn, as far as the airlines were concerned, what resources they

required to come up with their emissions monitoring plans, and for Member States what resources would be required to verify the data.

36. The Representative of Congo supported the comments of the Representative of France on the importance of ensuring the translation into all languages of supporting documentation and advised that many Central African States had not yet replied to the State letter. In fact, some States were facing difficulties assigning a focal point for CORSIA. He advised that a seminar for Central and Western African States would be held in Brazzaville on 10-12 April, in addition to a ministerial meeting on 3-6 April. ICAO was invited to these events as all the sub-regional experts would be in attendance. It was suggested that ICAO present a briefing to enable the experts of the sub-region to increase their understanding of this subject.

37. The Representative of Italy expressed the view that the presentation by the Secretariat made clear that while preparations had been progressing, the short timetable was a cause for concern. Technical assistance was needed, and not all participants had the capacity implement the CORSIA. It was of the utmost significance to achieve the goals set by the 39th Session of the Assembly so the timetable was particularly important. He concluded by expressing thanks to CAEP in advance for all the work that had yet to be done.

38. The President of the Council summarized the discussion thus far with a request to the Secretariat to elaborate on a series of issues including: any other initiatives on capacity-building which might require supporting a specific State, or group of States, in their effort to better understand the CORSIA and what impact that might have on the budget; the question of providing additional information to States particularly during the seminars as to the necessity for better resourcing in order for States to be able to handle their responsibilities with respect to MRV; what work had been done by the Secretariat with respect to the aspect of emissions reduction; additional details on the Small Scale Implementation Project and how additional information could be relayed; and the specific request for support to the States in the Central African region in terms of a briefing for experts.

39. With regard to the TAB, DD/ENV addressed the comment from the Representative of Singapore by mentioning that, while a need had been identified to undertake the work, there was a desire not to pre-empt where and which body was going to be tasked with doing such work. As mentioned by the President of the Council, the TAB was tasked with the evaluation of emissions units. While this had been included in Assembly Resolution A39-3, there would be a need to identify a specific body that would deal with sustainability. This body could be in CAEP or elsewhere. The Secretariat did not want to pre-empt the decision of the Council but it would provide more input to the Council on what exactly that body would need to do, to inform an eventual decision by the Council.

40. DD/ENV advised that the Secretariat had received numerous requests to support specific States. No resources had been allotted specifically for individual State assistance, and in fact, the most scarce resource was now time. Regarding the request from the Representative of Congo, for example, the Secretariat recognized the importance of attending the events in Brazzaville, but resources were very limited. Turning to the issue of reductions, she explained that within CORSIA there would always be the possibility of reducing emissions in the sector if it was not double-counted with something that was used for a reduction as a unit. Many of the activities in the State could help to reduce domestic aviation emissions and from that some of the units could be used in the CORSIA. By having CORSIA and putting a price on carbon there would be a greater incentive to reduce emissions from the sector itself. On the question of the price of the units in the future, many uncertainties existed. To date the Secretariat was continuing to follow up on all related studies and would continue to inform the Council appropriately.

41. The Secretary General expressed her appreciation for all the Council members' concerns regarding the tight timetable for the implementation of CORSIA and the Council's willingness to support the Secretariat to carry out the implementation tasks. She noted however, that inter alia, Assembly Resolution A39-3, as adopted, did not allocate a budget for CORSIA implementation but nevertheless, the Secretariat was making every effort to prioritize these activities. In 2017, the Secretariat allocated the budget for the regional seminars which took place thanks to the States that hosted them and with additional funding from savings in the Regular Budget. In 2018, \$150 000 had been allocated for regional seminars. As regarded additional requests from groups of States and, as well, from individual States, she suggested that a list be put together and States could be solicited for voluntary contributions to help fund these requests. It was also possible that AOSC funds could be used, and the Secretariat could use additional savings to support these capacity-building activities based on the availability and the priorities of the Secretariat's existing resources as well as any voluntary contributions from States. With regard to the advice from the Representative of Singapore for informing and advising States, appropriate resources should be allocated or established in the national authorities for implementation of CORSIA. This should be done through the Secretariat's presentation at the regional seminars. Any advice in this regard would be welcomed, and for her part, the Secretary General certainly understood that huge challenges existed, particularly for developing countries which currently lacked appropriate expertise, resources and regulations.

42. Capacity-building also represented a huge task to ensure States would be able to implement CORSIA starting from 1 January 2019 on MRV. Therefore the Secretary General wished to call on Council members and States to provide all possible support as well as expertise to be able to enhance capacity-building activities for the Member States, and in particular, those States in need of assistance. The query regarding a contingency plan was a valuable consideration, and she believed a contingency plan would be developed after the completion of the regional seminars when there would be a better understanding about which States were ready to implement the scheme, what was still missing, and which priority areas the Secretariat should be working on in cooperation with Member States in order to be able to implement the CORSIA SARPs once the Council had adopted them.

43. On the matter of reductions and national plans, and referencing operative clause 7 of Assembly Resolution A39-3, the Representative of Colombia noted that this stated that the Council would adopt a percentage which would be the minimum amount of reductions in the sector with an increasing percentage of emissions reductions accruing from non-MBM measures over time. He reiterated a previous request he had made as to what work could be done to progress that and how to account for reductions. He elaborated that the Assembly resolution expressed a preferred reduction and the responsibility to establish a minimum percentage fell to the Council. The Representative of Colombia expressed discomfort about going back to the Assembly without having met that responsibility. He suggested the possibility of tabling a working paper on this issue because, should reductions not be measured and monitored in the CORSIA, it would never be possible to establish a minimum percentage and the resolution would end up being bad for the environment. If the reductions achieved by States voluntarily were not rewarded, this could create an opposite incentive in which all the money would be allocated towards offsetting. If implementing reductions did not bring benefits to the airlines, but offsets proved to be profitable, airlines would opt for offsetting which would be bad for the sector.

44. DD/ENV advised that a percentage had not been established but the aim should be to have reductions in all the elements. Information on trends was being gathered for consideration by the 40th Session of the Assembly which was central because this would be the basis for all future policy decisions. Within the trends, classifications would be made as to which reductions came from technology, which came from operations, and how much would be coming from sustainable fuels. Based on these figures, an initial estimation for CORSIA would be determined. From 2020 onward, there would be a

much better focus on the reductions from each of those areas. Based on solid information, the Assembly would be able to establish a factor or amount for the reductions.

45. Regarding the expertise and resources in the Regional Offices, the Secretary General added that the Organization was in the process of providing training on CORSIA-related activities to the MET experts. These MET experts were in attendance at the regional seminars, and it was planned that the Air Transport Bureau would provide additional training for the staff of the Regional Offices. The budget for the current triennium unfortunately did not include any resources to enable the Regional Offices to establish any specific positions for CORSIA. However, the Environment Branch was utilizing savings to create two new positions and this would be part of the discussions to determine the feasibility of these positions within the context of the budget for the next triennium.

46. On the issue of emission reductions, D/ATB added that ICAO was working very closely with all its partners to be sure that reductions occurred while waiting for the implementation of the CORSIA. Airports Council International (ACI), the Civil Air Navigation Services Organization (CANSO) and IATA, as well as the Air Navigation Bureau and the Regional Offices were all exploring opportunities to engage States on this theme so that at least it would be possible to assess what was happening and anticipate future developments.

47. The President of the Council reminded that in any case the Assembly resolution itself contained a specific paragraph which addressed the development and mechanism for the use of sustainable alternative fuels, which was supposed to be the element by which reduction would be undertaken within CORSIA and that such work was ongoing. With regard to the timetable, the President of the Council gave assurance that efforts would be made for the timely consideration of the States' replies both by the ANC and by the AGC, and if a quick result was not envisioned, he would approach the Council with an additional proposal on how to handle this matter and requested that the Council exercise some flexibility in that decision-making process. Addressing a concern that the 20 April deadline might still not be sufficient to allow enough responses, the President advised that should the response rate still be seen as low, more work on outreach would be needed in this regard. It was also important to look not only at the number of States responding, but the volume of operation represented by the responding States.

48. The Secretariat was requested that with regard to the target of 2 per cent annual improvement in fuel efficiency, it would be necessary in the 214th Session for the Council to be informed on whether or not that target was being reached.

49. In concluding its consideration of this item, the Council:

- a) took note of the status for the development and review process of the CORSIA package components, as outlined in C-WP/14691;
- b) expressed its positive appreciation to Germany for its initiative and active engagement of the Small Scale Implementation Project on CORSIA MRV in cooperation with ICAO as well as other participating Member States and airlines, and to Sweden for the resources it had provided to facilitate the development and translation of supporting outreach material on CORSIA;
- c) emphasized the need to ensure close adherence to the proposed timetable leading to the adoption of the CORSIA-related SARPs by the Council during the 214th Session (June 2018), especially in relation to the dates for the holding of the regional seminars but also in ensuring that there would be no delays in the issuance of related documentation, including working papers;

- d) further emphasized the need to synchronize the meeting schedules of both the Air Navigation Commission (ANC) and the Advisory Group on CORSIA (AGC) so that the two entities had sufficient time to adequately review and take into account the comments of Member States vis-à-vis the proposed CORSIA-related SARPs and CORSIA Implementation Elements, in a manner that avoided the ANC and AGC duplicating each other's work in this regard, before both entities provided their recommendations to the Council;
- e) requested the Secretariat to review the availability of existing resources to manage the expected workload and timelines required by CORSIA implementation, including in the Global Aviation Training (GAT) Office as well as in the Regional Offices, for the purposes of enhancing the Secretariat capacity-building efforts to Member States on CORSIA implementation, and in this context, further requested the Secretariat to make every effort in accommodating specific requests from Member States for targeted assistance, especially vis-à-vis implementation of the proposed CORSIA monitoring, review and verification (MRV) system as from 1 January 2019;
- f) further requested that Member States also be invited to consider providing additional contributions, including financial or other in-kind, as well as the establishment of partnerships among States, in order to augment capacity-building activities required to be undertaken by ICAO;
- g) recalled operative clause 7 of Assembly Resolution A39-3 *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Global Market-based Measure (MBM) Scheme*, and in this context, requested the Secretariat to continue to monitor the implementation of all elements of the basket of measures, including through CAEP, CO₂ trends assessment, to better understand the contribution of each element in the basket in meeting emissions reduction goals; and
- h) further recalled operative clause 4 of Assembly Resolution A39-2 *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, and specifically the aspirational goal for the international aviation sector of improving fuel efficiency by 2 per cent per annum, and in this connection, requested the Secretariat to provide information, when available, on whether this target is being met and the challenges being faced by the industry in attempting to achieve this aspirational goal.

Subject No. 14: Subjects relating to Air Navigation

Report on contingency arrangements in the Gulf Region

50. The Council considered this item on the basis of an oral report presented by the Secretary General, which presented an update on the current situation related to the contingency arrangements to facilitate the flow of air traffic over the high seas airspace in the Gulf region. In doing so, it was recalled that the oral report was being presented pursuant to the Council's earlier consideration of this item during the extraordinary session of 31 July 2017. In light of the Council's deliberations, it had requested the Secretariat to continue to work in close coordination with the States concerned and neighbouring Member States, and to provide regular and timely updates. The Council had also encouraged all five parties,

namely Bahrain, Egypt, Qatar, Saudi Arabia and the United Arab Emirates to continue their collaboration and consultations, to ensure the promotion of the implementation of optimal technical solutions.

51. In this spirit, the Secretary General informed the Council that the Third ATM Contingency Coordination Meeting was held at the ICAO Middle East (MID) Regional Office in Cairo, on 5 and 6 September 2017. The meeting was attended by the five States mentioned, as well as adjacent States and IATA, and agreed on a set of measures to improve the utilization of existing routes and the temporary routes and procedures. Through the mechanism of the Contingency Coordination Team (CCT) and via the normal communication channels, the ICAO MID Regional Office maintained close coordination with the States concerned and provided periodic reports to ICAO Headquarters.

52. Agreement was reached whereby the use of some routes were extended to accommodate additional traffic numbers and traffic flows, meaning additional departure and arrival airports were incorporated into the list of flights permitted to use each of the temporary routes, thus providing greater flexibility and efficiencies. The most complex of these routes were those to the northeast and east of Qatar and in this respect the cooperation of Iran (Islamic Republic of), Oman, and United Arab Emirates was highlighted. With respect to the concerns related to Qatar-issued NOTAMs and alleged aircraft intercepts, ICAO had followed up with correspondence with the States concerned as well as direct discussions between senior State officials and the Regional Director of the MID Office.

53. Regrettably, ICAO had only recently received information on the alleged intercept of a C-295 type aircraft. The Secretariat, while being asked to intervene on these matters, was still at the stage of gathering information and would respond in the normal manner taking into account the primary objective of safety of civil aviation.

54. The ICAO MID Regional Office had commenced coordination for the Fourth ATM Contingency Coordination Meeting that might prove necessary to address the current issues and pertaining to the improvement of the contingency plan. In this vein, the ICAO Secretariat would continue to coordinate and collaborate with all States concerned to find optimum technical solutions for increased safety and more efficient operations in the airspace over the high seas.

55. The Council noted the information presented by the Secretary General in the updated report. It was understood that the Secretariat would continue to coordinate and collaborate with all States concerned to find optimum technical solutions for increased safety and more efficient operations in the high seas airspace in the Gulf region

Subject No. 15.4: Facilitation

Report on the ICAO Traveller Identification Programme 2017 events

56. Tabled for the Council's consideration was Information Paper C-WP/14621 which reported on the outcome of the ICAO Traveller Identification Programme (TRIP) Strategy events held in 2017 with a special highlight on the Thirteenth ICAO TRIP symposium. The Council also had for consideration an oral report thereon from the Air Transport Committee (ATC).

57. The Chairperson of the Air Transport Committee (Representative of Saudi Arabia) reported that the ATC had reviewed C-WP/14621 at its second meeting of 213th Session, held on 24 January 2018. The Committee had been informed that the promotion of the ICAO TRIP Strategy was essential in order to ensure its implementation by States and to remind States to be compliant with the related Annex 9 – *Facilitation* provisions as well as with specifications for *Machine Readable Travel Documents* (MRTDs) (ICAO Doc 9303).

58. The Committee had also been informed that the ICAO TRIP events were key tools in order to continue to raise stakeholders' awareness on the holistic traveller identification management concept, and to assist Member States in the implementation of the five elements of the ICAO TRIP Strategy, namely: evidence of identity; MRTDs; document issuance and control; inspection systems and tools; and interoperable applications, such as Advance Passenger Information (API) and Passenger Name Record (PNR).

59. Some Members of the ATC had raised questions regarding the management of the revenues generated from the TRIP events provided in Appendix A to the working paper. The Secretariat had advised that the revenues generated were reported to Council under the global Ancillary Revenue Generation Fund (ARGF) activities.

60. The Council noted the information that was presented on the activities undertaken and reaffirmed the unique role of the ICAO TRIP Symposium and seminars in providing a global forum for the exchange of information on all aspects of the ICAO TRIP Strategy and in raising awareness on the holistic traveller identification management concept.

Subject No. 52.1: Universal Security Audit Programme

Modification of the Memorandum of Understanding between ICAO and Member States regarding the Universal Security Audit Programme Continuous Monitoring Approach

61. The Council considered this item on the basis of C-WP/14643 (Revision No. 1), presented by the Russian Federation, and which proposed the development of a mechanism for modifying the text of the generic Memorandum of Understanding (MoU) regarding the conduct of audits under the Universal Security Audit Programme Continuous Monitoring Approach (USAP-CMA). The paper also contended that bilateral modifications to an MoU constitute normal practice and thus do not require intervention by the Council, and that the Secretary General should have greater decision-making authority regarding the introduction of changes to such a bilateral MoU. The Council also had for consideration an oral report thereon from the Committee on Unlawful Interference (UIC).

62. The Chairperson of the UIC (Representative of France) informed the Council that the UIC had examined C-WP/14643 presented by the Russian Federation at its first meeting during the 213th Session on 17 January 2018. At that meeting, the Secretariat had indicated that it had introduced improvements to the secure portal of the USAP-CMA in order to alleviate certain concerns expressed with regard to the protection of information contained in the site. The Committee had also been advised that when a State requested changes to the generic MoU, these were discussed with the Legal Affairs and External Relations Bureau and every effort was made to accommodate such changes, as long as they did not affect the substance of the MoU and the fundamental principles of the audit programme, particularly with respect to its universal application. For instance, regarding the immunities of ICAO auditors, the Secretariat was prepared to make changes to the MoU in order to more closely align the text with the stipulations of the 1947 UN Convention on the Privileges and Immunities of the Specialized Agencies. However, the Secretariat expressed reservations regarding what it considered to be substantive changes to the disclosure and language provisions of the MoU.

63. The Committee had considered a number of points raised in C-WP/14643, which points had already been discussed in detail by the UIC and by the Council when approving the generic MoU. The Committee recognized, however, that the text of the generic MoU might be modified following bilateral negotiations between ICAO and Member States, in order to accommodate jurisdictional

differences. A number of Committee Members had stressed that such changes should be non-substantive in nature so as not to compromise the integrity of the audit programme.

64. The Russian Federation had agreed with the recommendation of a number of Committee Members that the paper be referred to the Aviation Security (AVSEC) Panel for discussion during the Panel's meeting in March 2018. Subsequently, the conclusions of the Panel discussion would be submitted to the UIC and the Council for review.

65. The Representative of the Russian Federation thanked the Chairperson of the UIC for the report and expressed his State's full agreement and support for the approach suggested by the Committee.

66. Drawing attention to the concerns expressed by the Secretariat, reflected in the oral report, as to what would be considered to be substantive changes, the Representative of Mexico expressed the view that the level of disclosure should be commensurate with that approved by the Council and ratified by the Assembly. With regard to the language used, the degree of flexibility shown in the past should be maintained. This was a fundamental issue, and the immunities of auditors certified by ICAO should be dealt with appropriately. With regard to the recommendation to refer the oral report to the AVSEC Panel, should the Council agree and if feasible, he suggested that the minutes of the current meeting on this item also be made available to the Panel so as to inform its discussion with regard to the views of the Council on this subject.

67. The Representative of Malaysia voiced the support of his delegation for C-WP/14643. Malaysia recognized that the effective implementation of State corrective action plans to address the deficiencies identified through USAP-CMA activities was an integral and crucial part of the monitoring process in order to achieve the overall objective of enhancing global aviation security. He advised that his State had proposed to the Secretariat some amendments to the MoU, and a concern expressed by the Malaysian Attorney General's Chambers was that the terms in the MoU should not contradict national legislation. In the opinion expressed by his State, the legal difficulties faced by some Member States in the process of approving the generic MoU for subsequent signing, as outlined in paragraph 2.1 of C-WP/14643, applied only to the MoU of the Universal Safety Oversight Audit Programme (USOAP). After consultation within States and ICAO, the MoU of the USOAP had been amended by mutual agreement of both parties. Since the USAP addressed sensitive security issues with States, the Representative of Malaysia suggested that the Council give serious consideration to the requirements as proposed in C-WP/14643 as well as those contained in the proposal put forward by Malaysia to the Secretariat.

68. The Council noted that when a State requested changes to the generic MoU, these were discussed with the Legal Affairs and External Relations Bureau and every effort was made to accommodate such changes, as long as they did not affect the substance of the MoU and the fundamental principles of the audit programme, particularly with respect to its universal application.

69. The Council agreed with the recommendation from the UIC that the paper be referred to the AVSEC Panel for discussion during the latter's upcoming meeting in March 2018, on the understanding that the conclusions of the Panel discussions would be subsequently submitted to the UIC and Council for review. It was also agreed that in order to facilitate consideration of the issues by the AVSEC Panel, that the oral report of the UIC, as well as the minutes of this portion of the meeting of the Council insofar as the latter might already be available, would also be forwarded to the Panel in advance of its consideration of this item.

Subject No. 52: Unlawful interference with international civil aviation and its facilities

Progress report on the implementation of the Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa (AFI SECFAL Plan)

AFI SECFAL Plan Steering Committee — Report of the Sixth Meeting of the AFI SECFAL Plan Steering Committee

70. The Council agreed to considered these two items together.
71. Consideration of the first item was based on Information Paper C-WP/14484, which provided a report on the progress on implementing the Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa (AFI SECFAL Plan). The Council also had for consideration a joint oral report thereon from the Air Transport Committee and the Committee on Unlawful Interference.
72. Consideration of the second item was on the basis of an oral report, supported by a PowerPoint presentation, from the Chairperson of the AFI SECFAL Plan Steering Committee (Mr. J. W Kabbs Twijuke, Representative of Uganda).
73. The Chairperson of the AFI SECFAL Plan Steering Committee commenced his presentation by highlighting that, as an ICAO programme, the AFI SECFAL Plan was a signature *No Country Left Behind* (NCLB) initiative designed specifically to assist African States. The States in question looked forward to more than just support but to real action to help them to resolve their problems. He then thanked the Secretary General and the Council for their overwhelming support. He advised that the enhancement of political commitment had commenced, and the programmes adopted had been endorsed by the Heads of States in Africa. While resourcing issues still remained, work had commenced to ensure that every target in the AFI SECFAL Plan would align with the roadmap for the Global Aviation Security Plan (GASeP).
74. The Chairperson also thanked the ICAO Regional Offices for their numerous missions to States especially those States with significant security concerns, those with very low effective implementation of the critical elements of security and those which were preparing for audit missions. Another significant issue that had been addressed was the creation of a Cooperative Inspectors Scheme so that the available inspectors could be put to optimal use. The recruitment of two officers by the Secretary General was stressed as this meant there were now human resources capable of managing the plan. While funding to undertake assistance programmes was lacking, statistics showed that progress had been achieved since the launch of the Plan. Nineteen African States had been audited recently and the average rate of Effective Implementation (EI) of the Critical Elements was now 67.61 per cent. Of these 19, nine were well above the global average. The average of all African States put together was around 59 per cent, having increased from 56 per cent. There was evidence that States had begun to take note of the Public Key Directory (PKD), the Traveller Identification Programme (TRIP) and Advance Passenger Information (API).
75. Expressing appreciation to the donor community, and in particular new donors that had come on-line, specifically, Belgium, United Arab Emirates, and United Nations Counter-Terrorism Centre (UNCCT), the Chairperson mentioned that among the remaining challenges were inadequate information and data on security and facilitation. In most African States good and complete data were not being captured, and when addressing the risk-based approaches to security, it was clear that insufficient data was a significant issue. A number of countries were doing a good job but it was not possible to know whether this was adequate until validation or audit missions took place. More experts were needed to undertake more missions to validate the work done and thus motivate States to improve their rates of

effective implementation. Another problem was the multiplicity of agencies responsible for aviation, and for this reason, the Chairperson suggested that the Council might wish to prioritize the promotion of Annex 9 — *Facilitation* provisions.

76. The Chairperson of the AFI SECFAL Plan Steering Committee concluded his presentation with a plea to the Council, in tandem with the Secretary General, for additional funding from the Regular Programme, to be offered under the NCLB banner, in order to assist the Plan by increasing the number of validation and audit missions to Africa. Continued resource mobilization efforts by the Secretary General and the President of the Council were also key. Finally, the Chairperson requested that consideration be given to awarding President's Certificates to recognize States that had performed very well in security issues and facilitation, similar to those currently being awarded in the area of safety oversight.

77. The Chairperson of the UIC then presented an oral report on behalf of the ATC and the UIC which had reviewed Information Paper C-WP/14484 at a joint meeting.

78. The Committees had been advised by the Secretariat of the progress of AFI SECFAL Plan implementation, including the completion of the majority of the short-term work programme activities as well as the endorsement of the Windhoek Declaration and 15 targets by the African Union (AU) Summit of Heads of States and Governments in July 2017. The Progress Report highlighted challenges facing the AFI SECFAL Plan, including a shortfall in funding and a need for additional resources to respond to emerging threats and the new activities associated with the Global Aviation Security Plan (GASeP).

79. The Committees had been informed that throughout the continued implementation of the AFI SECFAL Plan, ICAO and Member States would review and endorse the milestones of the Plan, as appropriate. Additionally, the AFI SECFAL Plan would be aligning future programmes and targets with the GASeP, via the Africa and Middle East Aviation Security Roadmap endorsed by the AFI/MID Ministerial meeting in August 2017.

80. The Representative of Nigeria informed the Council about his attendance at a meeting in Abidjan, Côte d'Ivoire, at the headquarters of the African Development Bank (AfDB) of the core stakeholders of aviation in Africa which had included all the regional bodies including the African Union, the African Civil Aviation Conference (AFCAC), the AfDB, regional economic commissions and the representatives of the industry high-level group. Among the objectives considered at this meeting was the development a coordinated aviation roadmap for Africa by all the agencies, reducing the issue of multiplicity of agencies addressing the same issue. The parties wanted to bring all their resources together and develop a roadmap for Africa, and the main initiative was that the AfDB was looking towards developing policies for coordinated investment in the aviation industry. The issues of safety and security were broached, and the Regional Director of WACAF Office delivered a strong presentation on the various global and regional plans, and at the end of the day the AfDB recognized that improved safety and improved security would have a positive effect on the return on their investments. The Representative of Nigeria believed this had opened a door to engage with the AfDB with regard to potential resourcing for some of these regional projects. He strongly recommended that ICAO coordinate through the WACAF Office to make use of these opportunities, either through direct funding by the AfDB or through the sponsorship of some programmes to lighten the burden on all participants.

81. In concluding its consideration of this item, the Council expressed appreciation to the Secretariat for its contribution to the work of the AFI SECFAL Plan and noted the challenges facing the Plan, including a shortfall in funding and a need for additional resources to respond to emerging threats and the new activities associated with the GASeP. It was further noted that throughout the continued

implementation of the AFI SECFAL Plan, ICAO and Member States would review and endorse the milestones reached, as appropriate. It was also understood that the AFI SECFAL Plan would align future programmes and targets with the GASeP, via the Africa and Middle East Aviation Security Roadmap, which was endorsed by the AFI/MID Ministerial meeting in August 2017.

82. The Council also took note of the priority areas that were identified by the Steering Committee, including, the establishment of the AFI aviation security cooperative inspectors scheme (CIS) to support Member States with specific challenges; to help them prepare for ICAO USAP activities; assist them in managing Significant Security Concerns (SSECs) or managing potential SSECs; efforts to enhance the visibility of Annex 9 – *Facilitation*; increased promotion of ICAO TRIP passenger name record (PNR) and advance passenger information (API) guidelines.

83. In relation to ICAO activities undertaken to validate and audit AFI States, the Council reaffirmed the importance of these activities in order to confirm the results of the work that has been carried out by States to address significant security concerns and increase the rate of effective implementation in the AFI region.

84. The Council underscored the need for adequate resources to be available in order to enable States to overcome deficiencies and meet needs as well as boost capacity-building efforts. In this connection, it was noted that the issue of the adequacy of resources should be addressed when the Council would consider the proposed ICAO budget for the next triennium. The Council also noted that new resource mobilization opportunities potentially existed with certain international financial institutions, such as the African Development Bank (AfDB), and in this connection, the Secretariat was requested to explore partnership options with the AfDB.

85. It was also noted that the next meeting of the Steering Committee would be held in Niamey, Niger, during the 2018 AFI week with the exact dates to be communicated in due course once confirmed.

Any other business

President of the Council Certificates

86. Pursuant to the consideration by the Council of issues arising under the previous item, the President of the Council noted that, currently, the President of the Council certificates were awarded to Member States for exceptional commitments and progress made in resolving safety oversight deficiencies and improving the effective implementation of ICAO SARPs, based on results determined through the USOAP. In this regard, it was noted that the President, in consultation with the Secretariat, would explore the possibility of expanding the criteria for awarding the certificates so that Member States which made outstanding progress in resolving security deficiencies and significantly improving their rate of effective implementation, could also be recognized in a similar vein for their efforts.

Report of the WGGE Sub-group on the Ethics Framework

87. Pursuant to the establishment of the Sub-group on the Ethics Framework of the Working Group on Governance and Efficiency (WGGE) to review the Ethics Framework and to consider whether any amendments thereon might be necessary (C-DEC 210/8 paragraph 19 e) refers), the Chairperson of the Sub-group (Representative of Sweden) informed the Council that the report of the Sub-group had been circulated to Representatives and uploaded to the Council website. In this regard, it was noted that the Chairperson of the Sub-group would present the report at the next meeting of the Council during the current session.

88. The meeting adjourned at 1730 hours.

COUNCIL — 213TH SESSION

SUMMARY MINUTES OF THE SEVENTH MEETING

(THE COUNCIL CHAMBER, MONDAY, 12 MARCH 2018, AT 1640 HOURS)

CLOSED MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|------------|------------------------------|-----------------------------|------------------------|
| Algeria | — Mr. A.D. Mesroua | Kenya | — Ms. M.B. Awori |
| Argentina | — Mr. G.E. Ainchil | Malaysia | — Mr. K.A. Ismail |
| Australia | — Mr. S. Lucas | Mexico | — Mr. D. Méndez Mayora |
| Brazil | — Mrs. M.G. Valente da Costa | Nigeria | — Mr. M.S. Nuhu |
| Cabo Verde | — Mr. C. Monteiro | Panama | — Mr. G.S. Oller |
| Canada | — Mr. M. Pagé | Republic of Korea | — Mr. J. Hur |
| China | — Mr. Shengjun Yang | Russian Federation | — Mr. S. Gudkov |
| Colombia | — Mr. A. Muñoz Gómez | Saudi Arabia | — Mr. S.A.R. Hashem |
| Congo | — Mr. R.M. Ondzotto | Singapore | — Mr. T.C. Ng |
| Cuba | — Mrs. M. Crespo Frasier | Spain | — Mr. V.M. Aguado |
| Ecuador | — Mr. I. Arellano | Sweden | — Ms. H. Jansson Saxe |
| Egypt | — Mr. A. Khedr | Turkey | — Mr. A.R. Çolak |
| France | — Mr. P. Bertoux | United Arab Emirates | — Miss A. Alhameli |
| Germany | — Mr. U. Schwierczinski | United Kingdom | — Mr. D.T. Lloyd |
| India | — Mr. A. Shekhar | United Republic of Tanzania | — Mr. R.W. Bokango |
| Ireland | — Ms. N. O'Brien | United States | — Mr. T.L. Carter |
| Italy | — Mr. M.R. Rusconi | Uruguay | — Mr. M. Vidal |
| Japan | — Mr. S. Matsui | | |

ALSO PRESENT:

- | | |
|--------------------------------|----------------------|
| Mrs. M.F. Loguzzo (Alt.) | — Argentina |
| Mr. C. Fernández (Alt.) | — Argentina |
| Mr. R. Filippi Pecoraro (Alt.) | — Brazil |
| Mr. D. Marshal Freitas (Alt.) | — Brazil |
| Mr. D. Tavares Taufner (Alt.) | — Brazil |
| Mr. M.G. Correia Pontes (Alt.) | — Brazil |
| Mr. H. Gonzales (Alt.) | — Brazil |
| Mr. G. do Prado Lima (Alt.) | — Brazil |
| Mr. Chunyu Ding (Alt.) | — China |
| Mr. M. Millefert (Alt.) | — France |
| Mr. N. Naoumi (Alt.) | — Germany |
| Mr. F. Nicolai (Alt.) | — Italy |
| Mr. M. Usami (Alt.) | — Japan |
| Mr. Y.H. Lim (Alt.) | — Malaysia |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mr. K. Lee (Alt.) | — Republic of Korea |
| Mr. D. Subbotin (Alt.) | — Russian Federation |
| Mr. M.S. Habib (Alt.) | — Saudi Arabia |

SECRETARIAT:

- | | |
|----------------|-----------------|
| Mrs. J. Yan | — C/OSG |
| Mr. B. Djibo | — D/ATB |
| Mr. S. Creamer | — D/ANB |
| Mr. J. Huang | — A/D/LEB |
| Mr. S. Lefoyer | — DD/ASF |
| Mr. A. Larcos | — C/ACS |
| Miss A. Tyo | — Précis-writer |

ALSO PRESENT (CONTINUED):

Mr. S. Vuokila (Alt.) — Sweden
Mr. Ö. Dođrukol (Alt.) — Turkey
Mr. M. Salem (Alt.) — United Arab Emirates
Mrs. K.L. Riensema (Alt.) — United Kingdom
Mr. S. Kotis (Alt.) — United States
Mrs. M.A. González (Alt.) — Uruguay
Mr. F. de Medina (Alt.) — Uruguay

Representatives to ICAO

Bolivia (Plurinational State of)

Chile

Cyprus

Equatorial Guinea

Greece

Indonesia

Lebanon

Paraguay

Peru

Qatar

Senegal

Uganda

Airports Council International (ACI)

European Union (EU)

International Air Transport Association (IATA)

Subject No. 52: Unlawful interference with international civil aviation and its facilities

Report of the Secretary General — Aviation security risk overview

1. The Council considered this item on the basis of an oral report from the Secretary General which provided an overview of the current situation security risks facing international civil aviation.

2. The Council was informed that, in 2017, the Secretariat recorded twenty acts of unlawful interference, resulting in eight deaths and nine injured. These included nine attacks on, or at, aviation facilities, one attempted attack using an aircraft as a weapon, one cyber-attack, two unlawful seizures and seven attacks qualified as “others”.

3. The Council was also informed that, as evidenced by the recent restrictions placed on the carriage of portable electronic devices (or PEDs) by some States, improvised explosive devices (or IEDs) remained the weapon of choice in attempts to attack civil aviation and airport infrastructure. As well, the threat posed by insiders and airport staff continued to represent a real concern as terrorist groups were reported to actively look for insiders to assist in their attempts to target civil aviation. This was further heightened by the phenomenon of increasingly rapid radicalization (including self-radicalization over the internet and through social media) of individuals in many parts of the world, thus reducing the opportunities for their detection by conventional vetting methods, by people close to them, or by security or law enforcement services.

4. While no cyber-attacks qualified as catastrophic or endangering aviation safety had occurred, the potential threat posed by such attacks on civil aviation through the air traffic management (ATM), aircraft or airport systems continued to be a source of concern. The Aviation Security Panel Working Group on Threat and Risk was continuing to closely monitor this threat vector and to work with experts to attempt to identify vulnerabilities to be addressed, including through the new Secretariat Study Group on Aviation Cybersecurity.

5. For further information on the incidents recorded in 2017, Council Members were invited to log into the Acts of Unlawful Interference (AUI) database on the ICAO secure portal, which contained copies of the revised AUI reporting form. Member States were encouraged to use the revised form when reporting AUIs to ICAO.

6. The Council was also asked to note that the latest update to the Risk Context Statement (RCS) could be found on the ICAO-NET, under “Publications”. It contained an analysis of the evolution of the global threat, information on recent developments in terrorist tactics, and detailed technical analyses for different forms of aviation security threats as assessed by the Working Group on Threat and Risk. The Secretary General advised that the annual update to the RCS would be available following the Aviation Security (AVSEC) Panel’s consideration of this item. The AVSEC Panel would be meeting from 19 to 23 March 2018.

7. With respect to security vulnerabilities, ICAO’s Universal Security Audit Programme continued to observe low levels of implementation of Annex 17 Standards in many States and had made recommendations to address these. Furthermore, the audit programme monitored the progress being made toward the resolution of seven Significant Security Concerns in three States.

8. The Secretary General concluded her oral report by reminding the Council that ICAO remained committed to assisting its Member States in the effective implementation of Annex 17 and

related guidance material, as well as facilitating the execution of States' obligations in accordance with applicable ICAO and UN resolutions, and the Global Aviation Security Plan (GASeP).

9. The Representative of Nigeria expressed his thanks to the Secretary General for the oral report and called attention to the invitation made to Council members to consult the AUI database on the secure portal. He voiced his concerns with regard to some of the AUI reports as some of the sources of AUI reports were listed as "unofficial", and he questioned whether unofficial reports were a true reflection of the occurrences that took place. He opined that this information was too important to be displayed in such a manner and believed that this form of reporting would lead to questioning the credibility of the database. As this carried the potential to be a source of friction between some States and ICAO, the Secretariat was requested to explain how the Organization validated AUI information before populating its database.

10. The Director of the Air Transport Bureau (DATB) responded that the challenge faced by Organization was that ICAO did its best to validate the information, it did not always have the capacity to cross-reference and verify all the information provided by States.

11. The Deputy Director Aviation Security and Facilitation (DD/ASF) elaborated that very few acts of unlawful interference were officially notified by States to ICAO. In order to present a realistic overview of the information received, the Organization signaled when such information did not emanate from an official source. He commented that it would be of great assistance to the integrity of the website if Member States could officially inform the Organization about AUIs, as such information would help to protect civil aviation. If no official information was forthcoming from States, it was still the Organization's task to obtain information and populate the database. Both D/ATB and DD/ASF agreed that the use of the term "unofficial" was regrettable, but this situation could be improved if Member States provided ICAO with information on AUI through official channels.

12. Responding to a query from the President of the Council about whether the Organization's point-of-contact network could be utilized by ICAO to ask a State to verify the veracity of an AUI reported to have taken place in that State, DD/ASF explained that the Organization systematically engaged with States to obtain official information from a verifiable source. If verifiable information was not forthcoming from the State, the Organization used other sources to do the verification and as well conducted analysis of the event. The first source, however, was always the point-of-contact network focal point of the State involved.

13. The Representative of Nigeria then highlighted two incidents relating to his State which appeared in the database. In one case, the Directorate General of Civil Aviation had been contacted by the Western Africa (WACAF) Regional Office and had informed the WACAF Office that the matter at hand was an ongoing, unverified event. A second event had not been verified by DGCA. The Representative of Nigeria reiterated his concern vis-à-vis these incidents and was of the view that including such entries in the database exposed ICAO to possible legal action by States. He believed that these items raised doubts as to the veracity of the information on the official website, and that the Organization needed to proceed with caution on this matter.

14. Expressing his regret for the lack of coordination with the WACAF Office, D/ATB gave his assurance that the issue raised would be investigated.

15. The intervention of the Representative of Nigeria was supported by the Representative of Saudi Arabia who confirmed that his State had similar concerns. ICAO, as an inter-governmental organization, should be providing information that relied on government sources and not on the news

media. He supported a proposal to work more closely with the point-of-contact network and suggested that this issue be examined in detail through the relevant committee.

16. The Representative of China thanked the Secretary General and her team for their efforts over the preceding year in promoting global aviation security. As indicated in the oral report, there were still many issues and challenges to be faced in aviation security. He recommended that the Secretary General, in communicating with the United Nations headquarters, continue to elaborate the measures taken by ICAO and the progress made in responding to these threats and to demonstrate ICAO's leadership in enhancing aviation security and the related Universal Security Audit Programme–Continuous Monitoring Approach (USAP-CMA) action plan, as well as the Organization's capacity-building efforts.

17. The Secretary General's oral report was noted, and the Council requested that before information was uploaded to the database, the Secretariat undertook to verify with the point-of-contact network focal points in Member States the accuracy or otherwise of details related to any incidents of unlawful interference. This verification process was intended to ensure that only information on incidents that could be substantiated by the relevant Member State was reflected on the database.

18. The meeting reconvened in open session at 1700 hours to consider the remaining items on its order of business.

COUNCIL — 213TH SESSION

SUMMARY MINUTES OF THE EIGHTH MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 14 MARCH 2018, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|------------|------------------------------|-----------------------------|------------------------|
| Algeria | — Mr. A.D. Mesroua | Kenya | — Ms. M.B. Awori |
| Argentina | — Mr. G.E. Ainchil | Malaysia | — Mr. K.A. Ismail |
| Australia | — Mr. S. Lucas | Mexico | — Mr. D. Méndez Mayora |
| Brazil | — Mrs. M.G. Valente da Costa | Nigeria | — Mr. M.S. Nuhu |
| Cabo Verde | — Mr. C. Monteiro | Panama | — Mr. G.S. Oller |
| Canada | — Mr. M. Pagé | Republic of Korea | — Mr. J. Hur |
| China | — Mr. Shengjun Yang | Russian Federation | — Mr. S. Gudkov |
| Colombia | — Mr. A. Muñoz Gómez | Saudi Arabia | — Mr. S.A.R. Hashem |
| Congo | — Mr. R.M. Ondzotto | Singapore | — Mr. T.C. Ng |
| Cuba | — Mrs. M. Crespo Frasquieri | Spain | — Mr. V.M. Aguado |
| Ecuador | — Mr. I. Arellano | Sweden | — Ms. H. Jansson Saxe |
| Egypt | — Mr. A. Khedr | Turkey | — Mr. A.R. Çolak |
| France | — Mr. P. Bertoux | United Arab Emirates | — Miss A. Alhameli |
| Germany | — Mr. N. Naoumi (Alt.) | United Kingdom | — Mr. D.T. Lloyd |
| India | — Mr. A. Shekhar | United Republic of Tanzania | — Mr. R.W. Bokango |
| Ireland | — Ms. N. O'Brien | United States | — Mr. T.L. Carter |
| Italy | — Mr. M.R. Rusconi | Uruguay | — Mr. M. Vidal |
| Japan | — Mr. S. Matsui | | |

ALSO PRESENT:

- | | |
|---------------------------------|----------------------|
| Mr. C. Hurley | — President, ANC |
| Mrs. M.F. Loguzzo (Alt.) | — Argentina |
| Mr. C. Fernández (Alt.) | — Argentina |
| Mr. R.F. Pecoraro (Alt.) | — Brazil |
| Mr. D.M. Freitas (Alt.) | — Brazil |
| Mr. D.A. Tavares Taufner (Alt.) | — Brazil |
| Mr. M.G. Correia Pontes (Alt.) | — Brazil |
| Mr. H. Gonzales (Alt.) | — Brazil |
| Ms. E. Burack (Alt.) | — Canada |
| Mr. Chunyu Ding (Alt.) | — China |
| Mr. M. Millefert (Alt.) | — France |
| Lt. Col. M. Latela (Adv.) | — Italy |
| Mr. M. Usami (Alt.) | — Japan |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mr. K. Lee (Alt.) | — Republic of Korea |
| Mr. D. Subbotin (Alt.) | — Russian Federation |
| Mr. M.S. Habib (Alt.) | — Saudi Arabia |
| Mr. S. Vuokila (Alt.) | — Sweden |
| Mr. Ö. Doğrukol (Alt.) | — Turkey |
| Mrs. K.L. Riensema (Alt.) | — United Kingdom |
| Mr. S. Kotis (Alt.) | — United States |
| Mrs. M.A. González (Alt.) | — Uruguay |
| Mr. F. de Medina (Alt.) | — Uruguay |

SECRETARIAT:

- | | |
|-------------------|-----------------|
| Mrs. J. Yan | — C/OSG |
| Mr. I. Galán | — D/TCB |
| Mr. B. Djibo | — D/ATB |
| Mr. S. Creamer | — D/ANB |
| Mr. V. Smith | — D/ADB |
| Mr. J. Huang | — A/D/LEB |
| Mr. R. Macfarlane | — DD/AN |
| Mr. S. Lefoyer | — DD/ASF |
| Mr. S. Berti | — C/ASP |
| Mr. C. Dalton | — C/AMO |
| Mr. J. Lamosa | — C/ASA |
| Ms. K. Crystal | — AMO |
| Miss S. Black | — Précis-writer |

Representatives to ICAO

Chile
Cyprus
Ghana
Greece
Indonesia
Lebanon
Paraguay
Peru
Qatar
Senegal
Ukraine
Venezuela (Bolivarian Republic of)

Airports Council International (ACI)
European Union (EU)

Subject No. 52: Unlawful interference with international civil aviation and its facilities

Adoption of Amendment 16 to Annex 17

1. The Council had for consideration: C-WP/14665, in which the Secretary General presented an overview of the steps taken since the Council's approval of the GAsEP (212/7), as well as a summary of the regional conferences relating to GAsEP implementation held in Sharm El Sheikh, Egypt (22-24 August 2017) (Africa and Middle East Regions), and Bangkok, Thailand (20-21 December 2017) (Asia and Pacific Region), and plans for future regional conferences in 2018 in Lisbon, Portugal (European and North Atlantic Region) and Panama City (North American, Central American and Caribbean and South American Regions); and an oral report thereon by the Committee on Unlawful Interference (UIC).

2. It was highlighted that the outcomes of the various regional conferences would be consolidated and reported to the envisaged Second High-level Conference on Aviation Security (HLCAS/2) (2018) and subsequently presented, together with the GAsEP, to the Fortieth Session of the Assembly (A40) (2019).

Oral report by the UIC

3. The Chairperson of the UIC, the Representative of France, Mr. P. Bertoux, presented the Committee's oral report on the outcome of its review of C-WP/14665 at its First Meeting of the current session on 17 January 2018. He indicated that general support had been expressed for efforts made to raise global awareness of the GAsEP, while noting the outcomes and progress achieved in the regions, notably the Africa and Middle East (AFI/MID) and Asia and Pacific (APAC) Regional Aviation Security Roadmaps.

4. UIC Members had highlighted the importance of having a monitoring and implementation mechanism, development of which should take into account lessons learned from the Global Aviation Safety Plan (GASP) and the Global Air Navigation Plan (GANP), while ensuring that the tracking process was not cumbersome and did not divert focus from the implementation on the ground. The role of the Regional Offices would be key to that process. The Secretariat had also agreed to provide the Committee with regular updates, orally or otherwise, on new information and developments.

5. Ensuring increased synergies between aviation security and facilitation had been discussed in the context of a possible Global Aviation Facilitation Plan (GAFP) to be considered by the Facilitation Panel at its upcoming Tenth Meeting (FALP/10) (Montréal, 10-13 September 2018). In particular, UIC Members had discussed how a future GAFP and GAsEP could be harmonized as much as possible. The Committee had understood that those concepts were being explored by the Secretariat, and might be considered in the appropriate fora in due course.

6. Turning to HLCAS/2, the Committee had requested that the draft Provisional Agenda to be developed by the Aviation Security Panel (AVSECP) for the Council's approval include specific deliverables and concrete outcomes expected from the Conference. UIC Members had not seen any particular challenges with the proposed timing of HLCAS/2 (Montréal, 29-30 November 2018) as part of "Aviation Security Week", despite the Thirteenth Air Navigation Conference (AN-Conf/13) being convened one month prior (Montréal, 9-19 October 2018).

7. The Committee agreed to recommend that Council agree with the proposed action items contained in C-WP/14665, taking into account specific comments by its Members.

Discussion

8. The Representative of Spain concurred with the UIC on the need to ensure increased synergies between aviation security and facilitation. He recalled, in this regard, the Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa (AFI SECFAL Plan), a progress report on the implementation of which had been considered by the Council during its previous meeting (cf. C-WP/14484; 213/7), and the numerous occasions on which Representatives had highlighted the importance of considering the two areas of aviation security and facilitation together, not only in terms of harmonizing a future GAFP with the GAsEP but also in terms of auditing facilitation-related Standards and Recommended Practices (SARPs). The Representative of Spain agreed that the Secretariat should continue exploring how aviation security and facilitation issues could be harmonized, and expressed an interest in learning the outcomes of the related discussions in the various fora. As regards the HLCAS/2, the Representative of Spain reiterated the importance of defining a solid Agenda, including specific deliverables and concrete outcomes. He emphasized that that would, inter alia, facilitate consultations with national administrations and help ensure the appropriate level of State representation at the Conference.

9. These comments were noted.

10. The Council also noted the UIC's oral report, in particular: the importance of having a monitoring and implementation mechanism for the GAsEP, development of which should take into account lessons learned from the GASP and the GANP, while ensuring that the tracking process was not cumbersome and did not divert focus from the implementation on the ground; that the role of the ICAO Regional Offices would be key in that process; and that the Secretariat would provide the UIC with regular updates, orally or otherwise, on new information and developments.

11. In also noting from the Committee's oral report that the issue of ensuring increased synergies between aviation security and facilitation had been discussed in the context of a possible GAFP, to be considered by FALP/10 (Montréal, 10-13 September 2018), the Council requested that following that Panel meeting it be apprised of the development of a future GAFP and the process by which any harmonization would be done between that Plan and the GAsEP.

12. In then taking the action indicated in the executive summary of C-WP/14665, as recommended by the UIC, the Council:

- a) noted the progress made in the regions in implementing the GAsEP, in particular, the adoption of the AFI/MID Aviation Security Roadmap at Sharm El Sheikh, Egypt on 24 August 2017 and the adoption of the APAC Aviation Security Roadmap in Bangkok, Thailand on 21 December 2017 as set forth in Appendices A and B to the paper;
- b) encouraged States to participate in the upcoming regional conferences relating to GAsEP implementation to be held in Lisbon, Portugal (29-31 May 2018) for States in the EUR/NAT region and Panama City, Panama (tentatively scheduled for 24-27 July 2018) for States in the Americas; and
- c) tasked the AVSECP to develop, at its forthcoming Twenty-Ninth Meeting (Montréal, 19-23 March 2018), a draft Provisional Agenda for the envisaged HLCAS/2 which would include specific deliverables and concrete outcomes for each Agenda item.

13. With regard to paragraph 12 c) above, it was noted that during the next (214th) session the Secretary General would present to the Council, for its consideration and approval, a proposal to convene HLCAS/2 in Montréal from 29-30 November 2018, which would include the draft Provisional Agenda developed by AVSECP/29. An oral report thereon by the UIC would also be presented.

Update on cybersecurity

14. The Council considered this subject on the basis of: information paper C-WP/14695, in which the Secretary General reported on the progress of work of the Secretariat Study Group on Cybersecurity (SSGC), provided information on ongoing efforts to develop a Trust Framework for the exchange of aviation information between stakeholders on a global basis in a secure and timely manner, and the reduction of cyber vulnerabilities, and proposed a harmonized and integrated timeline for the Organization's work on cybersecurity until 2022; and an oral report thereon by the UIC. It was noted that in light of the UIC's extensive discussion on the cross-cutting nature, complexity and importance of cybersecurity issues, the Secretariat had, at its request, given an informal briefing to Council Representatives on 13 March 2018 in which updated information and clarifications had been provided on the Trust Framework as part of the ICAO Cybersecurity Strategy.

Oral report by the UIC

15. The Chairperson of the UIC, the Representative of France, Mr. P. Bertoux, presented the Committee's oral report on the outcome of its review of C-WP/14695 at its First Meeting of the current session on 17 January 2018. He indicated that the UIC had noted with interest the information on the work conducted by the SSGC as presented in the paper. It had noted the integrated approach to safety and security, and had expressed its support for the cooperative approach of the Secretariat Senior Management Group on Common Safety and Security Issues (CSSI) to monitor the activities of the SSGC. It had also been suggested that consideration may be given to include aspects of ICAO's information security efforts in the work of the SSGC; however, it had been recalled that that was not within the scope of Assembly Resolution A39-19: *Addressing cybersecurity in civil aviation*, nor was it in the Terms of Reference of the SSGC.

16. Furthermore, the UIC had noted that the timelines presented in C-WP/14695 had not yet been discussed with the SSGC, but rather had been presented to the Council as a Secretariat proposal. The Committee had expressed its interest in receiving more information regarding the business case for the Trust Framework presented in the paper, as well as on its funding.

17. It had been noted that the concept of a Trust Framework as presented resulted from previous inputs of industry with a concern for the integrity of future system-wide information management systems. The current concept of such a framework had been presented at the Second Global Air Navigation Industry Symposium (GANIS/2) (Montréal, 11-13 December 2017) and widely accepted by industry. A more detailed concept of operations would be brought forward to AN-Conf/13 (Montréal, 9-19 October 2018) for deliberation by States, and, if endorsed, would be included in the cyber strategy proposal to be presented at the 40th Session of the ICAO Assembly in 2019.

18. The UIC had welcomed the proposal by the Secretariat that an informal Council briefing be provided in order to address the complexity and importance of cybersecurity, and to provide Council Members with an opportunity to resolve questions on the subject prior to the regular Council meeting. Considering these aspects, the Committee had noted the information presented in C-WP/14695.

Discussion

19. In then speaking on behalf of his State, the Representative of France indicated that the previous day's informal briefing on the Trust Framework as part of the ICAO Cybersecurity Strategy had been very useful, with much information having been provided by the Secretariat on the exploratory work it had been carrying out over the past few years, and by the President of the ANC on the Commission's ongoing work on that essential issue in the lead up to AN-Conf/13. Representatives had also had the opportunity to convey their expectations and queries to the Secretariat. In light of the Representatives' interventions, he suggested that an item on cybersecurity be included in the Council's Work Programme for the next (214th) session and be considered on the basis of reports by the Secretariat and the ANC on the progress of their work. The Representative of France recalled, in this regard, that the Secretariat's draft AN-Conf/13 working paper on cybersecurity had been withdrawn from the ANC's current (207th) Session and would be reformulated with additional supporting information and re-examined by the ANC during its next (208th) session. He averred that it was insufficient to have cybersecurity as just one item among many in the ANC's sessional report to the Council as part of its Safety Week presentation. The Representative of France emphasized that the issue of cybersecurity warranted specific consideration, in particular as it had a security component that was of direct concern to the Council and, above all, as it had major implications for ICAO's governance, image and finances. He considered it essential for the Council to be fully involved in the preparation of the said AN-Conf/13 working paper on cybersecurity as the Conference's recommendations thereon would be submitted to the Council for consideration and approval and it would be more complicated for the latter to state its position vis-à-vis cybersecurity and to give guidance at that time that during the preparatory phase.

20. In seeking clarification regarding the Council's expected involvement, the President of the Council noted that the ANC was currently reviewing the technical details of all of the Secretariat's AN-Conf/13 working papers on the Council's behalf. He also highlighted that the term "cybersecurity" cut across issues of cyber safety and cyber resilience i.e. the resilience of aviation systems to withstand cyber- attacks from a safety and operational point of view.

21. The Representative of France explained that he was not suggesting that the Council be involved in the redrafting of the Secretariat's said AN-Conf/13 working paper on cybersecurity but rather that the Council have visibility of the work being carried out to address that issue and that it be provided with information thereon during the next (214th) session so that it would have a clearer idea of the direction in which ICAO was going.

22. The President of the Council indicated that it would be determined how best to provide such information, whether through an informal briefing, or the circulation of the said working paper to Representatives, or some other means.

23. The Representative of Mexico observed that the many concerns raised and suggestions made during the said informal briefing had been noted by the Secretariat and would be taken into account in ICAO's cybersecurity-related work. While aware that AN-Conf/13 working papers prepared by the Secretariat were considered and approved only by the ANC and not by the Council, he underscored that it was essential that information on any new issues relating to cybersecurity to be brought to the Conference's attention first be presented to the Council for consideration, together with the ANC's views thereon.

24. Noting that he understood the need for the Council to be well-informed, the President recalled the request which it had made earlier in the current session that for any initiative such as introduced at GANIS/2 and SANIS/1, or any future major ICAO seminar or symposium, a concept note be developed describing the issue under consideration, including the challenge or opportunity being

considered by the Secretariat, and circulated to Representatives for information purposes [cf. C-DEC 213/2, paragraph 15 c)].

25. The Director of the Air Navigation Bureau (D/ANB) highlighted that cybersecurity was not a new item, having been included in the ANC Work Programme and approved by the Council following the adoption of Assembly Resolution A39-19. He underscored that although the methodology that was being proposed based on the work already done regarding the Trust Framework was new for many States, it was not new in terms of the aviation industry's capabilities. While noting the Council's keen interest in the policy implications, D/ANB reassured Representatives that no decisions would be taken by AN-Conf/13 based on its consideration of the Secretariat's said working paper on cybersecurity and related working papers submitted by States and international organizations; rather, the Conference would only make recommendations thereon to the Council for its consideration and approval. He emphasized that all of the Secretariat's AN-Conf/13 working papers were reviewed by the ANC, whose technical experts had been appointed by the Council, prior to transmission to States as Conference documentation. D/ANB indicated that in view of the Council's keen interest, the Secretariat could circulate the said AN-Conf/13 working paper on cybersecurity under cover of a memorandum following its review by the ANC in early May 2018. If there was an interest in further dialogue in the Council, then that could be accommodated at the discretion of its President.

26. The President of the Council indicated that he might follow the procedure for the approval of Assembly documentation to resolve this matter (cf. PRES OBA/2436 dated 10 August 2015).

27. Underscoring that the issue of cybersecurity was rapidly evolving and that it was necessary for the Council to keep pace, the Representative of the United Kingdom noted that he would support a discussion on cybersecurity in general during the next (214th) session which could touch upon the Secretariat's related AN-Conf/13 working paper. He considered, moreover, that it would be worthwhile for cybersecurity to be a standing item on the Council's Work Programme to enable the Council to continue to monitor developments in that complex area which cut across the whole of ICAO's work. The Representative of the United Kingdom thus would welcome regular updates on the cybersecurity work stream, particularly starting at the next session as suggested by the Representative of France.

28. Noting that the clarifications provided during the said informal briefing had been very useful, the Representative of Spain averred that the term "Trust Framework" used by D/ANB was more appropriate than the term "Innova" as it reflected the provision of a secure framework for a communications system that would enable a cyber resilient system-wide information management. He emphasized that the Council's desire for visibility of the work being carried out to address the issue of cybersecurity was not incompatible with the approval of AN-Conf/13 working papers by the ANC under delegated authority from the Council. The Representative of Spain underscored that while the Council did not need to approve Conference working papers as it had delegated that responsibility to the Commission, it did need the ANC to carefully consider how the cybersecurity-related proposals were presented in those working papers and what actions were being recommended to the Conference, which should not go beyond the limits established by the Council.

29. Sharing this view, the Representative of Saudi Arabia asked that the ANC consider in detail the concerns raised during the said informal briefing, in particular those relating to the required infrastructure and the associated costs for States. Highlighting that global air traffic was expected to double between now and 2030, he underscored the consequent need to accelerate work on the Trust Framework as a priority.

30. In providing clarifications in response to queries by the Representative of Sweden,

D/ANB indicated that his Bureau's objective in its development of the Trust Framework was to create an understanding of how connectivity could be managed with safety oversight that comprehended the risks and understood how they were being mitigated. The network itself would not be built by ICAO. It would be deployed by States and industry and the vast majority of connections would occur through communications service providers that already existed. The challenge for ICAO was that while a substantial system-wide information management capability would be deployed without any action on its part, taking advantage of those capabilities for reductions in separation minima, increases in capacity and the resulting efficiencies would not occur unless a safety regulator understood and approved it. The Trust Framework i.e. the understanding of how the connections were verified and validated was a key component of what the safety regulator needed to understand and that was why ANB was focusing thereon. ICAO would not be inventing that methodology; rather, the methodology would be best practice from the communications industry. ICAO would incorporate that best practice into SARPs which would in due course be presented to the Council for adoption. That would take time and would not occur unless the ANC understood and accepted the process by which those SARPs were developed.

31. Underscoring that ICAO's cybersecurity-related work was not limited to Innova, the President of the Council highlighted that the SSGC had been addressing other aspects of cybersecurity, such as airworthiness, aerodromes, future air navigation systems and legal issues. He noted that the purpose of Innova was to build an aviation information exchange architecture that would be more resilient to cyber-attacks.

32. The Representative of Algeria emphasized that advances in aviation information systems were being made at a dizzying pace and that what was valid today might become outdated overnight. In reiterating that global air traffic was expected to double between now and 2030, he stressed the consequent need to accord cybersecurity higher priority. The Representative of Algeria questioned whether the SSGC's timeline for the Organization's work on cybersecurity, which included five years for the development of SARPs, was sufficient to address that issue (cf. Appendix to C-WP/14695).

33. D/ANB noted that while he had indicated during the informal briefing that the development of ICAO SARPs generally took five years, there was an opportunity to accelerate the work on cybersecurity-related SARPs if it was prioritized by the Council, the Assembly and the ANC. It was important to give such action careful consideration, however, due to the current lack of understanding as to requirements. D/ANB underscored that ICAO would endeavour to develop the required SARPs at the speed necessary for the industry to be able to react effectively to cyber risks. He did not wish to elaborate further without a complete work plan and a full design with which to determine the resources that needed to be provided by States, through ICAO, and by industry.

34. D/ANB emphasized that the development of protections for system-wide information management, data communications for air-to-ground communications between pilots and air traffic controllers and for air-to-air communications, surveillance, etc, was the most important challenge his Bureau faced for the next five to ten years as it was the foundation for the envisaged enhancements of air navigation capacity and efficiency. He underscored that if that work was unsuccessful, then the envisaged benefits through reductions in separation minima would not be gained. D/ANB highlighted that that important work was a key component of a much larger cybersecurity programme on which the Aviation Security and Facilitation Section (ASF) had the lead. Noting that the ANC had been in dialogue with the Secretariat about ways to enhance the methodology, he indicated that they would present their proposals to the Council in the near future.

35. The Representative of Cuba remarked that cybersecurity was a very technical issue involving automated systems for the exchange of sensitive aviation information between stakeholders, including the military, which made it difficult for States to understand and accept. She also noted that

cybersecurity had other dimensions, as highlighted by the Representative of France. Taking into account that the Council did not approve AN-Conf/13 working papers, having delegated that responsibility to the ANC, the Representative of Cuba agreed with the Representatives of France and Spain, among others, that the Council should have visibility of the work being carried out to address the issue of cybersecurity during the next (214th) session so as to be aware of what was under discussion and what the future expectations were in that regard.

36. The Secretary General observed, from the previous day's informal briefing and the current discussion on C-WP/14695, that cybersecurity was one of the most important issues facing ICAO. She also clearly saw the Council's interest to oversee its development by the Secretariat in accordance with Assembly Resolution A39-19. As the Secretary General had indicated during the informal briefing, she would soon issue a State letter inviting interested Member States from all regions to nominate experts to participate in a Working Group (still to be named) to assist and support the Secretariat and the ANC in their efforts to further develop the Trust Framework, with the Council's guidance. In emphasizing that that should ensure that the issue of cybersecurity was dealt with in a harmonized way, she underscored that it should also facilitate acceptance by States as it would take into account the interests of the various regions.

37. The Secretary General took this opportunity to announce: that an ICAO Europe, Middle East and Africa (EMEA) Cybersecurity in Civil Aviation Summit would take place in Bucharest, Romania, from 7-9 May 2018, as part of the Organization's global awareness plan to promote ICAO's efforts in the field of cybersecurity and to foster the exchange of knowledge of cybersecurity issues among States, international organizations, industry and other stakeholders; and that the SSGC's Third Meeting would be held in Bucharest from 9-10 May 2018, in continuity with that Summit. The Secretary General expressed appreciation to the Government of Romania for hosting the EMEA Cybersecurity in Civil Aviation Summit.

38. The above comments and clarifications were noted.

39. The Council noted the information provided in C-WP/14695, as supplemented during the discussion. In also noting the UIC's oral report, the Council expressed appreciation to the Committee, through its Chairperson, for having requested the said informal briefing, which had been very timely and insightful. The Council encouraged all Member States to join in the Organization's efforts to further develop the Trust Framework by nominating experts to participate in the said Working Group.

40. With regard to the larger subject of cybersecurity, which was of great interest to Member States, the Council requested regular updates thereon every session, which would include, up to the time of AN-Conf/13 (Montréal, 9-19 October 2018), information on any new related issues to be brought to the Conference's attention, and the process by which they had been considered. The President of the ANC would be given the opportunity to present the Commission's views on such new issues, and the Council would provide its guidance thereon. It was left to the Secretariat to determine if the updates should take the form of a working paper or an oral report, taking into account the amount of new material to be presented. Recalling that the SSGC comprised Secretariat staff members from ANB and the Air Transport Bureau (ATB), the Council requested that both the ANC and the UIC remain seized of this matter, in terms of governance. It was noted that if Representatives had any issues of concern regarding any AN-Conf/13 working papers, they should bring them to the attention of the President of the Council, who would raise them with the President of the ANC and D/ANB.

41. The Council went into closed session at 1055 hours to consider the next item on its order of business, then reconvened in open session at 1120 hours to consider the remaining items.

Subject No. 14: Subjects relating to air navigation
Subject No. 24.3: Action on Assembly resolutions and decisions

Update on ballistic missile launches

42. This subject was considered on the basis of the following oral report by the Secretary General, which had been circulated to Representatives beforehand and posted on the Council's secure website:

43. "This is a report on the ongoing developments and the response by the Organization since the decision adopted by the ICAO Council at the First Meeting of its 212th Session on 6 October 2017 on the significant concern to the safety of international civil aviation caused by the Democratic People's Republic of Korea ("the DPRK") missile launches [cf. C-WP/14642 Revised; C-DEC 212/1]. The Council decision inter alia recalled Assembly Resolution A32-6: *Safety of Navigation*, condemned the continued launching of ballistic missiles by the DPRK over or near international air routes without advance notification, thereby seriously threatening the safety of international civil aviation, and strongly urged the DPRK to comply with the provisions of the *Convention on International Civil Aviation*, its Annexes, related procedures, and relevant ICAO Standards and Recommended Practices in order to prevent the recurrence of such potentially hazardous activities. The Council also noted that the United Nations Security Council had determined that the launching of ballistic missiles by the DPRK was in violation of its resolutions. The President of the Council promptly informed in writing the relevant authorities of the DPRK of the decision of the ICAO Council and the Secretary General issued an Electronic Bulletin (EB 2017/61) [on 6 October 2017] to inform all Contracting States of the decision. Additionally, via a media release, the public was informed of the outcome of the Council's decision on the issue.

44. "In response to the Council President's invitation to participate in the above-mentioned Council meeting, which also included C-WP/14642 Revised, Mr. Rim Kwang Ung, Director General, General Administration of Civil Aviation, DPRK, in a letter dated 2 October 2017, stated that (quote) 'the launches of ballistic missiles conducted in recent years by our Korean People's Army are not only part of the self-defensive military exercises to safeguard the sovereignty and the right to live in our country, but also taking into full account in advance the safety of neighbors and international civil aviation as the other Contracting States did' (end of quote). Please note that C-WP/14642 Revised was also forwarded to the DPRK Director General.

45. "Subsequently, ICAO was informed of one ballistic [missile] launch on 29 November [2017], since the meeting of the ICAO Council on the subject, and the President of the Council, while reiterating the need for proper coordination and timely promulgation in his response, also recalled the decision of the ICAO Council. Since that time, there has been some easing of tensions with the participation of the States concerned in the Olympics and the Paralympics currently taking place in the Republic of Korea. This observation was highlighted during discussions between senior Secretariat members of ICAO and the United Nations Department of Political Affairs in the most recent of our regular communications.

46. "Concerning the consideration of other measures by which this situation could be addressed [cf. C-DEC 212/1, paragraph 4 e) iv)], close contact and coordination has been made with the ICAO Regional Director in Bangkok [ICAORD, APAC] during the intervening period where an action plan has been developed. Of note, because of the coincidence of the timing of the First Asia Pacific Ministerial Conference on Civil Aviation (Beijing, 31 January to 1 February 2018), where senior officials of ICAO and DPRK were present, a number of potential measures being considered have already been

completed. A report of what transpired in Beijing is presented below, followed with the additional action items that are being progressed.

47. “Two side-meetings with the DPRK delegation were organized by ICAO. The ICAO delegation comprised the President of the Council, the Secretary General, the Bangkok Regional Director and Director, Air Navigation Bureau (D/ANB). The DPRK delegation included Director General Rim Kwang Ung and Deputy Director General Ro Yong Son. Conveying the serious concerns of the ICAO Council over the unannounced missile launches by DPRK and while expressing understanding of internal coordination challenges that may be faced by GACA, the Council President recalled that ICAO and Member States, including DPRK, have the primary responsibility to ensure the safety of the travelling public. Prior notification of any launches is essential so that civil operators can take necessary precautions. Also, ICAO does not wish to see a recurrence of an accident similar to that of MH17. As signatory of the Chicago Convention, DPRK must be cognizant of its responsibility in relation to ICAO Annex requirements with regard to reporting hazardous activities. In acknowledging that communication gaps may exist, the Council President emphasized the need for open and reliable communications to be established between DPRK and ICAO as the first step forward. Accordingly, ICAO would propose a mission by the Regional Director and/or D/ANB to Pyongyang. The Council President also requested that DPRK consider increasing its awareness in risk management concepts and methodology vis-à-vis its obligations under ICAO Annexes 11 and 15. In response to the suggestion that DPRK establish closer links to ICAO through secondments of its experts to the ICAO Regional Office and Headquarters, the Secretary General informed the Director General that States may propose qualified candidates in response to the secondment positions advertised through State letters and these proposals would be duly considered against the qualifications of the secondment positions. Secondees are ICAO officials when performing their duties and should not take instructions from their national authorities. The Secretary General also suggested that another option for DPRK to facilitate closer links with ICAO is to establish a delegation to ICAO in Montréal.

48. “To ensure accuracy, reference is made to the written response of the Director General dated 19 February 2018 where he reiterated the comments expressed in his letter of 2 October 2017, as mentioned earlier, and added (quote), ‘this opportunity had provided the basis of understanding between the General Administration of Civil Aviation (GACA) and ICAO through the open-minded talk on the matters of common interests. The GACA had already in place the processes and procedures to notify adjacent countries of any activity or incident arising from its territory which may pose risks to nearby international air routes or operations in accordance with the requirements which were described in Annexes 11, 15 [and] to [the] Chicago Convention. Following the above-mentioned procedures, we are committed to fulfil its responsibilities and obligations by sharing more information necessary for ensuring the safety of civil aviation and notifying them if any, with strengthening the cooperation further between the GACA and military authority’ (end of quote). The Director General also raised several safety and technical issues where he requested the assistance of ICAO to identify solutions. These issues are currently being reviewed.

49. “Additional items contained in the action plan, which is updated as events unfold, are as follows:

- formal correspondence from Regional Director, Bangkok to GACA, DPRK has been sent on a potential visit by ICAO during the first week in May;
- establishment of an East Asia and North Pacific ATM Contingency Coordination Team (CCT) by the APAC Office to inter alia provide a mechanism for the voluntary

exchange of information in order to facilitate State responses that support the continuation of a safe and orderly flow of international air traffic;

- inclusion of a performance objective concerning launch/space re-entry activity management in the Asia/Pacific Seamless ATM Plan's Performance Improvement Plan. This plan has an expected implementation date of 7 November 2019, where all States that conduct ballistic launches or space re-entry activities should ensure the efficient management of rocket launches and space re-entry activity to minimize disruption to other airspace users through comprehensive coordination agreements; and
- finally, DPRK will be included in the 'tentative schedule of CMA audits for 2019', potentially covering the subject areas of primary aviation legislation and civil aviation regulations (LEG), civil aviation organization (ORG), personnel licensing and training (PEL), aircraft operations (OPS) and air navigation services (ANS).

50. "The Council will be informed by oral report at its next session on any major developments in response to C-DEC 212/1."

51. The Secretary General underscored that after the issuance of her oral report the Director General of GACA had accepted the proposal by the ICAORD, APAC for a meeting in Pyongyang. She was proposing that the ICAORD, APAC and D/ANB visit the GACA in Pyongyang for consultations from 7-9 May 2018.

Discussion

52. In thanking the Secretary General for preparing the above-mentioned oral report, the Representative of Japan indicated that his State noted, with appreciation, that it recapitulated the key elements of the decision adopted by the Council, by consensus, on 6 October 2017 (C-DEC 212/1) and appeared focused on measures by which ICAO could address this global safety concern through its efforts for direct communication and its programme deemed available for this purpose. He then highlighted the following three essential elements of the oral report for the Council to address this matter in the interest of the entire Organization: first of all, as the oral report mentioned and as its title justly made reference to, the DPRK, despite the Council's said decision, reacted by continuing with the unannounced launching of a ballistic missile on 29 November 2017 which had fallen into Japan's exclusive economic zone, passing again near major international air routes between Japan and Europe. Speaking on behalf of all those who had been exposed to danger at that time, the Representative of Japan humbly asked the Council to recognize that the said act warranted further condemnation in the minutes of the present meeting, for the record. Also, the Council should not overlook its procedure under Article 54 j) of the Chicago Convention, which required the Council to report to all Contracting States any failure to carry out its decisions. The Representative of Japan considered that that could be conveyed through an electronic bulletin, along with the recent developments regarding this issue, in the overall context, as updated by the Secretary General's oral report.

53. Secondly, Japan welcomed the development of the planned actions highlighted in the oral report, as well as the ongoing efforts by ANB and the APAC Regional Office. The Representative of Japan requested the Secretary General to update the Council on progress in implementing all of the planned actions at the next (214th) session and onwards.

54. The Representative of Japan then asked the following technical questions:
- a) Was the DPRK invited to this Council meeting? How did it respond?
 - b) As to the letter from the Director General of the DPRK's GACA dated 19 February 2018 (cf. paragraph 6 of the oral report and paragraph 48 above), what specific technical assistance is being sought by the DPRK and how is the Secretariat thinking of responding to its request?
 - c) As to the potential visit by ICAO, set to target the first week of May 2018 (cf. paragraph 8 of the oral report and paragraphs 49 and 51 above), what purpose is presented in the formal correspondence?
 - d) With reference to the same paragraph 8 of the oral report (cf. paragraph 49 above), what is the composition of the East Asia and North Pacific ATM Contingency Coordination Team (CCT)? Is it active yet?
 - e) Also with regard to that paragraph, what is the timeline for including a performance objective concerning launch/space re-entry activity management in the Performance Improvement Plan of the Asia/Pacific Seamless ATM Plan?
 - f) Also with reference to that paragraph regarding the possible USOAP CMA audit of the DPRK in 2019, which was most welcome, has a USOAP CMA audit ever been conducted in the DPRK? What are the key steps to make it happen this time?
 - g) Last, but not least, the oral report recalled that the public had been informed of the outcome of the Council's meeting on 6 October 2017 (C-DEC 212/1) by a media release issued on that same date. In this connection, the Representative of Japan had heard a legitimate expectation from some of his State's airlines and others wishing to know whether ICAO had been addressing this safety concern. It was noted this was the first session after the Council's said decision (C-DEC 212/1). Therefore from Japan's perspective it made sense, and it seemed balanced and appropriate, for the President to consider the release of a brief note to the effect that while the DPRK missile launch continued after the Council's said decision and remained condemned, ICAO had been following up and discussed the matter to encourage the DPRK to make open and reliable engagement and dialogue with ICAO. The Representative of Japan emphasized, in this regard, that ICAO should not leave its stakeholders behind.
55. The Representative of Japan concluded by indicating that his Delegation would be grateful for the Council's continued support to address this matter in an actionable and accountable manner.
56. Replying to the Representative of Japan's first question, the President of the Council indicated that the DPRK had not been invited participate in the present Council meeting under Rule 31 of the *Rules of Procedure for the Council* (Doc 7559) as it had not been considered that the Council's envisaged decision on this matter would have a significant impact on the DPRK's interest. The DPRK knew, however, that the Secretary General would provide an update to the Council following the said two side-meetings held with its senior officials during the First Asia Pacific Ministerial Conference on Civil Aviation (Beijing, 31 January-1 February 2018). The President emphasized that the two side-meetings had been very promising, with the results having been highlighted by the Secretary General in her oral report. He underscored that it could be challenging for the Council to take some of the actions suggested by the Representative of Japan as the DPRK was not present and thus did not have the opportunity to be given a fair hearing. The President therefore requested that the Council moderate whatever actions it decided to take during the current meeting in full knowledge that the DPRK was not in attendance.
57. Responding to the question raised regarding the potential visit by ICAORD, APAC and D/ANB to the GACA in Pyongyang from 7-9 May 2018, the Secretary General clarified that the main

purposes of the visit were: to enhance and sustain the dialogue and cooperation that had been initiated during the said side-meetings to secure the DPRK's continuing commitment to ensuring the safety of international civil aviation; to obtain confirmation from that State regarding the proposed conduct, in 2019, of an audit under ICAO's Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA); and to have discussions on the obligations of the GACA and of the Government of the DPRK as a whole under Annex 11 – *Air Traffic Services* and Annex 15 – *Aeronautical Information Services* vis-à-vis the notification and management of risks associated with hazardous activity in the DPRK's Pyongyang Flight Information Region (FIR) and surrounding airspace.

58. In providing additional clarifications, the Chief, Airspace Management and Optimization Section (C/AMO) confirmed that the East Asia and North Pacific ATM CCT was active. He underscored that it was an informal group whose members communicated mostly via telecommunications or e-mail and acted on information received in real-time. C/AMO emphasized that while the said CCT had wide regional membership, the DPRK had not been requested to become a member. However, the Secretariat had that issue very much in mind, and the appropriateness and effectiveness of such membership could be discussed at the said meeting with the GACA in May 2018.

59. In further noting that the DPRK had undergone a USOAP audit in 2008, C/AMO indicated that that would be a key consideration for the Secretariat in deciding whether to schedule a USOAP CMA audit of that State in 2019. Remarking that the audit process was fairly standard, he underscored that comprehensive information relating thereto was available on the USOAP CMA Online Framework at www.icao.int/usoap.

60. Responding to the question raised regarding the Asia/Pacific Seamless ATM Plan, C/AMO noted that the inclusion therein of a performance objective concerning launch/space re-entry activity management had only recently been approved by the Asia/Pacific Air Navigation Planning and Implementation Regional Group (APANPIRG). Data collection for such a performance objective would start in early 2019. However, it would take some time to establish the procedures for collecting that data on performance in respect of launches.

61. D/ANB further indicated that as the Secretariat considered that the DPRK's request for assistance with several safety technical issues was related to the curtailment of services due to sanctions, it was reviewing them in coordination with the United Nations Secretariat in New York City.

62. The Representative of China expressed appreciation, and satisfaction, to the President of the Council, the Secretary General, ICAORD, APAC and D/ANB who had taken the opportunity afforded by their attendance at the first Asia Pacific Ministerial Conference on Civil Aviation in Beijing: to carry out open-minded and candid dialogue with senior DPRK officials regarding the establishment of the coordinating mechanisms and the development of a work programme setting forth next steps; and thus obtain the DPRK's commitment to fulfil its obligations under the Chicago Convention and to work with all ICAO Member States to ensure the safety of international civil aviation. He emphasized that China had always encouraged Member States to enhance dialogue, coordination and cooperation in resolving issues of common concern and to take earnest and effective measures to ensure aviation safety so that air transport could truly serve to facilitate exchanges among peoples of the world.

63. The Representative of China supported the action plan set forth in the Secretary General's oral report and suggested to maintain the momentum of progress achieved during the side-meetings held on the margins of the Beijing Conference and further enhance communication with the DPRK's GACA in order to: speed up the implementation of the Asia/Pacific Seamless ATM Plan's Performance Improvement Plan, among other coordinating mechanisms; conduct as early as possible the USOAP CMA audit of the DPRK and establish the corrective action plan; and provide the necessary technical

assistance to enable the DPRK's GACA to enhance its aviation safety oversight capabilities and thus improve the effective implementation (EI) level of international safety Standards in the APAC region.

64. The Representative of the United States noted that if there was any one particular country on whose population this issue could have a potential devastating effect, it was certainly Japan. While he welcomed the recent developments indicating the DPRK's willingness to engage on the issue of denuclearization, he emphasized that aviation safety issues must continue to be addressed and international norms, respected. It had been made clear that the United States sought a peaceful resolution to the DPRK missile and nuclear issue. Therefore the DPRK's ballistic missile launch on 29 November 2017, after the ICAO Council had adopted its decision on 6 October 2017 (C-DEC 212/1), remained a concern. The Representative of the United States supported the request that the President of the Council report to the Contracting States that the DPRK disregarded C-DEC 212/1 and called on the Secretary General to continue to take measures as outlined in that decision.

65. The Representative of the United States underscored that the launch of 29 November 2017, like those before it that had led to the Council's said decision, posed an unacceptable risk to civil aviation operating in and transiting the region with no prior notification of that missile launch to international maritime or aviation authorities. He emphasized that the DPRK's failure to issue a NOTAM for Pyongyang FIR demonstrated a continuing willingness to conduct unannounced missile test launches that presented a safety hazard to aircraft and/or vessels transiting the region. In noting that that risk had been highlighted by multiple reports in the media following the said 29 November 2017 launch that passengers on commercial airlines had seen the missile from their windows, the Representative of the United States indicated that according to various reports there had been at least nine commercial aircraft within 280 nautical miles from where that 29 November 2017 missile had landed.

66. The Representative of the United States emphasized that while the priority of today's action by the ICAO Council was safeguarding international civil aviation, his State also remained focused on its overall goal of the denuclearization of the DPRK, which had overwhelming support from the international community. He hoped that the recent invitation by the DPRK leader, Kim Jong-un, to meet with the President of the United States, Mr. Donald Trump, was the first of many indications that the DPRK understood that there was a brighter path that it could choose. The Representative of the United States noted that since that last missile launch the DPRK had refrained from any provocative behaviour during the recent Winter Olympic Games and the ongoing Winter Paralympic Games in the Republic of Korea. He further noted that Kim Jong-un had expressed his commitment to denuclearize and had pledged to refrain from any further nuclear or missile test. In concluding, the Representative of the United States expressed the hope that these recent events were an indication that the DPRK understood that there was a different, brighter path that it could choose, and viewed this as the first in a series of steps that led down the path of denuclearization.

67. The President of the Council underscored that the Council should focus its discussion on the safety and efficiency of international civil aviation. He noted that while it was true that since the Council's decision of 6 October 2017 (C-DEC 212/1) there had been a ballistic missile launch by the DPRK on 29 November 2017, as highlighted by the Representative of Japan, that launch had preceded the said side-meetings that had taken place on the margins of the Beijing Conference between the ICAO delegation and senior DPRK officials, meetings which had been described as having been very positive and constructive. The President of the Council further emphasized that the commitment made by the DPRK at that time to ensure the safety of civil aviation had been followed up by the written response of the Director General of the GACA dated 19 February 2018, which was quoted in the Secretary General's oral report. He noted that, as requested by the DPRK, ICAO had put an action plan in place to address some of the issues and to continue their constructive engagement.

68. Reiterating that there had not been any ballistic missile launches by the DPRK since 29 November 2017 and the said side-meetings in Beijing, the President left it to the Council to decide what action to take, in full knowledge that the DPRK was not in attendance. He suggested that the Council be circumspect and moderate in its response, taking into consideration the process of engagement with the DPRK that had started and knowing full-well the larger climate of improvement. With respect to international civil aviation, the President suggested that the Council focus on the developments that had been achieved. He underscored that while the Council could avail itself of the procedure under Article 54 j) of the Chicago Convention, it should bear in mind the current climate, that 29 November 2017 was a long time ago and that there had not been any subsequent ballistic missile launches by the DPRK, and strike a good balance with the overall objective, which was to ensure that there was constructive engagement with the DPRK and that the latter fulfilled the commitment made by the Director General of the GACA in his written response dated 19 February 2018. These were the President's words of caution to the Council.

69. The Representative of France expressed appreciation to the President of the Council, the Secretary General, and the other members of the ICAO delegation for having seized the important opportunity offered by the Beijing Conference to have side-meetings with senior DPRK officials. In voicing France's support for the action proposed in the oral report, he emphasized that the envisaged visit by ICAORD, APAC and D/ANB to Pyongyang in May 2018 was very opportune, given the current context. The Representative of France underscored that his State nevertheless considered that the fact that there was currently an easing of tensions did not prevent the Council from making a judgement on past incidents. Reiterating that the DPRK's ballistic missile launch on 29 November 2017 was in violation of the Council's decision of 6 October 2017 (C-DEC 212/1), he stressed that it should be duly recorded in the Council's current decision, as proposed by the Representatives of Japan and the United States, and not passed over in silence. The Representative of France further underscored that this subject should remain on the Council's Work Programme for the next (214th) session as the situation unfortunately remained very uncertain.

70. Noting that this subject was closely linked to aviation safety, the Organization's main Strategic Objective, the Representative of Saudi Arabia voiced deep appreciation for the efforts being made by the President of the Council, the Secretary General and the Secretariat to address the situation. He expressed full support for the Secretary General's oral report, as well as for the intervention by the Representative of Japan.

71. Recalling the said Beijing Conference, the Representative of the Republic of Korea noted that the Delegate of Japan had commented on the necessity of following up on the DPRK missile issue, which had been of relevance given the Council's decision of 6 October 2017 (C-DEC 212/1). The Delegate of the DPRK had repeated his State's position and then had requested Japan to apologize to the international community for its actions during World War II. Averring that his intervention had been pointless as World War II bore no relation to the safety and security of international civil aviation, which at that time had been nascent, the Representative of the Republic of Korea expressed surprise that no Delegates had objected to that request and that the Chairperson had not intervened to re-direct the discussion. He noted that to his further surprise some other Delegates had taken the floor and given what he considered to be very ambiguous interpretations of that issue, which he likewise deemed pointless and irrelevant as they did not contribute to the constructive discussion of the DPRK missile issue.

72. The Representative of the Republic of Korea highlighted that, apart from his State, Japan was potentially the main victim of any DPRK missile. He noted that Japan had security concerns in that regard as under Article 9 of its post-war Peace Constitution it renounced war as a sovereign right of the nation and the threat or use of force as means of settling international disputes, and was prohibited from maintaining military forces, being only allowed to have self-defense forces. The Representative of

the Republic of Korea emphasized that if, as was very often said, Council Representatives were friends and family members of ICAO, then they should support each other and help one another. Underscoring that no one had helped Japan at the Beijing Conference when it had been in need of assistance in addressing the said two issues, he took this opportunity to ask Representatives whether they were real friends and family members of ICAO.

73. The Representative of the United Kingdom fully welcomed the action plan as described in the Secretary General's oral report and expressed pleasure that there had been a positive atmosphere during the said two side-meetings with senior DPRK officials. He nevertheless agreed with previous speakers that there had been a situation i.e. the ballistic missile launch on 29 November 2017 to which the Council needed to be seen to react. In welcoming the approach proposed by the Representative of Japan with regard to external communications, the Representative of the United Kingdom commended his suggested language, noting that it was very neutral and emphasized the constructive atmosphere. He considered that it would reassure industry and other aviation stakeholders that this was an issue that the Council continued to monitor very closely.

74. The Representative of Egypt shared the concerns expressed by the Representative of Japan and supported the latter's proposed actions by the Council in response to the DPRK's said violation of C-DEC 212/1. He underscored that in addition to those actions it was necessary for the Council to continue to strongly urge the DPRK to comply with the provisions of the Chicago Convention, its Annexes, related procedures and relevant SARPs in order to prevent a recurrence of such potentially hazardous activities. The Representative of Egypt also endorsed the Representative's proposal that the Council request the Secretary General to continue to monitor developments and to update it on progress in implementing all of the planned actions at the next (214th) session and onwards. In welcoming the many positive developments as highlighted in the Secretary General's oral report, he expressed the hope that they would lead to progress in terms of the DPRK's compliance with ICAO safety-related SARPs and procedures.

75. The Representative of Turkey expressed support for the Secretary General's oral report and the action plan presented therein. He also noted, with pleasure, the many positive developments, such as the fact that there had not been any ballistic missile launches by the DPRK since 29 November 2017 and the fact that a joint Republic of Korea/DPRK Olympic team had taken part in the said Winter Games. The Representative of Turkey underscored, however, that it continued to be a serious situation. He understood the concerns of the affected States, as well as of the international civil aviation community and the aviation industry in that regard, and therefore supported the intervention by the Representative of Japan, as well as the approach advocated by the Representative of France. The Representative of Turkey reiterated that this subject should remain on the Council's Work Programme for the next (214th) session and onwards to enable it to closely monitor the situation and to have reports on developments from time to time. He expressed the hope that the positive atmosphere in the APAC region continued and that peaceful results would be obtained. The Representative of Turkey emphasized the importance that the Council's approach to this situation, as reflected in its C-DEC, be shared in an appropriate way with, inter alia, the aviation industry, in particular, the airlines, and with the public.

76. The Representative of the United Arab Emirates thanked the Secretary General, as well as the President of the Council, for their concerted efforts to address this situation. She voiced support for the said oral report, as well as for the statements made by all previous speakers, in particular, the Representatives of Japan, the United States, France, Saudi Arabia and the Republic of Korea. Underscoring that the safety of international civil aviation was a fundamental concern of the Council, the Representative of the United Arab Emirates agreed that this subject should remain on the Council's Work Programme.

77. The Representative of Argentina likewise expressed gratitude to the Secretary General and the President of the Council, in particular for the side-meetings which they had held with senior DPRK officials on the margins of the Beijing Conference. He also endorsed the action plan as set forth in the Secretary General's oral report. Like previous speakers, the Representative of Argentina had an optimistic view of recent developments at the global level. While he considered that pursuing the path of dialogue with the DPRK was the best option for resolving the situation, he stressed the need to make it very clear to that State that its past actions could not be repeated in terms of threats to aviation safety. The Representative of Argentina thus supported the additional actions proposed by the Representative of Japan and endorsed by a large number of other Representatives.

78. The Representative of Spain voiced appreciation for the interventions by all previous speakers, in particular, the Representatives of Japan, the Republic of Korea and the United States. He expressed pleasure that the Beijing Conference had provided a timely opportunity for the President of the Council and the Secretary General to have side-meetings with senior DPRK officials, thus opening dialogue with a view to resolving the situation. Noting that there was a potential for a change in the situation which could give ICAO the opportunity to address its concerns regarding the safety of international civil aviation, the Representative of Spain emphasized that the envisaged May visit by the ICAORD, APAC and D/ANB to the DPRK's GACA in Pyongyang was thus extremely important. He supported the visit's said purposes, including confirmation of a USOAP CMA audit of the DPRK in 2019. The Representative of Spain stressed the importance of informing the Council of the visit's outcomes and the evolution of the situation during the next (214th) session in June 2018.

79. The Representative of Spain agreed that the Council should not overlook the ballistic missile launch by the DPRK on 29 November 2017 subsequent to its decision of 6 October 2017 (C-DEC 212/1). Recalling that after that meeting the President had issued a media release communicating the Council's decision and concern to stakeholders, he suggested that the same action be taken by the President following the present meeting. The Representative of Spain indicated that starting from the 214th Session, and taking into account the information provided on the outcomes of the said visit by ICAORD, APAC and D/ANB and the evolution of the situation, the Council could consider future actions.

80. The Representative of Australia noted, with appreciation, the efforts of the President, the Secretary General, and the Secretariat to implement the Council's decision of 6 October 2017 (C-DEC 212/1), and looked forward to those efforts continuing in line with the action plan referred to in the Secretary General's oral report, which he supported. He also looked forward to the Council receiving a further update in the next (214th) session on that progress so that it remained seized of the subject and informed of developments. The Representative of Australia underscored that it might need to be a standing item on the Council's sessional Work Programme for the foreseeable future as the situation developed.

81. The Representative of Australia agreed with many of the sentiments expressed by previous speakers and considered it necessary for the Council to strike a balance between maintaining pressure on the DPRK to comply with international law, within its competence, and updating stakeholders and reassuring them that action was underway, without damaging progress that appeared to have begun with the new lines of dialogue that had been initiated. The Representative of Australia considered that it was also necessary that any ICAO public statements on this subject and any pressure which the Council might apply to the DPRK to comply with international law be consistent with initiatives and messaging across the whole UN system so that the Council did not contradict or undermine the broad international push to address these important safety and security issues.

82. Affirming the importance of the last part of the Representative of Australia's intervention, the President of the Council underscored that the Council and the Organization as a whole had

consistently been careful not to be seen to be encouraging ballistic missile launches when highlighting to the DPRK the need to issue NOTAMs in advance of such launches. In emphasizing the need to signal that in a way that did not presuppose that launching a ballistic missile was a normal activity, which was the message that the larger international community was conveying to the DPRK, he reiterated the importance of striking the right balance.

83. The Representative of Algeria voiced support for the action plan presented in the Secretary General's oral report, as well as for the actions proposed by the Representative of Japan. In welcoming, with much optimism, the recent positive developments relating to future dialogues with the DPRK, he expressed the hope that the current situation would be resolved as soon as possible.

84. In welcoming the outreach efforts of the President of the Council, the Secretary General and the Secretariat at the said side-meetings held on the margins of the Beijing Conference, the Representative of Ecuador noted that they opened a door to a vision of understanding, one which could be further strengthened in the future to become a vision of, and path to, peace. Underscoring that all were very concerned about the risk posed by the DPRK's unannounced ballistic missile launches to the safety and security of international civil aviation, he emphasized the need for the Council to address that subject. Highlighting that Ecuador had always opposed such unilateral action by a State, he indicated that it therefore supported the Secretary General's oral report, including the action plan, as well as the actions proposed by the Representative of Japan. The Representative of Ecuador agreed with the Representatives of Japan, France, the United States, Turkey and others that the Council should not overlook the DPRK's ballistic missile launch on 29 November 2017 subsequent to the Council's decision of 6 October 2017 (C-DEC 212/1).

85. The Representative of Sweden noted the information provided in the oral report and supported the action plan presented therein. She also supported the suggestion made by the Representative of Japan to signal to the aviation industry and other stakeholders that ICAO was closely monitoring developments. Emphasizing that ICAO's most important role, as an organization, was to ensure compliance with its safety-related SARPs as set forth in the relevant Annexes to the Chicago Convention, she shared the view expressed by many Representatives that the Council should maintain pressure on the DPRK regarding this subject while not damaging the ongoing process. The Representative of Sweden thus agreed that it was important for the Council to retain this subject on its Work Programme and to closely monitor it.

86. The Representative of Mexico also welcomed the said action plan, as well as the additional actions proposed by the Representative of Japan. He underscored the extreme importance of the ongoing political/diplomatic dialogues: between the Republic of Korea and the DPRK; and between ICAO and the DPRK, the latter having been initiated by the President of the Council and the Secretary General during the said side-meetings held on the margins of the Beijing Conference to address the DPRK's unannounced ballistic missile launch on 29 November 2017 subsequent to the Council's decision of 6 October 2017 (C-DEC 212/1). The Representative of Mexico emphasized that ICAO's above-mentioned action plan was essential in order to continue to make progress in addressing this situation. He reiterated that this subject should be retained on the Council's Work Programme, with periodic updates being provided to the Council to enable it to take appropriate follow up action.

87. The President of the Council offered a preliminary Council decision on the basis of the discussion (cf. paragraph 96 below) and invited comments.

88. While agreeing to the President's proposed Council decision, the Representative of Brazil sought clarification as to whether it included any request that the DPRK issue a NOTAM prior to any

future launch of a ballistic missile in order to forewarn airlines, without, however, encouraging more launches by that State.

89. The President of the Council asked that Representatives leave it to him and to the Secretary General to find the appropriate wording with which to strike that balance.

90. The Representative of Malaysia noted that while he had no difficulty accepting the President's proposed Council decision, he agreed with the Representative of Japan that the Council should apply the procedure under Article 54 j) of the Chicago Convention, which required the Council to report to all Contracting States any failure to carry out its decisions.

91. The President indicated that he wished the Council to be constructive in addressing this subject and to inform stakeholders of the positive developments without taking very drastic action. Emphasizing that the procedure under Article 54 j) was the strongest sanction available to the Council in the Chicago Convention, he underscored that it was possible to communicate the same message without applying it.

92. In expressing appreciation for all of the supportive comments, the Representative of Japan indicated that, if he was not mistaken, the suggestions that he had made in his earlier remarks (cf. paragraphs 52-55 above) were the prevailing views and rightly captured the way forward for making a balanced communication to the public and the DPRK, as well as for the official record of the Council's deliberations. Underscoring that the Council should not shy away from following its own procedure under Article 54 j) of the Chicago Convention, he indicated that, from his perspective, it was an overstatement to refer to Article 54 j) as a "sanction". Noting that the Council was addressing past events that had posed a serious safety concern, the Representative of Japan emphasized the consequent need to establish a good precedent for ICAO communications to the public. Recalling his earlier suggestion that the President consider the release of a brief note to the effect that while the DPRK missile launch continued after the Council's said decision of 6 October 2017 (C-DEC 212/1) and remained condemned, ICAO had been following up and discussed the matter to encourage the DPRK to make open and reliable engagement and dialogue with ICAO, he stressed that his intention was coherent: to explore a right balance for internal and external communications.

93. Indicating that the Representative of Japan's comments were well-noted, the President of the Council asked that it be left to him to find the appropriate wording and balance in the Council's decision so as to achieve the same result in a manner that would encourage continued dialogue with the DPRK.

94. The Representative of Colombia endorsed the interventions by the Representatives of the United States, the Republic of Korea and Japan, in particular, the actions proposed by the latter. Noting that his State's policy in conducting negotiations was to extend a hand while remaining firm in its position, he emphasized that in the Council's decision it was necessary to set a similar tone i.e. one which supported reaching an understanding with the DPRK while ensuring that the latter met its responsibilities under the Chicago Convention. The Representative of Colombia expressed the hope that that approach would secure peace.

95. The Council noted the Secretary General's oral report, as supplemented, as well as the comments made and concerns expressed by Representatives and the clarifications provided.

96. In then taking the action proposed by the President in light of the discussion, the Council:
- a) recalled, with concern, that following the decision taken by the Council at the First Meeting of its 212th Session on 6 October 2017 (C-DEC 212/1) regarding the significant concern to the safety of international civil aviation caused by the Democratic People's Republic of Korea's ballistic missile launches there had been a ballistic missile launched by that State on 29 November 2017 without advance notification contrary to C-DEC 212/1;
 - b) took note, however, that there had not been any subsequent ballistic missile launches by the Democratic People's Republic of Korea;
 - c) welcomed the constructive engagement and actions taken by ICAO with the Democratic People's Republic of Korea, in particular, the commitment made by that State through the said process, and in writing, to ensuring the safety of international civil aviation;
 - d) welcomed the action plan developed by the ICAO Secretariat to address the situation, including, in particular, the envisaged visit by the ICAORD, APAC and D/ANB to the GACA of the Democratic People's Republic of Korea in Pyongyang from 7-9 May 2018 and future engagement with that State;
 - e) took note that in his written response dated 19 February 2018 the Director General of GACA had raised several safety and technical issues where he requested the assistance of ICAO to identify solutions, and that those issues were being reviewed by the ICAO Secretariat in coordination with the United Nations Secretariat in New York City;
 - f) underscored that when carrying out external communications, including the issuance of an electronic bulletin, ensure that it was widely understood that ICAO remained seized of this matter, articulating in a balanced manner that while there had been an easing of tensions in recent weeks and no ballistic missile had been launched by the Democratic People's Republic of Korea since 29 November 2017, the concern expressed by the Council in sub-paragraph a) above remained;
 - g) declared its continuing desire to remain seized of this matter and requested updates on any major developments in response to C-DEC 212/1 at its next (214th) session and future sessions as may be appropriate; and
 - h) requested that the President of the Council, taking into account the level of the developments, consider inviting the Democratic People's Republic of Korea to participate in Council meetings at which such updates would be provided on the grounds of special interest, in accordance with Rule 31 of the *Rules of Procedure for the Council* (Doc 7559).

Subject No. 16: Legal work of the Organization
Subject No. 26: Settlement of disputes between Contracting States

Progress report on the negotiations regarding
Settlement of Differences: Brazil and the United States (2016)

97. Pursuant to the Council's earlier decision (212/8), the Secretary General presented the following oral progress report on the status of negotiations regarding *Settlement of Differences: Brazil and the United States (2016)*, which had been circulated to Representatives beforehand and posted on the Council's secure website:

98. "At the Eighth Meeting of its 212th Session on 14 November 2017, the Council noted, following its consideration of the Secretary General's oral report on the status of negotiations regarding *Settlement of Differences: Brazil and the United States (2016)*, that the two Parties had agreed to continue their negotiations and planned to hold another session, possibly in January 2018 in Brazil. The Council further endorsed the agreement reached between the Parties to suspend the filing of a Reply by the Applicant (Brazil) to allow for further consultations with them, on the understanding that the Secretary General would present another progress report on the status of their negotiations during the 213th Session.

99. "As the Parties recently informed the President of the Council, they had planned to hold a second session in Brasilia in late January 2018. However, the United States delegation was unable to travel at that time because of unrelated events, and the meeting had to be postponed. The Parties have therefore rescheduled their meeting for late March, in Brasilia.

100. "Given that both Parties are prepared to continue the negotiation process with the good offices of the President of the Council as Conciliator, it is suggested that the Council be further updated on the status of the negotiations during the 214th Session."

101. In the absence of comments, the Council so agreed, on the understanding that its previous decision subsisted regarding the suspension of the filing of a Reply by the Applicant (Brazil) to the Counter-memorial filed by the Respondent (United States) on 31 August 2017, which had been agreed to by both Parties and endorsed by the Council to allow for further consultations (cf. C-DEC 212/8, paragraphs 17 and 18). The Council encouraged the Parties to continue their negotiations with a view to achieving a satisfactory resolution of their disagreement, noting that the President stood ready to continue to support that process as Conciliator.

Subject No. 4: Appointment of the Secretary General

**Draft Charter Letter from the President of the Council, on behalf of the Council,
to the Secretary General**

102. Further to its earlier decision (213/6) to waive the five-day rule for the distribution of working papers established in Rule 26 b) ii) of its Rules of Procedure (Doc 7559), the Council considered: C-WP/14699 presented by the President of the Council, which contained a draft Charter Letter from him, on behalf of the Council, to the Secretary General; and a related oral report by the Human Resources Committee (HRC) which outlined the preparation of the said Charter Letter by the Committee, through a Working Group established for that purpose.

Oral report by the UIC

103. The Chairperson of the HRC, the Representative of Ecuador, Mr. I. Arellano, recalled that at its Third Meeting of the current session on 7 March 2018 the Committee had considered the *Draft Charter Letter from the President of the Council, on behalf of the Council, to the appointed Secretary General*. The Committee had noted that, in accordance with the decision taken at its First Meeting on 19 January 2018, a request had been sent by the Chairperson to all Council Delegations requesting

comments on the existing Charter Letter on 9 February 2018 (cf. PRES OBA/2399 dated 2 April 2015). It had also noted that a total of ten Council Delegations had submitted comments on the existing Charter Letter for consideration.

104. Subsequently, and in accordance with the HRC decision taken at its said First Meeting, a Working Group comprising five Council Representatives had been established by the Chairperson based on geographic representation to consolidate all inputs received. All Council Members had subsequently been invited to participate in the discussions of the Working Group, which had operated in an open and transparent manner. The Committee had noted that the Working Group had held four meetings, and that a total of 17 Council Representatives or Alternates (including the said five standing Members of the Working Group) had participated in the various stages of its deliberations.

105. The HRC had noted with appreciation the efforts made by all members of the Working Group and other participating Council Delegations in developing a revised draft of the Charter Letter, which was considerably shorter and more concise than the current version. The Committee had also expressed appreciation for the transparent and open process that had been chosen in developing that revised draft.

106. During the deliberations, several Committee Members and other Council Representatives, who had taken the floor as Observers, had made a number of comments and suggestions on specific paragraphs of the draft Charter Letter. The Committee had approved that the Chairperson of the HRC consolidate the comments expressed by the majority in those paragraphs and make the necessary adjustments to the document. In order to accomplish that task, a Fifth Meeting of the Working Group had been held on 8 March 2018. The Committee had also approved that the Chairperson circulate the final version to HRC Members and submit the document to the President of the Council in order for a C-WP to be presented to the Council for consideration and approval.

107. The comments expressed by the majority were reflected in the final draft of the Charter Letter which was attached to the HRC's oral report and had subsequently been transmitted to the President of the Council and incorporated in C-WP/14699 as an Appendix.

Discussion

108. The Council expressed appreciation to the Chairperson and Members of the HRC, as well as to the Members of the HRC's Working Group, for the excellent work done in preparing the Charter Letter.

109. In voicing gratitude for the opportunity which had been given to all Council Representatives, not Members of the HRC, to provide their comments on the draft Charter Letter, the Representative of France thanked the Committee for having incorporated therein his suggested text regarding the role of the Secretary General to fully support the six official languages of ICAO as a promotion of multilingualism in the Organization as a UN principle. In underscoring that the draft Charter Letter was well-balanced, he noted that it was less detailed than the current Charter Letter and consequently was more strategic, as a Charter Letter from the Council to the Secretary General should be. The Representative of France therefore endorsed it.

110. The Representative of France noted that it had only been due to the exceptional circumstances that he had supported the Council's earlier decision that the text of the draft Charter Letter appended to C-WP/14699 be in the English language only, as requested by the President (cf. C-DEC 213/6, paragraph 52). Emphasizing that the Council's said decision should not set a precedent, he stressed that such important documents should be prepared sufficiently in advance to enable them to be translated

and presented to the Council in all of the Organization's six official languages. The Representatives of Saudi Arabia, Congo, Argentina, the Russian Federation, the United Arab Emirates, Egypt, Canada, Colombia and Algeria shared this view.

111. In noting their concern regarding the issuance of C-WPs in all six official languages of ICAO, the President emphasized that the Council had taken its said decision (213/6) to waive the five-day rule for the distribution of working papers established in Rule 26 b) ii) of its Rules of Procedure (Doc 7559) and to issue the draft Charter Letter in the English language only in order to enable C-WP/14699 to be considered during the present meeting. He affirmed that that decision did not set a precedent.

112. The Representatives of Saudi Arabia, Congo, Argentina, the United Republic of Tanzania, the Russian Federation, the United Arab Emirates, Egypt, Canada, China, India, Colombia, Uruguay, Algeria and Turkey all expressed support for the draft Charter letter, with the Representatives of Saudi Arabia, the United Republic of Tanzania and Canada reiterating that it was well-balanced.

113. The Representatives of Argentina and India voiced appreciation for the transparency and openness of the drafting process which had enabled all interested Representatives to participate therein, with the Representative of Argentina noting that his written contributions had been duly incorporated in the draft Charter Letter. He underscored that the latter provided clear guidance to the Secretary General, being succinct and focused.

114. The Representative of the Russian Federation emphasized the need to adhere to the spirit of the Chicago Convention and existing practices, as well as to the tradition of cooperation between the President of the Council and the Secretary General in order to ensure the effective achievement of ICAO's Strategic Objectives to the maximum extent possible. In stressing that the Organization must be able to react swiftly to emerging challenges, he underscored that that required coordination between, and the effective operation of, internal mechanisms, both collectively and individually. The Representative of the Russian Federation indicated that it was precisely within that context that all of the various elements of the Charter Letter from the President of the Council, on behalf of the Council, to the Secretary General, should be implemented.

115. In endorsing the interventions made by previous speakers, the Representative of Egypt, a Member of the said Working Group, thanked all Council Representatives and Alternates who had participated in the preparation of the draft Charter Letter for their valuable support and contributions.

116. Voicing satisfaction with the draft Charter Letter, the Representative of China expressed appreciation to the Chairperson of the HRC, as well as to the First Vice-Chairperson, the Representative of Turkey, Mr. A.R. Çolak, for coordinating with all of the parties. He thanked all HRC Members and Observers for their contributions to the draft Charter Letter, in particular, the Representative of the United States.

117. Emphasizing that the Charter Letter was highly important in terms of ensuring the sound management of ICAO, the Representative of Colombia expressed appreciation to past Chairpersons of the HRC, the former Representative of the United Kingdom, Mr. M. Rossell, the former Representative of Australia, Ms. K. Macaulay, and the current Representative of the United Republic of Tanzania, Mr. R.W. Bokango, for their valuable work in preparing previous Charter Letters, as well as to the current Chairperson for his excellent work in drafting the Charter Letter now under consideration by the Council.

Underscoring that, as a result, there was a better agreement on how ICAO should be managed, the Representative of Colombia cited the need to remain within the framework of the Chicago Convention and to set forth a vision and Strategic Objectives for the Organization. It was also necessary for ICAO Assembly Resolutions to reflect that decisions taken on the actions proposed by States in their Assembly working papers and to ensure that those Resolutions were implemented. Noting that further efforts could be made to continue to improve internal procedures and working methods, the Representative of Colombia expressed gratitude to the Secretary General for having established the ICAO Business Plan, which served as the Organization's work programme and as the basis for its triennial Regular Programme Budget. He hoped that the Secretary General would put all of ICAO's financial and human resources to good use to achieve the Organization's Strategic Objectives.

118. Underscoring that the draft Charter Letter was the result of painstaking work, the Representative of Turkey expressed the hope that it would enhance the harmonious relationship between the Secretary General and the Council and its sole representative, the President.

119. In voicing appreciation for all the time and effort which had gone into preparing the draft Charter Letter, the Representative of Uruguay indicated that he was very pleased with the outcome.

120. The above comments and clarifications were noted.

121. The Council approved the draft Charter Letter from the President of the Council, on behalf of the Council, to the Secretary General set forth in the Appendix to C-WP/14699, on the understanding that it would be signed by the President and conveyed to the Secretary General as soon as possible following the latter's appointment on 16 March 2018, which takes effect as of 1 August 2018. It was noted that copies of the signed Charter Letter would be circulated to Representatives for convenience of reference.

Any other business

Subject No. 53: Council President Certificates

Council President Certificates for 2017

122. The President recalled the Council's establishment of the *Council President Certificates of Recognition* in support of the *No Country Left Behind* (NCLB) initiative in November 2015 (cf. C-WP/14315; 206/7), whose purpose was to recognize States from each ICAO region which had made significant progress in resolving their safety oversight deficiencies and improving the effective implementation (EI) of safety-related ICAO SARPs. He noted that the eligibility criteria used for that recognition were objective and transparent and were based on the results of USOAP CMA activities, i.e. audits, ICAO Coordinated Validation Missions (ICVMs) and off-site validation activities. They included:

- a) achieving an overall EI of over 60 per cent;
- b) EI improvement over 15 per cent compared to the State's last USOAP audit; and
- c) no outstanding Significant Safety Concern (SSC).

123. The President highlighted that the Secretariat had recently identified fourteen States that met the eligibility criteria based on their achievements in 2017, ensuring that at least one had been selected from each ICAO region.

124. It was the President's great honour to confirm that the 2017 recipient States for ICAO Council President Certificates were as follows: Bangladesh, Burkina Faso, Costa Rica, Equatorial Guinea,

Finland, Indonesia, Jordan, Kuwait, Nepal, Panama, Portugal, Romania, Rwanda, and the United Republic of Tanzania. He underscored that: a letter would be sent to each one of those States regarding their selection, and that their achievements would also be highlighted through ICAO's public information channels; and the *Council President Certificates of Recognition* would be awarded to the said States at the earliest opportunity through suitable recognition ceremonies.

125. It was noted that a copy of the President's full statement would be circulated to Representatives for their information in addition to being reproduced in the summary minutes.

Subject No. 7: Organization and personnel

ICAO Policy on Consultants

126. The Chairperson of the HRC, the Representative of Ecuador, Mr. I. Arellano, presented an oral report on the outcome of the Committee's consideration, during its Third Meeting of the current session on 7 March 2018 under Any other business, of a request by the Representative of Canada relating to the *ICAO Policy on Consultants*, which was impacting a technical assistance project funded by Canada.

127. The HRC had noted that paragraph 4.1 b) of the *ICAO Policy on Consultants* limits the term of a medium-term consultancy contract to "33 months within a 36-month period". The Committee had been informed that ATB was currently implementing a technical assistance project in the Caribbean, funded by the Government of Canada, which had a projected end date of 30 June 2018. In accordance with the terms of the *ICAO Policy on Consultants* the project manager's consultancy contract could not be renewed as he had reached the 33-month limit. In order to finalize that project, a 3.5-month extension thereof would be required.

128. The HRC therefore recommended that the Council authorize the renewal of the project manager's consultancy contract, on an exceptional basis, for the remaining period of the said technical assistance project i.e. 3.5 months. The Council so agreed.

Farewell to a Council Representative

129. The Council bade farewell to Ambassador Jin Hur, the Representative of the Republic of Korea.

Farewell to a Secretariat staff member

130. On behalf of the Council and the Secretary General, the President expressed appreciation to Mrs. Inna Semenova, who was retiring after having served as an ICAO interpreter/translator for more than twenty-five years.

131. The meeting adjourned at 1310 hours.

COUNCIL — 213TH SESSION

SUMMARY MINUTES OF THE EIGHTH MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 14 MARCH 2018, AT 1055 HOURS)

CLOSED MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|------------|------------------------------|-----------------------------|---------------------------|
| Algeria | — Mr. A.D. Mesroua | Kenya | — Ms. M.B. Awori |
| Argentina | — Mr. G.E. Ainchil | Malaysia | — Mr. K.A. Ismail |
| Australia | — Mr. S. Lucas | Mexico | — Mr. D. Méndez Mayora |
| Brazil | — Mrs. M.G. Valente da Costa | Nigeria | — Mr. M.S. Nuhu |
| Cabo Verde | — Mr. C. Monteiro | Panama | — Mr. G.S. Oller |
| Canada | — Mr. M. Pagé | Republic of Korea | — Mr. J. Hur |
| China | — Mr. Shengjun Yang | Russian Federation | — Mr. S. Gudkov |
| Colombia | — Mr. A. Muñoz Gómez | Saudi Arabia | — Mr. S.A.R. Hashem |
| Congo | — Mr. R.M. Ondzotto | Singapore | — Mr. T.C. Ng |
| Cuba | — Mrs. M. Crespo Frasquieri | Spain | — Mr. V.M. Aguado |
| Ecuador | — Mr. I. Arellano | Sweden | — Ms. H. Jansson Saxe |
| Egypt | — Mr. A. Khedr | Turkey | — Mr. A.R. Çolak |
| France | — Mr. P. Bertoux | United Arab Emirates | — Mr. M.A.B. Salem (Alt.) |
| Germany | — Mr. N. Naoumi (Alt.) | United Kingdom | — Mr. D.T. Lloyd |
| India | — Mr. A. Shekhar | United Republic of Tanzania | — Mr. R.W. Bokango |
| Ireland | — Ms. N. O'Brien | United States | — Mr. T.L. Carter |
| Italy | — Mr. M.R. Rusconi | Uruguay | — Mr. M. Vidal |
| Japan | — Mr. S. Matsui | | |

ALSO PRESENT:

- | | |
|---------------------------------|----------------------|
| Mr. C. Hurley | — President, ANC |
| Mrs. M.F. Loguzzo (Alt.) | — Argentina |
| Mr. C. Fernández (Alt.) | — Argentina |
| Mr. R.F. Pecoraro (Alt.) | — Brazil |
| Mr. D.M Freitas (Alt.) | — Brazil |
| Mr. D.A. Tavares Taufner (Alt.) | — Brazil |
| Mr. M.G. Correia Pontes (Alt.) | — Brazil |
| Mr. H. Gonzales (Alt.) | — Brazil |
| Ms. E. Burack (Alt.) | — Canada |
| Mr. Chunyu Ding (Alt.) | — China |
| Mr. M. Millefert (Alt.) | — France |
| Lt. Col. M. Latela (Adv.) | — Italy |
| Mr. M. Usami (Alt.) | — Japan |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mr. K. Lee (Alt.) | — Republic of Korea |
| Mr. D. Subbotin (Alt.) | — Russian Federation |
| Mr. M.S. Habib (Alt.) | — Saudi Arabia |
| Mr. S. Vuokila (Alt.) | — Sweden |
| Mr. Ö. Doğrukol (Alt.) | — Turkey |
| Mrs. K.L. Riensema (Alt.) | — United Kingdom |
| Mr. S. Kotis (Alt.) | — United States |
| Mrs. M.A. González (Alt.) | — Uruguay |
| Mr. F. de Medina (Alt.) | — Uruguay |

SECRETARIAT:

- | | |
|----------------|-----------------|
| Mrs. J. Yan | — C/OSG |
| Mr. B. Djibo | — D/ATB |
| Mr. S. Lefoyer | — DD/ASF |
| Mr. S. Berti | — C/ASP |
| Mr. J. Lamosa | — C/ASA |
| Miss S. Black | — Précis-writer |

Representatives to ICAO

Chile

Cyprus

Ghana

Greece

Indonesia

Lebanon

Paraguay

Peru

Qatar

Senegal

Ukraine

Venezuela (Bolivarian Republic of)

Airports Council International (ACI)

European Union (EU)

Subject No. 52: Unlawful interference with international civil aviation and its facilities

Adoption of Amendment 16 to Annex 17

1. The Council had for consideration: C-WP/14666 Restricted (Revision No. 1), in which the Secretary General reported on substantive comments received on the proposal to amend Annex 17 – *Security* which had been circulated to States and relevant international organizations under cover of State letter AS 8/2.1-17/90 Confidential dated 6 July 2017, and the Secretariat’s corresponding views and proposed actions (cf. Appendices A and B), and presented resultant Amendment 16 for adoption by the Council, together with an *Impact Assessment and Implementation Task List* for the proposed new/revised provisions (cf. Appendices D and C, respectively); and an oral report thereon by the UIC. Amendment 16 related to: information sharing, security measures relating to passengers and cabin baggage, security measures relating to cargo, mail and other goods, and cyber threats.

2. It was noted that pursuant to the procedures followed for the adoption of Annex amendments in accordance with Article 90 of the Chicago Convention and Assembly Resolution A39-22: *Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences*, the Secretariat proposed an effective date of 16 July 2018 and an applicability date of 16 November 2018 for Amendment 16.

Oral report by the UIC

3. The Chairperson of the UIC, the Representative of France, Mr. P. Bertoux, presented the Committee’s oral report on the outcome of its review of C-WP/14666 Restricted (Revision No. 1) at its First Meeting of the current session on 17 January 2018. He indicated that throughout its deliberations, the UIC had underscored the importance of ensuring the availability of guidance material to promote effective implementation of the new and/or revised provisions of Annex 17, noting the disagreement by one State (Japan) to the proposed upgrade of Recommended Practice 4.9.1 on cybersecurity to a Standard, citing the broad scope of that provision.

4. The Secretariat had acknowledged those concerns and the complexity of the issue, while reassuring Members that the new Standard 4.9.1 provided ample flexibility to States to take action in the way they saw fit. UIC Members had also noted that the Tenth Edition of the ICAO *Aviation Security Manual* (Doc 8973 – Restricted) had been published in late 2017, and contained updated guidance material that took into account the new and revised provisions contained in Amendment 16 to Annex 17, including those which related to cybersecurity.

5. In light of its deliberations, the UIC recommended that the Council adopt Amendment 16 to Annex 17 as contained in Appendix D to C-WP/14666 Restricted (Revision No. 1), with an applicability date of 16 November 2018, and approve the Resolution of Adoption contained in Appendix E, as well as the amendment to the Foreword of Annex 17 as contained in Appendix F.

Discussion

6. The Representative of Canada reiterated his State’s support for Amendment 16 to Annex 17 which he had expressed earlier as a Member of the UIC. He underscored that Canada encouraged the Council to ensure that as ICAO developed proposals for SARPs for future Annex amendments, including through the AVSECP, such proposals: clearly set out the intended security outcomes and did not prescribe the means by which such outcomes were to be met; avoided prescribing a one size fits all method to be applied globally, in recognition that threat and risk levels varied globally from State to State; and upheld the principles enshrined in Assembly Resolution A39-18: *Consolidated*

statement on continuing ICAO policies related to aviation security that took into account, and did not stifle, States' ability to implement sustainable, innovative, risk-based and outcome-focused approaches.

7. The President of the Council indicated that ICAO should employ a more risk-based approach and develop performance-based SARPs to meet the specific circumstances of States. Referring to new Standard 4.9.1, which stipulated that "Each Contracting State shall ensure that operators or entities ... identify their critical information and communications technology systems and data used for civil aviation purposes and, in accordance with a risk assessment, develop and implement, as appropriate, measures to protect them from unlawful interference", he emphasized that it provided ample flexibility to States to take action in the way they saw fit, which reflected such a performance-based approach.

8. Indicating that he very much supported Amendment 16, the Representative of Australia commended the ongoing work of the AVSECP and the Secretariat. He agreed on the need for future aviation security-related SARPs to be sustainable, innovative, risk-based and outcome-focused.

9. The Representative of Malaysia concurred with the UIC on the importance of ensuring the availability of guidance material to assist States in effectively implementing the proposed new and/or revised Annex 17 provisions. In voicing support for Amendment 16, whose objective was to assist States in enhancing their civil aviation security at large, he emphasized that it was essential for States to conduct a gap analysis on risks and threats. The Representative of Malaysia also underscored the need to constantly review and update Annex 17 in light of the evolution of technologies and potential emerging threats. He stressed that the Council was duty-bound to ensure the availability of effective training materials given the requirement for capacity building of relevant personnel in order to develop and implement effective preventive measures designed to counter acts of unlawful interference against international civil aviation.

10. The President of the Council noted that although the proposed applicability date for Amendment 16 was 16 November 2018, which was only eight months from now, it was indicated in the *Impact Assessment and Implementation Task List* (cf. Appendix C to the paper) that States would need between two to five years to implement some of the provisions, notably new Standard 3.1.3 *bis*, new Standard 4.91 and revised Recommended Practice 4.9.2. He therefore sought clarification regarding the practical effect of the said proposed applicability date.

11. The Deputy Director, Aviation Security and Facilitation Section (DD/ASF) emphasized that it would be very complicated, time-consuming and costly to do a precise and reliable assessment of the amount of the time required by ICAO's 192 Member States to implement Amendment 16 to Annex 17 or any other Annex amendment. The said Impact Assessment provided only a rough estimate of the average amount of time States would require to implement the provisions of Amendment 16. The said wide-ranging timeframe (two to five years) was a reflection of the wide disparity in States' capacity to implement them. DD/ASF underscored, in this regard, that while some States might be able to implement the provisions quickly if their existing national regulations were already aligned therewith, other States might take more time to implement them if they needed to make substantive amendments to their national regulations, develop training material and procedures, train personnel, acquire the necessary equipment, etc. He noted that in their replies to State letter AS 8/2.1-17/90 Confidential dated 6 July 2017 States had not informed the Secretariat of any serious implementation problem they anticipated based on the results of their respective national impact assessments of draft Amendment 16 and had not requested an extension of the proposed applicability date.

12. The President of the Council recalled that the Council had requested the development of an *Implementation Task List and Outline of Guidance Material* and an *Impact Assessment* for each Annex amendment proposal and the inclusion of those documents in the State letter informing Member States of

the adoption of each Annex amendment in order to facilitate implementation (cf. C-DEC 204/5, paragraph 5). He reiterated the need for panels, in developing SARPs, to take into account their impact assessment and the process of implementation (e.g. changes to national regulations, establishment of the required infrastructure, etc.), and for relevant guidance material to be available prior to the SARPs' applicability date in order to assist States in implementing them. The President underscored that ICAO was creating an environment for non-compliance by setting an applicability date of 16 November 2018 for Amendment 16, which was only eight months from now, when the Impact Assessment indicated that it would take States a minimum of two years and a maximum of five years to implement the SARPs contained therein. While he suggested that the Council accept the proposed applicability date of 16 November 2018 for Amendment 90, he emphasized, as a lesson learned for all ICAO SARPs-development processes, that non-compliance must not be built-in.

13. DD/ASF highlighted that, in accordance with the practice followed for all Annex amendments, when States were notified by State letter of the adoption of Amendment 16, they would be requested to notify ICAO of compliance or difference with the provisions. They would also be asked to indicate in their replies whether their national regulations were more exacting or exceeded a given SARP, or whether they were less protective, or whether no national regulation had been promulgated yet to address the SARP, and the date or dates by which the States will have complied with the provisions of Amendment 16. In noting that the latter date(s) might differ from the said applicability date of 16 November 2018 and estimated timeframe for implementation which had been determined *a priori* by the Secretariat and the AVSECP, DD/ASF indicated that it was necessary to enhance the way in which ICAO performed impact assessments for future Annex 17 amendment proposals.

14. Recalling that the Terms of Reference of the ANC's panels stipulated that in developing SARPs relating to safety and other areas of air navigation and setting their applicability date Panel Members were to take into account the SARPs' impact assessment and the process of implementation by States and industry, the President of the Council underscored that in future the AVSECP Members should do likewise in order to harmonize the various Panels' SARPs-development processes.

15. The Representative of Congo then sought clarification regarding the second sentence of new Standard 4.4.1 *bis*, which stipulated that "Each Contracting State shall ensure the use of appropriate screening methods that are capable of detecting the presence of explosives and explosive devices carried by passengers on their persons or in cabin baggage. Where these methods are not applied continuously, they shall be used in an unpredictable manner."

16. DD/ASF noted that the formulation used in the second sentence of that Standard, which was also in other provisions of Annex 17, reflected the concept of unpredictability and was intended to address the case where it was not possible to apply a security measure continuously in view of the considerable impact which it was expected to have on the flow of passengers at airports. He highlighted that in addition to requiring significant resources, the screening of all passengers and their cabin baggage for explosives or explosive devices on a continuous basis under new Standard 4.4.1 *bis* was time-consuming, and thus might cause substantial delays which, in turn, could have an enormous impact on the regularity of air transport and give rise to heavy costs for airlines. DD/ASF clarified that the objective of the said formulation was to ensure that if a security measure could not be continuously applied to all passengers for such reasons, then it would be applied in an unpredictable manner i.e. randomly so as to prevent any terrorists observing the airport premises from being able to determine in advance when that security measure would be applied and organizing their attacks accordingly.

17. DD/ASF noted that the screening of passengers and their cabin baggage for explosives or explosive devices was a security measure that was already being applied at an increasing number of airports, often as a complementary measure requested at certain points of origin for specific flights. He

emphasized that one way to apply that measure efficiently and effectively was to do so in an unpredictable manner so that terrorists planning to commit an act of unlawful interference against international civil aviation would not be able to circumvent it.

18. In underscoring that all passengers should be screened at airport checkpoints, the Representative of Congo emphasized that if new Standard 4.4.1 *bis* were difficult to implement, then the second sentence thereof (“Where these methods are not applied continuously, they shall be used in an unpredictable manner.”) should be removed and re-located to the Attachment to Annex 17.

19. DD/ASF clarified that the security measure set forth in Standard 4.4.1 *bis* was in addition to the existing preventive measures relating to the screening of passengers and their cabin baggage.

20. The Representative of Japan reiterated his State’s disagreement with the proposal to upgrade Recommended Practice 4.9.1 on cybersecurity to a Standard, for the reasons cited in its response to State letter AS 8/2.1-17/90 Confidential dated 6 July 2017 (cf. Appendix B to the paper). He emphasized that while Japan recognized the importance of cybersecurity, it considered that the proposed upgrading of Recommended Practice 4.9.1 was premature pending: further discussions with relevant panels and commissions to clarify the scope of cybersecurity, which was wide and not limited to aviation security, and to determine whether there was a need to revise other Annexes; and completion of the updating of existing guidance material regarding cybersecurity to correspond to the current risk of cyber threats. The Representative of Japan underscored, however, that if the majority of Council Representatives were in favour of the said proposal to upgrade Recommended Practice 4.9.1 to a Standard, then his State would not object thereto.

21. The Representative of Japan’s intervention was noted for the record, as were the other comments made and clarifications provided during the discussion.

22. The Council noted the UIC’s oral report, in particular: that it recommended that the Council endorse the actions proposed in the executive summary of the paper; and that the recently-published Tenth Edition of the ICAO *Aviation Security Manual* (Doc 8973 – Restricted) contained updated guidance material that took into account the new and revised provisions contained in Amendment 16 to Annex 17, including those which related to cybersecurity.

23. The Council, by 34 votes in favour, none against and no abstentions (two Representatives being absent), then adopted, as Amendment 16 to Annex 17, the SARPs as contained in Appendix D to C-WP/14666 Restricted (Revision No. 1). The Council also approved, as part of the said amendment, the amendment to the Section *Guidance Material* of the Foreword as contained in that same Appendix D. In addition, the Council approved the Resolution of Adoption presented in Appendix E to the paper and, as part of the said amendment, the revised Foreword to Annex 17 as set forth in Appendix F.

24. In so doing, the Council requested that the AVSECP take into account the impact assessment and the implementation plan when developing proposals for new/revised Annex 17 SARPs and setting their applicability date.

25. The Council reconvened in open session at 1120 hours to consider the remaining items on its order of business.

COUNCIL — 213TH SESSION

SUMMARY MINUTES OF THE NINTH MEETING

(THE COUNCIL CHAMBER, FRIDAY, 16 MARCH 2018, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: *Dr. Fang Liu, Secretary General

Acting Secretary: *Mr. Iván Galán, Director, Technical Cooperation Bureau (D/TCB)

PRESENT:

- | | | | |
|------------|------------------------------|-----------------------------|-----------------------------|
| Algeria | — Mr. A.D. Mesroua | Kenya | — Ms. M.B. Awori |
| Argentina | — Mr. G.E. Ainchil | Malaysia | — Mr. K.A. Ismail |
| Australia | — Mr. S. Lucas | Mexico | — Mr. D. Méndez Mayora |
| Brazil | — Mrs. M.G. Valente da Costa | Nigeria | — Mr. M.S. Nuhu |
| Cabo Verde | — Mr. C. Monteiro | Panama | — Mr. G.S. Oller |
| Canada | — Mr. M. Pagé | Republic of Korea | — Mr. D. Ha (Alt.) |
| China | — Mr. Shengjun Yang | Russian Federation | — Mr. S. Gudkov |
| Colombia | — Mr. A. Muñoz Gómez | Saudi Arabia | — Mr. S.A.R. Hashem |
| Congo | — Mr. R.M. Ondzotto | Singapore | — Mr. T.C. Ng |
| Cuba | — Mrs. M. Crespo Frasier | Spain | — Mr. V.M. Aguado |
| Ecuador | — Mr. I. Arellano | Sweden | — Ms. H. Jansson Saxe |
| Egypt | — Mr. A. Khedr | Turkey | — Mr. A.R. Çolak |
| France | — Mr. P. Bertoux | United Arab Emirates | — Miss A. Alhameli |
| Germany | — Mr. U. Schwierczinski | United Kingdom | — Mr. D.T. Lloyd |
| India | — Mr. A. Shekhar | United Republic of Tanzania | — Mr. R.W. Bokango |
| Ireland | — Ms. N. O'Brien | United States | — Mr. T.L. Carter |
| Italy | — Mr. M.R. Rusconi | Uruguay | — Mrs. M.A. González (Alt.) |
| Japan | — Mr. S. Matsui | | |

ALSO PRESENT:

- | | |
|---------------------------------|----------------------|
| Mrs. M.F. Loguzzo (Alt.) | — Argentina |
| Mr. C. Fernández (Alt.) | — Argentina |
| Mr. R. Filippi Pecoraro (Alt.) | — Brazil |
| Mr. D.A. Tavares Taufner (Alt.) | — Brazil |
| Mr. M.G. Correia Pontes (Alt.) | — Brazil |
| Mr. P. Langlais (Alt.) | — Canada |
| Ms. E. Burack (Alt.) | — Canada |
| Mr. Chunyu Ding (Alt.) | — China |
| Mr. M. Millefert (Alt.) | — France |
| Mr. N. Naoumi (Alt.) | — Germany |
| Mr. M. Usami (Alt.) | — Japan |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mr. K. Lee (Alt.) | — Republic of Korea |
| Mr. D. Subbotin (Alt.) | — Russian Federation |
| Mr. M.S. Habib (Alt.) | — Saudi Arabia |
| Mr. S. Vuokila (Alt.) | — Sweden |
| Mr. Ö. Dođrukol (Alt.) | — Turkey |
| Mrs. K.L. Riensema (Alt.) | — United Kingdom |
| Mr. S. Kotis (Alt.) | — United States |
| Mr. F. de Medina (Alt.) | — Uruguay |

SECRETARIAT:

- | | |
|------------------------|------------------|
| Mrs. J. Yan | — C/OSG |
| Mr. B. Djibo | — D/ATB |
| Mr. S. Creamer | — D/ANB |
| *Mr. V. Smith | — D/ADB |
| *Mr. J. Huang | — A/D/LEB |
| *Mr. H. Gourdjji | — H/SPCP |
| *Mr. S. Lefoyer | — DD/ASF |
| *Mr. M. Fox | — C/PRC |
| *Mr. B. Verhaegen | — SELO |
| *Mrs. L. Comeau-Stuart | — C/POD |
| *Ms. L. Kinsella | — Ethics Officer |
| *Mr. A. Opolot | — LO |
| *Ms. O. Bondareva | — LO |
| *Mr. Y. Nyampong | — LO |
| *Mr. V. Winodan | — LO |
| *Mr. A. Larcos | — C/ACS |
| *Mr. M. Vaugeois | — LEB |
| Miss S. Black | — Précis-writer |

Mr. Zhiqing Wang, Deputy Administrator, Civil Aviation Administration of China (CAAC)

Ambassador Shaye Lu, Embassy of China in Canada

Ms. Zhichun Bian, Acting Consul General, Consulate General of China in Montréal

Mr. Wei Chen, Deputy Director General, Department of International Affairs, CAAC

Representatives to ICAO

Bolivia (Plurinational State of)

Chile

Cyprus

Ghana

Greece

Indonesia

Lebanon

Paraguay

Peru

Qatar

Senegal

Venezuela (Bolivarian Republic of)

Airports Council International (ACI)

European Union (EU)

Subject No. 4: Appointment of the Secretary General

Appointment of the Secretary General

1. This subject was documented for the Council's consideration in C-WP/14698, presented by the President of the Council. It was recalled that the appointment of the Secretary General was one of the Council's mandatory functions under Article 54 h) of the *Convention on International Civil Aviation*.

2. In accordance with the rules and procedures for the appointment of the Secretary General set forth in Appendix C to the *Rules of Procedure for the Council* (Doc 7559), States had been invited by State letter A 2/4.6-17/112 dated 29 September 2017 to submit nominations for the post of Secretary General to the President of the Council no later than 15 January 2018. By the close of business on that date China had presented the candidature of Dr. Fang Liu, the incumbent Secretary General. Dr. Liu's three-year term had begun on 1 August 2015 and would continue until 31 July 2018. States had been informed of this candidature by State letter A 2/4.6-17/114 dated 2 October 2017. A copy of the letter dated 30 September 2017 from the Government of China and Dr. Liu's *curriculum vitae* were appended to C-WP/14698.

3. It was recalled, in this regard, that in accordance with Article 58 of the *Convention on International Civil Aviation* the Council had previously decided, at the Sixth Meeting of its 193rd Session on 22 June 2011 (193/6) that the duration of the Secretary General's appointment should be three years.

4. In the absence of comments by the close of business on 19 February 2018 to the e-mail from the President of the Council dated 13 February 2018, the Council had agreed to temporarily suspend, for this election, paragraph 4 of Appendix C to the said Rules of Procedure (Doc 7559), according to which the Council shall invite candidates, at an appropriate date before the election, to present their views and ideas to a meeting of Representatives, and to answer any questions which may be posed.

5. The Representative of Sweden proposed that the Council waive the requirement set forth in paragraph 7 of Appendix C to the said Rules of Procedure (Doc 7559) for a secret ballot for the election of the Secretary General and re-appoint Dr. Liu for a second three-year term, taking into account that Dr. Liu had ably served the Organization for many years, particularly since commencing her first term on 1 August 2015, as well as the fact that she was the sole candidate for the post of Secretary General. She highlighted, inter alia, that as the first woman to have been appointed Secretary General of ICAO, Dr. Liu set an example for all women in the global aviation sector and helped the latter move closer to achieving the goal of gender equality (50-50) by 2030. The Representative of Sweden also underscored that during her current first term Dr. Liu had been a tireless advocate for ICAO's *No Country Left Behind* (NCLB) initiative, working to mobilize global resources to support ICAO Member States. Furthermore, Dr. Liu's focus on efficiency, governance and the effective management of resources within the Organization, in both her role as Secretary to the Council and as Chief Executive Officer, had contributed greatly to the work of ICAO.

6. The Representatives of Nigeria, Egypt, Canada, Uruguay, the United Arab Emirates and Australia voiced support for this proposal. In so doing, the Representative of Egypt cited Dr. Liu's valuable contributions to ICAO's work and the excellent progress that had been made during her first term in achieving the Organization's Strategic Objectives. The Representative of Uruguay highlighted that Dr. Liu had demonstrated that she met the conditions required to successfully serve another term as Secretary General.

7. The Council then unanimously agreed to waive the requirement set forth in paragraph 7 of Appendix C to the said Rules of Procedure (Doc 7559) for a secret ballot for the election of the

Secretary General and, in accordance with Article 54 h) of the *Convention on International Civil Aviation* and Rule 12 of the Rules of Procedure, by acclamation, re-appointed Dr. Liu as Secretary General, whose second three-year term would commence on 1 August 2018 and continue until 31 July 2021.

8. On behalf of the Council, the President congratulated Dr. Liu, expressing confidence that she would continue her good work to raise the profile of ICAO. He also voiced appreciation to the Government of China for having, yet again, presented such a very worthy candidate for the post of Secretary General.

9. At the President's invitation, Dr. Liu joined the Meeting and, after a resounding round of applause, delivered the following speech, which was received with more warm applause:

Acceptance speech by Dr. Liu

"I would like to extend my deep thanks to the Council for its continued confidence and trust in me. Your ongoing support since my first election three years ago are indeed a great honor.

"Over the past nearly three years of my tenure, with your guidance, as well as the support of my senior management team, we have achieved a great deal.

1. We have made strides to improve the efficiency and effectiveness of the 'Standards-making' process. The continuous monitoring and audits in safety and security continued to play a major role in assisting States to assume their oversight responsibilities. Our enhanced implementation support, along with these other functions, has improved the Organization's ability to meet the needs of most of our Member States.
2. The implementation of the *No Country Left Behind* initiative has galvanized and focused our support to States to resolve significant safety and security concerns, as well as to strengthen their aviation systems with the aim that all States can realize the benefits that result from a robust civil aviation sector.
3. We have made significant progress. In just less than three years, we have seen a global overall increase of Effective Implementation (EI) of 4 per cent for safety and 1.35 per cent for security. We have seen a decrease in the number of States with SSCs and SSeCs.
4. We have also made major progress in demonstrating the contribution of civil aviation to socio-economic development and, in turn, this sector's part in achieving the UN 2030 Sustainable Development Goals [SDGs]. Through these efforts we have begun to sensitize donors, in both the public and private sectors, to invest more in civil aviation.
5. These points have been reflected in the messages delivered in many pivotal international forums, including United Nations Summit for the 2030 Sustainable Development Agenda, the United Nations Global Sustainable Transport Conference in 2016, the United Nations Conference on Housing and Sustainable Urban Development, and most recently the World Economic Forum in Davos.
6. Together we have engaged in promoting the role of aviation through an enhanced communication and advocacy strategy. The annual ICAO World Aviation Forum, created in November 2015, is an example of ICAO's efforts to bring together high-level participants from States, the aviation

community and financial institutions, and to demonstrate how the air transport systems ultimately contribute to achieving the UN SDGs.

7. The establishment of the Strategic Planning, Coordination and Partnership Office last year is serving to better support planning and focus our coordinated efforts in the Organization, as well as to build partnerships and mobilize resources needed to implement improvements in our global aviation systems. The coordination of technical assistance and technical cooperation activities has also been strengthened between Headquarters and Regional Offices by clearly identifying the existing roles and responsibilities, through rewriting the *Regional Office Manual*.
8. Sustainable growth of civil aviation requires environmentally sound strategies. Intense negotiations over the past years and ICAO's efforts to facilitate policy and technical discussions and undertake outreach activities culminated in a landmark agreement on a Global Market-based Measure Scheme during the 39th Assembly. It is a great satisfaction to record the progress on each element of the basket of measures for environmental protection. It is indeed gratifying to witness the adoption of the first ever CO₂ emissions certification standard for airplanes.
9. The importance of aviation security was highlighted by the United Nations Security Council when it adopted Resolution 2309 in September of 2016. This was the first resolution of the UN Security Council to broadly address international civil aviation security. In September last year, I briefed the UN Security Council on policy developments and cooperation initiatives to mitigate terrorist threats to international civil aviation. The Security Council recognized and commended the leadership of ICAO in aviation security and congratulated it for having sped up the development of the Global Aviation Security Plan (GASeP).
10. Our global plans are important tools to facilitate implementation of our SARPs and to build coherence between global strategies and regional and national implementation plans. As you are aware, the Global Aviation Safety Plan [GASP] and the Global Air Navigation Plan [GANP] were endorsed by the 39th Assembly. In addition, the Global Aviation Security Plan [GASeP] was approved by the Council in November 2017. There is more work to be done to improve these plans.
11. ICAO Assemblies have always been seminal points in our evolution as an Organization. The 39th Assembly had more than 2 200 delegates from 185 Member States and 56 observer delegations, the highest number participants in ICAO's history. More than 500 working papers were produced, and a record number of agreements reached. This was one of the most successful Assemblies to date that included many landmark decisions by our Member States.
12. Improving efficiency of ICAO using a results-based management approach has been one of my focus areas. Immediately after taking office, I initiated a results-based management budget planning process and the first of its kind 'Business Plan' supported by corporate performance management. The Business Plan has now been 'operationalized' through yearly operating plans for all Headquarters Bureaus and Offices, as well as the Regional Offices.
13. The Regional Offices have been strengthened as a result of the allocation of 15 new posts to the Offices. However, in building our regional presence, it has been critical to not only build the numbers of staff in the regions, but also complement this measure with closer collaboration between Headquarters and Regional Offices in our work with Member States.

“While we have accomplished much together over the past nearly three years, we also have many challenges to address in the future. I strongly believe that our future challenges also represent opportunities to reinforce the continued leadership of our Organization.

1. As you are aware, air traffic is expected to double in the next 15 years. In combination with this growth, we have experienced growing complexities in the use of airspace with the emergence of new technologies. This is a prime example where the Standards-making function and leadership of the Organization will be essential to maintain our excellent safety record and accommodate unparalleled growth.
2. Safety has been and always will be ICAO’s *raison d’être*. The new versions of GASP and GANP will take a more holistic approach towards our aviation systems as they will need to provide a roadmap to increase air navigation capacity and efficiency to accommodate rapid growth, yet at the same time mitigate the risks associated with the operation of more aircraft within a fixed amount of airspace.
3. Aviation Security has now become another principal priority. The recently-approved GASeP is a shift from an ICAO-focused strategy to an ambitious goal-based plan that commits States and industry collectively to significant improvements. Although the GASeP was approved for immediate implementation, it was approved as a living-document and will be reviewed and continuously improved.
4. We have set ambitious goals in environment. We will need to seek the most effective and efficient means to support States’ implementation of the environment basket of measures and CORSIA.
5. The time has come to consider a strengthened role for ICAO in implementation support, in line with the expectations of Member States. ICAO will need to ensure that the global plans are updated and simplified and effectively communicated to our Member States and the industry. Regional and national plans need to be better harmonized and coordinated with global plans. The Regional Offices need to be further strengthened to support all of ICAO’s Strategic Objectives. In addition, we will need to build upon our synergies with other civil aviation stakeholders to effectively leverage our leadership in international civil aviation.
6. As we examine our role in implementation, we will also need to review the roles and responsibilities for technical cooperation and assistance. Building on the updated *Regional Office Manual*, we need to continue to streamline technical cooperation and assistance activities, as well as capacity building and training activities. We will need to work together to ensure that the structure of the Organization is not only fit for purpose, but we will also need to transform our working methods so that they too are fit for purpose.
7. It is timely that the Council decided in November 2017 that ‘the Secretariat commission a study to evaluate whether the existing ICAO structure is appropriate to meet the new challenges and future expectations of ICAO’s Member States and Stakeholders’ [cf. C-WP/14653, Appendix, R5/5; C-DEC 212/8, paragraph 9 a)]. This decision represents an opportunity for innovation by streamlining our structure and activities at Headquarters and Regional Offices to optimize resources for programme activities.

8. As we develop the next triennial Budget, I believe that it will be essential to structure the Budget so that our core activities are linked to the Regular Programme Budget. Unfunded activities should be clearly identified and prioritized according to the availability of ancillary funding. I believe that this level of transparency and accountability to Member States is essential.
9. While we have been successful in setting a foundation for extra-budgetary resources, I will continue to advocate for additional Regular Programme budgetary resources to support the work of ICAO. But I am also realistic in my expectations. To cope with the expanded expectations of our Member States, within constrained resources, it will be absolutely necessary to enhance internal efficiency and effectiveness. This will be a transformational process. I am committed to this transformation and will seek achievements through innovation, automation, simplification and modernization.
10. We will also need to build upon the results-based management processes that have been established over the past three years, with a focus on: strategic planning, prioritization, risk management, performance measurement, transparency, ethical conduct, and accountability, as well as the organizational culture shift needed to support this transformation.
11. I strongly believe that we cannot lose sight of fact that aviation is still essentially a human activity. Sustainable development depends on the future generations. In this respect, the investments in our next generation of aviation professionals are of paramount importance to the future of this sector. Our continued leadership and outreach will be essential to ensure that our sector can continue its unparalleled growth by attracting and retaining the brightest and most capable future aviation professionals.
12. I would like to emphasize that as we continue our outreach we must do so in a manner that promotes multilingualism, diversity and gender equality in our sector. As the first female Secretary General of ICAO, this is close to my heart.
13. Public awareness of aviation's benefits and ICAO's work has been greatly improved. Yet we still need to expand our advocacy efforts and sensitize senior government officials on the importance of including aviation in their national development plans and to build the political will to achieve our shared objectives. We will also need to expand on our existing partnerships with Member States, industry and academia to further global aviation development.
14. Finally, the Secretariat will not rest on the success of the 39th Assembly. We are already working with the Council to build upon this success in preparation for the 40th Assembly, an assembly that will also mark the 75th Anniversary of ICAO. The Secretariat recognizes that this event represents a pivotal forum for Member States. We will work closely with the Council to ensure the continued effectiveness and efficiency of our triennial Assemblies.

“All in all, and looking ahead, I believe that our foremost challenge is the unprecedented traffic growth along with the rapid advancements in aviation technologies. Our principal Standards-making function will need to keep pace with these changes. At the same time, we will need to enhance ICAO's support to Member States in implementing the Standards and improve ICAO's continuous monitoring and audit processes of States' safety and security oversight systems.

“The Chicago Convention affirmed that international civil aviation can help to create and preserve friendship and understanding among the nations and peoples of the world. By focusing our efforts on enhancing these three key functions, mindful of the need to do this work on the basis of equality of opportunity for all Member States, global air connectivity will be further expanded, thus contributing to the global economy and sustainable development. We cannot allow any State to be left behind.

“As I embark on the next three years, I look forward to working with the Council and its President to ensure that aviation meets the vision of the Chicago Convention and the expectations of our Member States through its contribution to global well-being.

“It is an honor to have this opportunity to continue leading the ICAO Secretariat and working with the Council. I look forward to our continual cooperation and partnership.

“To conclude, please allow me to use my mother tongue, which is also one of the official languages of ICAO, 民航是联结世界人民的重要纽带。修建一公里的道路，只能连接两个村庄，修建一公里的跑道，就可以联通世界。我和我的团队一定要为世界航空事业砥砺前行，共创美好未来。谢谢大家，Shukraan, Merci, Спасибо, Gracias.

“Thank you.”.

10. It was noted that Dr. Liu’s acceptance speech would be circulated to Representatives.

*Statement by the Deputy Administrator of the Civil Aviation Administration of China (CAAC),
Mr. Zhiqing Wang*

11. The Deputy Administrator, CAAC, Mr. Zhiqing Wang, thanked the Council for allowing him to attend the present meeting to bear witness to this exciting and historical moment. As a former colleague of Dr. Liu and a friend of hers for many years, he wholeheartedly congratulated Dr. Liu on her successful re-appointment. In also expressing pleasure with Dr. Liu’s excellent performance as Secretary General over the past triennium, Mr. Wang observed that the Council’s warm applause before and after her acceptance speech fully demonstrated its recognition of her efforts. In expressing a special thanks to all Council Representatives for their support of Dr. Liu’s work, he affirmed that she would definitely live up to their high hopes and would lead the Secretariat to further meet the expectations of the Council and ICAO Member States.

12. On behalf of the Government of China and the CAAC, Mr. Wang also thanked ICAO and its Member States for the support which China had always received from them. He reiterated that Chinese civil aviation had been able to grow in such a safe and efficient way from its infancy to its adulthood as it had benefitted from ICAO’s excellent endeavours and the Secretariat’s and Member States’ hard work. In thanking ICAO and its Member States for their contributions, Mr. Wang underscored that aviation was an important impetus for States’ socio-economic development, which played a critical role in creating a community with a shared future for humankind. He noted that the Government of China and the CAAC expected Dr. Aliu, as President of the Council, and Dr. Liu, as Secretary General, to continue to lead ICAO to innovate constantly and to meet the concerns of ICAO’s Member States and the international civil aviation sector. Mr. Wang emphasized that the big ICAO family would consequently work in a more powerful and harmonious manner. He stressed that, as always, China would continue to support ICAO’s efforts and to work with all Member States to participate more actively in international cooperation in

global civil aviation, so as to contribute to the latter's safe, orderly, efficient and sustainable development.

13. The President of the Council requested that Mr. Wang extend the Council's congratulations and appreciation to the Administrator of the CAAC, Mr. Zhenglin Feng, and to the Government of China. It was noted that, pursuant to the Council's earlier decision (213/8), the Charter Letter from the President of the Council, on behalf of the Council, would be transmitted to Dr. Liu as soon as possible.

Congratulatory remarks

14. During the Council's ensuing deliberations, all Representatives who took the floor congratulated Dr. Liu on her re-appointment by acclamation and assured her of their continued full support and cooperation during her second term as Secretary General.

Subject No. 7: Organization and personnel

Appointment of the Director, Technical Cooperation Bureau

15. This subject was considered on the basis of a confidential memorandum circulated by the Secretary General (SG 2406/18) dated 15 March 2018, and a confidential memorandum from the Chairperson of the HRC dated 8 March 2018.

16. In accordance with Article IV and Annex IV of *The ICAO Service Code* (Doc 7350), the HRC had reviewed the applications received in response to the Vacancy Notice in order to ensure that the candidates on the shortlist met the selection criteria contained therein, and had concluded that all five shortlisted candidates were qualified to be considered for the D-2 level post of D/TCB.

17. Taking into account the outcome of the written tests, the in-person interviews by both the Secretary General and the President of the Council, the results of the assessment centre of the shortlisted candidates by an external consultancy company, as well as the summary report of the HRC review of the candidate applications, and after obtaining the written approval of the President of the Council, the Secretary General indicated her intention to appoint Mr. Jorge Vargas Araya (Costa Rica) to the D-2 level post of D/TCB. As the Council was in agreement with the Secretary General's decision, Mr. Vargas Araya was appointed to the post of D/TCB. The exact date of his assumption of duties would be determined in due course.

Appointment of the Director, Legal Affairs and External Relations Bureau

18. The Council considered the above subject on the basis of a confidential memorandum circulated by the Secretary General (SG 2407/18) dated 15 March 2018, and a confidential memorandum from the Chairperson of the HRC dated 8 March 2018.

19. In accordance with Article IV and Annex IV of *The ICAO Service Code* (Doc 7350), the HRC had reviewed the applications received in response to the Vacancy Notice in order to ensure that the candidates on the shortlist met the selection criteria contained therein, and had concluded that all four shortlisted candidates were qualified to be considered for the D-2 level post of D/LEB.

20. Taking into account the outcome of the written tests, the in-person interviews by both the Secretary General and the President of the Council, the results of the assessment centre of the shortlisted candidates by an external consultancy company, as well as the summary report of the HRC review of the candidate applications, and after obtaining the written approval of the President of the Council, the

Secretary General indicated her intention to appoint Dr. Jiefang Huang (China) to the D-2 level post of D/LEB. As the Council was in agreement with the Secretary General's decision, Dr. Huang was appointed to the post of D/LEB. The exact date of his assumption of duties would be determined in due course.

21. It was noted that the Council's congratulations would be conveyed to Dr. Huang, who was currently serving as Acting D/LEB.

Subject No. 32.1: Headquarters premises

Progress achieved by the Committee on Relations with the Host Country

22. The Council considered this subject on the basis of the following oral report by the Chairperson of the RHCC, the Representative of Italy, Mr. M.R. Rusconi, to which was appended a Status List of RHCC Issues:

23. "At its Fourteenth Meeting during the 213th Session of the Council on 23 January 2018, the Committee on Relations with the Host Country (RHCC) considered RHC-WP/12 *Review of Pending Issues* which was introduced by the Secretariat.

24. "Regarding item 1 – 'New Understanding with Québec', in line with C-DEC 212/8, the Council formally granted on 19 December 2017 its approval for the final text of the new Understanding to be signed by the Secretary General. A letter was sent to the Québec authorities confirming the Council's approval. The Government of Québec will now follow its own approval process and decide on the authority of signature for Québec. Consequently, a signature ceremony will be organized, after which a ratification procedure will take place for the new Understanding to come into force.

25. "For the subsequent issues addressed in RHC-WP/12, the RHCC noted that there were no developments to report on items 2 through 5. The Committee further agreed to remove from the chart the two items on Visas (for delegates to ICAO meetings and for visiting family members/friends of Representatives), considering also that such matters are in any case part of the topics listed in the terms of reference of the Committee (C-WP/14036 refers). Regarding the item on 'CD parking', the City of Montréal agreed to provide four additional diplomatic parking spaces around the ICAO Headquarters (South on Viger). This increases the total number of such CD parking spaces from 56 to 60. Some of those spaces were relocated, which will be reflected in the 2018 edition of the *Yellow Book* to be issued during the course of this year.

26. "Furthermore, the Secretariat advised on developments further to the request of the RHCC Chairperson (made at the Committee's Twelfth Meeting in May 2017) to verify the arrangements existing between ICAO and the Royal Bank of Canada (RBC), so as to clarify whether the advantages available to the Secretariat as members of the Staff Association (i.e. 'VIP package') could also be enjoyed by the members of national delegations. Following negotiations, the Bank committed in principle to grant additional privileges to the members of national delegations: (i) a \$30.00 rebate on the Visa Classic Commercial Card; (ii) free-of-charge international money transfers through online banking; and (iii) preferential (RBC staff) rates for foreign exchange conversions. While the Committee expressed its appreciation, details of this enhanced package are to be finalized with the RBC and should be provided as soon as available [see updated chart set forth in the Appendix to this oral report and available at <https://portal.icao.int/council/Pages/meeting.aspx?session=213>].

27. “Under ‘Other Business’, the Secretariat updated the RHCC on discussions which took place in November 2017 at the Third Meeting of the ICAO Property Management Committee (PMC) established under the Supplementary Headquarters Agreement between ICAO and Canada (Doc 10079). More particularly, concerns were expressed about the respect by national delegations of a non-smoking environment at ICAO, as well as on substantial outstanding rental fees due by a few delegations, which concerns were referred to the RHCC for consideration. This was acknowledged by the Committee, which called on the good cooperation of the delegations concerned. These issues would be further addressed by the RHCC should it be necessary (e.g. for persistent noncompliance by national delegations).”.

Discussion

28. The Council noted the above oral report presented by the Chairperson of the RHCC.

29. In particular, the Council noted, with regard to Item 1: that a letter had been sent to the Québec authorities confirming the Council’s formal approval, on 19 December 2017, of the final text of the new *Understanding between the Government of Québec and ICAO concerning the Immunities, Exemptions and Courtesy Privileges extended to the Organization, to its Officials, to Member States and to Members of a Permanent Representation to the Organization* (cf. C-DEC 213/1, paragraph 29); that following the completion of the Government of Québec’s final approval process a signature ceremony would take place, during which both parties would sign the new Understanding; that the Secretary General would sign it on behalf of ICAO; and that a ratification procedure would thereafter be initiated to enable the signed new Understanding to come into force.

30. In addition, the Council noted, with pleasure, that Item 4 was completed following the addition by the City of Montréal, upon ICAO’s request, of four new CD parking spaces around the ICAO Headquarters building on Viger Street, resulting in an increase in the total number from 56 to 60, which would be reflected in the 2018 edition of the *Yellow Book*. It also noted that the RHCC had called on the good cooperation of the national delegations concerned to address the issues raised during the November 2017 meeting of the ICAO Property Management Committee (PMC), i.e. their respect of a non-smoking environment at ICAO, as well as substantial outstanding rental fees due by a few national delegations, and that the Committee could further address those issues should it be necessary.

31. In seeking additional information on the latter issue, while respecting its confidentiality, the Representative of the United Kingdom expressed concern over the said substantial outstanding rental fees and stressed the need for national delegations to meet their obligations in that regard.

32. The President of the Council recalled that under Assembly Resolution A4-1: *Obligations of Council Member States*, States elected to the Council accepted the responsibility to, inter alia, support full-time representation at ICAO Headquarters to ensure participation in the Organization’s work. He highlighted the importance of bringing Assembly Resolution A4-1 to the attention of those Council Member States which had substantial outstanding rental fees for the offices of their national delegations.

33. Note was also taken that the Representative of Canada would confer with the Representative of Saudi Arabia with a view to addressing the protocol issue raised by the latter relating to the treatment of high-level officials, members of the diplomatic corps, upon their arrival at Canadian airports.

Subject No. 13: Work programmes of Council and its subsidiary bodies

**Report on the review of the Ethics Framework and the
Terms of Reference of the Evaluation and Audit Advisory Committee (EAAC)**

34. This subject was considered on the basis of the Report of the Sub-group on the ICAO Ethics Framework (SEF) attached to an oral report of the Working Group on Governance and Efficiency (WGGE).

35. In introducing the SEF's Report, its Chairperson, the Representative of Sweden, Ms. H. Jansson Saxe, recalled that the Council had requested the WGGE to review the *ICAO Framework on Ethics* and to consider whether any further amendments might be necessary in order to ensure as well as strengthen the independence of the Ethics Officer [cf. C-DEC 210/8, paragraph 19 e)]. Subsequently, the Council had referred the following proposals to the WGGE for consideration (cf. C-DEC 210/9, paragraphs 22 and 23):

- a) review the Terms of Reference (TORs) of the EAAC, for paragraph 5.2 on the duties of the EAAC to be expanded to include consideration of, and advice to the Council on, the appointment, performance and dismissal of the Ethics Officer [in addition to the Chief, Evaluation and Internal Audit Office (C/EAO)]; and in light of this proposal review the *ICAO Framework on Ethics* and the recruitment process of the Ethics Officer and to accordingly make amendments to *The ICAO Service Code* (Doc 7350) if necessary; and
- b) review the EAAC TORs, for paragraph 8.1 to be amended to reflect that EAAC's annual report shall document any concerns or recommendations relating to the independence and performance of the ethics function (in addition to the internal or external audit and evaluation functions) (cf. 2nd bullet), and shall document any significant concerns or recommendations EAAC Members may have in relation to the *ICAO Framework on Ethics* (in addition to the Organization's risk management, controls and accountability processes) (cf. 4th bullet); and review the *ICAO Framework on Ethics* in light of this proposal.

36. The Council had later mandated the WGGE to include in its review of the EAAC TORs the process for the nomination and selection of the EAAC Members (cf. C-DEC 211/8, paragraph 10).

37. The WGGE had established the SEF to carry out the foregoing tasks. The Subgroup, which was composed of the Representatives of Argentina, Canada, Japan, Kenya, Sweden and the United States, had met on 16 November 2017, 12 December 2017, and 23 February 2018. The SEF's recommendations, which had been circulated by e-mail to the Council on 1 March 2018, were based on a Benchmarking Report by the Ethics Officer on the ethics function in international organizations primarily in the United Nations (UN) system. The Sub-group had also taken into account the findings and recommendations made in relevant reports of the Joint Inspection Unit (JIU).

38. The Chairperson of the SEF noted that currently allegations of misconduct were reported directly to the Ethics Officer, who conducted a preliminary review thereof. If there was a credible case of misconduct, then the Ethics Officer would recommend that the Secretary General refer the case for investigation to C/EAO for financial matters, and to the Director, Bureau of Administration and Services (D/ADB) or the Director, Legal Affairs and External Relations Bureau (D/LEB) as appropriate, for all other matters. Once the Ethics Officer received the investigation report, she would, on the basis of the results, submit her recommendation to the Secretary General for decision as to whether to pursue or close the case.

39. The Chairperson of the SEF then outlined the **Sub-group's main recommendations** in order to ensure as well as strengthen the independence of the Ethics Officer, as follows:

Authority to initiate an investigation

40. In view of the very strong message from the JIU that the authority to initiate investigations should not reside with the Executive Head, the SEF recommended that decisions to initiate investigations be made by the Ethics Officer, without any prior approval. However, before the case is referred for investigation, the Ethics Officer is expected to seek the formal written opinions of relevant Directors (cf. paragraph 2.2.2 of the SEF's Report).

Engagement of professional investigators

41. As the JIU advised against the use of internal non-professional investigators on grounds that that could result in conflicts of interest, information not being handled properly, an uneven application of standards, and problems with due process, as well as cases being "dropped" or taking undue time to complete, the SEF recommended, in paragraph 2.1.7 of its Report, that:

- a) in the short-term, external investigators be engaged for allegations of serious misconduct (i.e. where separation from service is a possible outcome) and allegations of all cases of misconduct involving members of senior management or the Ethics Officer, and training be arranged for appropriate staff members to investigate other allegations of misconduct, so that the experience gained can provide information on whether a permanent internal investigator position is justifiable;
- b) the Secretary General be requested to identify whether adequate financial resources can be made available for external investigations in the Budget for the current triennium, and to factor external investigations into the budgetary plans from the next triennium according to the needs of the Organization and based on the experience gained; and
- c) establishment of a professional investigator post be considered for the next triennium based on the experience gained.

Oversight of the ethics function

42. The SEF recommended that oversight of the ethics function be assigned to the EAAC, in particular: that the EAAC consider the planned activities and results of the ethics function; that the EAAC's duties include consideration of, and advice to the Council on, the appointment, performance, and dismissal of the Ethics Officer (in addition to C/EAO); and that the EAAC's annual report to the Council document any concerns or recommendations relating to the independence and performance of the ethics function, as well as any significant concerns or recommendations EAAC Members may have in relation to the ethics framework and policies (reporting which the EAAC currently did in relation to EAO) (cf. paragraph 3.1 of the SEF's Report).

Adequately resourcing the Ethics Office

The SEF had noted, from the said Benchmarking Report, that the Ethics Office is one of the least resourced compared to other international organizations surveyed, in view of the breadth of responsibilities and the number of personnel (including TCB project staff, secondees and consultants) coming within its term of reference. There was only one Ethics Officer, with no alternate. The SEF therefore recommended that the Secretary General be requested to undertake a review of the financial and personnel resourcing of the Ethics Office, taking into account its responsibilities, and to report to the Council during the next (214th) session in June 2018 with near-term and long-term recommendations (cf. paragraph 2.6.4 of the SEF's Report).

Role of the Ombudsman

43. The SEF had noted that the ICAO Ombudsman provided a communications channel for the resolution of conflicts or disputes informally. The Ombudsman played an important role internally and his work is undertaken on a voluntary basis. There were no protocols or procedures for the conduct of the Ombudsman's work, and accountability was only to the Executive Head. The Ombudsman combined the function with other full-time duties in the Secretariat. The SEF recommended that consideration should be given to how to institutionalize the Ombudsman position, and that the Secretary General should be requested to review, in consultation with the Ombudsman, what changes were required to address the recommendations made by the JIU in its Report entitled *Review of the organizational ombudsman services across the United Nations system* (JIU/REP/2015/6) (cf. paragraphs 2.7.1 and 2.7.2 of the SEF's Report).

Discussion

44. While noting that the SEF had carried out a substantial amount of work, the President underscored that in order to fulfill the mandate given by the Council it was necessary for the WGGE to present specific proposals for consequential amendments to the EAAC's Terms of Reference and to the *ICAO Framework on Ethics*, for eventual capture in *The ICAO Service Code* (Doc 7350) or any other affected ICAO document.

45. The Chairperson of the SEF clarified that the Sub-group had not proposed any such consequential amendments as it had considered it advisable to first obtain the Council's agreement regarding the general direction of its said work. If the Council accepted its way forward, then the SEF would continue its work, in consultation with Representatives and the Secretariat, to operationalize its recommendations and the WGGE would present, for the Council's consideration and approval during the next (214th) session, a working paper setting forth its finalized recommendations, as well as any proposed consequential amendments to the EAAC's Terms of Reference and to the *ICAO Framework on Ethics*.

46. During the ensuing discussion, all Representatives who took the floor voiced appreciation for the excellent work done by the SEF under the leadership of the Representative of Sweden.

47. The Representative of Mexico expressed support for the substance of the Sub-group's work. Noting, however, that it remained a work in progress, as indicated in the WGGE's oral report, he agreed to the above-mentioned course of action. Drawing attention to paragraph 2.2.1 of the SEF's Report, the Representative of Mexico suggested that, in view of the risks involved, the determination of sanctions after the completion of an investigation be made by the Secretary General together with a third party, such as the External Auditor, C/EAO, EAAC and/or the President of the Council, rather than by the Secretary General alone. He affirmed that that would confer greater legitimacy on the sanctions process and ensure a just organizational culture.

48. Referring to paragraph 2.2.2, the Representative of Mexico indicated that seeking the formal written opinions of relevant Directors to justify the initiation of investigations into allegations of misconduct was acceptable to him for the time being. He suggested, however, that other options should be considered by the SEF as the Directors might find themselves in a conflict of interest.

49. The Representative of Turkey recalled that during its review of the SEF's Report the WGGE had put forward some suggestions for further action. In commending the Sub-group's Report, he endorsed the views expressed by the Chairperson of the SEF regarding its future work. The Representative of Turkey also shared the concerns voiced by the Representative of Mexico and supported

his suggestions. In addition, he agreed with the course of action outlined by the President of the Council regarding this very important issue. Emphasizing that it was essential that the Ethics Officer be independent, the Representative of Turkey indicated that perhaps the Ethics Office should be reorganized to enhance the independence and influence of the Ethics Officer. In then referring to paragraph 2.2.2 of the SEF's Report, he suggested that C/EAO be granted the authority to initiate an investigation into allegations of misconduct of a financial nature, without a prior decision by the Ethics Officer to launch such an investigation, due to the high importance of such financial cases. The Representative of Turkey noted, in this regard, that C/EAO had ready access to the Organization's financial documents.

50. Observing that the SEF had made some very good recommendations, the Representative of India expressed support for the continuation of its work in line with the course of action indicated by the President of the Council. Referring to paragraphs 2.6.4 and 2.2.2 of the SEF's Report, he noted that the Ethics Office of most of the international organizations surveyed for the Benchmarking Report were much better resourced than ICAO's Ethics Office and that at those organizations decisions to initiate investigations into allegations of misconduct were taken following a review and decision by a group of individuals from their Ethics Office. In suggesting that as part of its further work the SEF consider the possibility of instituting a similar practice at ICAO rather than having a single individual, the Ethics Officer, take such a decision, as currently recommended by the Sub-group, the Representative of India underscored that there might be instances of *bona fide* misjudgment on the part of ICAO's Ethics Officer given the number of personnel (some 2 000) who fell within her Office's terms of reference,.

51. With regard to paragraph 3.1.1, the Representative of India emphasized that any change that the Council might eventually make to the process for the appointment, performance and dismissal of the Ethics Officer based on the SEF's finalized recommendations should not apply to the incumbent to avoid any conflict of interest.

52. In endorsing the course of action outlined by the President of the Council, the Representative of Spain indicated that while he had detailed comments to make on the SEF's Report he would await the presentation of the envisaged working paper containing its finalized recommendations and any proposed consequential amendments to the EAAC's Terms of Reference and to the *ICAO Framework on Ethics*. Noting that he agreed with the interventions made regarding paragraph 2.2.2 on the initiation of investigations into allegations of misconduct, he emphasized the need for a clear recommendation thereon from the SEF as it was one of the most sensitive elements of the whole investigative process. The Representative of Spain underscored that the financial and personnel resourcing of the Ethics Office would need to be discussed by the Council when it considered the Regular Programme Budget for the next triennium.

53. While supporting the SEF's recommendations, the Representative of Nigeria recognized that they remained a work in progress and thus endorsed the course of action indicated by the President of the Council, to which the Chairperson of the SEF had agreed. He also shared the concerns voiced by the Representative of Mexico and supported his suggestions.

54. The Representative of Australia remarked that he was also very supportive of the Sub-group's recommendations. Noting the generally supportive tone of the discussions both in the WGGE and in the Council, he suggested that the Council give some indication of agreement with the general direction of the SEF's work relating to the *ICAO Framework on Ethics* and the EAAC's Terms of Reference so that the Sub-group could finalize all of the details to enable formal adoption of its recommendations and any consequential amendments to affected ICAO documents at the upcoming session.

55. The Representative of Saudi Arabia expressed support for the SEF's well-balanced Report. He highlighted that the Secretary General had two quality assurance management tools in the

form of C/EAO and the Ethics Officer, and that the Council had three, in the form of the External Auditor, the EAAC, and the JIU. The Representative of Saudi Arabia noted, in this regard, that both C/EAO and the Ethics Officer submitted annual reports to the Council in working papers presented by the Secretary General. While the latter was not entitled to make any changes to those annual reports, she was able to present her comments thereon, if any, in the corresponding working papers. Affirming that this process should be maintained, the Representative of Saudi Arabia suggested that in its guidance to the SEF for the conduct of its further work, the Council highlight the importance of taking into account the need to avoid micromanagement on its part, which would be inefficient for both the Council and the Secretary General. The Representative of Egypt endorsed this intervention.

56. The President of the Council clarified that the JIU Reports were made available to all UN organizations and contained recommendations that were either directed at their Executive Heads or at their governing bodies. Relevant JIU Reports were brought to the Council's attention by EAO, through circulation under cover of memoranda from the President, and were tabled for discussion upon request by Representatives. The President underscored that the Council consequently did not have any authority over the JIU, unlike the EAAC, which it had established with a view to receiving advice on, inter alia, the internal audit and evaluation functions and the external audit function.

57. Reiterating that the Sub-group had based its work on the Benchmarking Report, the Representative of Canada, a SEF Member, emphasized that it had tried to align ICAO's practices with the practices that were mainstream in the fifteen UN organizations surveyed, taking into account financial and personnel resources of the respective Ethics Offices. He noted that, in line with the interventions by the Chairperson of the SEF and the Representative of Australia, what was being sought was the Council's agreement with the general direction of the Sub-group's work. The Representative of Canada considered that, following such agreement, the envisaged working paper setting forth the SEF's finalized recommendations and proposals for consequential amendments to affected ICAO documents could be quickly prepared and submitted to the Council for consideration and approval at its next session.

58. Noting how recent events had demonstrated the damage that could be done to the reputations of organizations and individuals when this issue of ethics and the reporting of allegations of misconduct was not handled in the right way, the Representative of the United Kingdom welcomed the fact that the SEF was endeavoring to bring ICAO's ethics practices into line with those of the wider UN system. Affirming that the independence of the ethics function was critical, he emphasized that the more independent that function was, the more water-tight it was and the more respect it would garner from all other UN organizations. The Representative of the United Kingdom underscored that an organization risked being accused of a "cover-up" if it did not publicly disclose misconduct. Referring to the comments made by the Chairperson of the SEF and the Representative of Australia, he voiced support for the general direction of the SEF's work and indicated that he very much looked forward to the Sub-group's finalized recommendations being implemented as soon as possible following the envisaged Council's consideration and approval during the upcoming session.

59. Concurring that the allegations of misconduct that had been in the news recently and circulated via the Internet had serious repercussions for organizations' and individuals' reputations, the Representative of Brazil expressed full support for the independence of the ethics function at ICAO. In also agreeing with the general direction of the SEF's work, she advocated the continuation of the Sub-group's good work so as to ensure that any past, present or future incidents of misconduct at ICAO would come to light.

60. The Representative of Japan, a SEF Member, noted that it had been decided to draw the Council's attention to this matter sooner rather than later as the enhancement of ethics case management

was a high priority for ICAO, from the perspective of not only policy but also human welfare. He fully supported the initial outcome of the Sub-group's work and confidently recommended it as a desirable and necessary direction of transformation of ICAO in pursuit of enhanced ethics case management, governance and consistency as a UN organization.

61. The Representative of the United States also expressed wholehearted support for the Report of the SEF, of which his State was likewise a Member.

62. In voicing agreement with the general direction of the Sub-group's work and with the course of action outlined by the President of the Council, the Representative of Singapore suggested that during the Council's consideration, at its next session, of the SEF's finalized recommendations the Secretariat be given the opportunity to comment on the latter if they had any particular difficulties with them.

63. The Representative of Argentina, another SEF Member, endorsed the Sub-group's Report. Recalling the Chairperson's intervention, he reiterated that the SEF would continue its work in consultation with Representatives and the Secretariat, which would enable it to take into account any issues of concern as it sought to operationalize its recommendations.

64. The Secretary General expressed her appreciation, as well as that of the Ethics Officer, for the excellent work done by the SEF under the leadership of the Representative of Sweden. Recalling the acceptance speech which she had delivered earlier in the meeting upon her re-appointment, by acclamation, the Secretary General reiterated that ethical conduct was one of her focus areas for her second term. She emphasized that she would work very closely with the Council to further enhance that area.

65. The Secretary General recalled that the *ICAO Framework on Ethics* had been initially drafted by the Secretariat, based on the substantive research it had conducted and prevailing UN best practices, and that following a review by the Human Resources Committee (HRC) during the 192nd Session, it had been approved by the Council at its Sixth Meeting of the 193rd Session on 22 June 2011 (193/6). It had become effective on 1 January 2012. Noting, however, that in the intervening time UN best practices in the ethics area had evolved, she emphasized that the Secretariat would be pleased to provide not only its comments on the SEF's recommendations, as suggested by the Representative of Singapore, but also its advice based on current UN best practices, in order to enable the Council to take an informed decision at its next session. The Secretary General indicated that the Secretariat would be happy to provide advice particularly with regard to processes under the *ICAO Framework on Ethics*, notably the initiation of investigations into allegations of misconduct (cf. paragraph 2.2.2 of the SEF's Report), one of the most sensitive elements of the whole investigative process as highlighted by the Representative of Spain. She stressed the need to give very careful consideration to the SEF's recommendations as they related not only to matters of policy but also human welfare, as noted by the Representative of Japan.

66. In endorsing the comments made by previous speakers, the Representative of Kenya, a SEF Member, indicated that if the Council agreed with the general direction of the Sub-group's work it would be possible to progress it to the next level, as outlined by the Chairperson, to the benefit of the Organization. She welcomed any comments and advice that might be provided by the Secretariat. The Representative of Kenya emphasized, in this regard, that ethics was an area on which there could not be divergent views and that ICAO must speak thereon with one voice.

67. The above comments and suggestions made regarding the SEF's Report, in particular, its recommendations relating to the authority to initiate an investigation into allegations of misconduct (cf. paragraph 2.2.2), the authority to determine sanctions after the completion of an investigation

(cf. paragraph 2.2.1), and the appointment, performance and dismissal process for the Ethics Officer (cf. paragraph 2.4.2), as well as its recommendation that consideration be given to institutionalize the Ombudsman position (cf. paragraph 2.7.2), were noted and would be taken into account by the SEF as it continued its work, in consultation with Representatives and the Secretariat, to operationalize its recommendations. Representatives were invited to submit any further comments or suggestions they might have to the WGGE/SEF in writing so that they could likewise be taken into account, thus enabling the views on the various issues addressed in the SEF's Report to be harmonized to the maximum extent possible. It was also agreed that the Secretariat would be given the chance to comment on the recommendations and provide advice based on UN best practices.

68. In taking the action then proposed by the President, the Council agreed with the general direction of the SEF's work relating to the *ICAO Framework on Ethics* and the EAAC's Terms of Reference. It requested that during the next (214th) session the WGGE present, for its consideration and approval, a working paper setting forth the SEF's finalized recommendations, to which should be attached any proposed consequential amendments to the EAAC's Terms of Reference and to the *ICAO Framework on Ethics*, for eventual capture in *The ICAO Service Code* (Doc 7350) or any other affected ICAO document.

69. In addition, the Council requested the Secretary General to undertake a review of the financial and personnel resourcing of the Ethics Office, and report to the Council during the 214th Session, with near-term and long-term recommendations.

70. The Secretary General indicated that it would be very challenging to provide the requested report on the financial and personnel resourcing of the Ethics Office during the next session in June 2018. She recalled, in this regard, that in several of its previous decisions the Council had requested her to consider resourcing for other organizational activities. The Secretary General stated that as ICAO was already mid-way through the current budget cycle, and the Regular Programme Budget for the next triennium (2020-2022) had not yet been developed, she could only provide the requisite resources through the use of any cost savings. She further noted that the timeframe for reporting to the Council was very challenging as it was only three months' away. The Secretary General highlighted that additional resources would be required to support the work of the SEF, as well as other work of the Secretariat, in particular, that of LEB, which had three pending Settlement of Differences cases.

71. The Secretary General's above statement was noted.

72. While understanding the difficulty of handling piecemeal the various resource issues raised by the Council, the President stressed the need for it to have a clear indication of what could be resourced now and what could be resourced in future as part of the next budget cycle.

73. With reference to the recommendation that consideration be given to institutionalize the Ombudsman position, the Council requested that, in her above-mentioned report the Secretary General, in consultation with the Ombudsman, also indicate any changes that might be required to address the JIU's recommendations in its Report entitled *Review of the organizational ombudsman services across the United Nations system* (JIU/REP/2015/6).

74. The President underscored that during the upcoming discussions of the Regular Programme Budget for the next triennium it would be necessary for the Council to prioritize the elements in the Business Plan for 2020-2022 based on the available resources and to find other means to accommodate those elements that could not be funded under the said Budget.

- Subject No. 7.2: Recruitment policy**
Subject No. 7.4: Conditions of service

Progress report on the implementation of the ICAO Gender Equality Programme

75. The Council considered this subject on the basis of: information paper C-WP/14733, in which the Secretary General reported on the progress being made by the ICAO Secretariat in promoting gender equality pursuant to Assembly Resolution A39-30: *ICAO Gender Equality Programme promoting the participation of women in the global aviation sector*, highlighting the creation of an Advisory Committee on Gender Equality, of which she was the Chairperson, and the establishment of the *ICAO Gender Equality Programme*, with an associated Implementation Plan which set forth specific actions to be undertaken by the responsible/accountable Bureaus/Offices and by States over the three-year period 2017-2020 (cf. Appendices B and C); and an oral report thereon by the Human Resources Committee (HRC), which had reviewed the paper at its First Meeting of the current session on 19 January 2018.

Oral report by the HRC

76. In presenting the HRC's oral report, the Chairperson, the Representative of Ecuador, Mr. I. Arellano, indicated that the Committee had noted that the paper's main focus was on detailing the steps taken by the Secretary General in constituting an Advisory Committee on Gender Equality and in establishing and presenting the *ICAO Gender Equality Programme* and accompanying Gender Equality Implementation Plan.

77. The HRC had noted that the main objectives of the *ICAO Gender Equality Programme* were to: build capacity and enhance awareness for gender equality; enhance gender representation; increase accountability; and further engagement with external partners. While recognizing that ICAO's ultimate goal was to achieve overall gender equality between men and women, at all grade levels, the Committee had acknowledged that the *ICAO Gender Equality Programme* would initially be focused on increasing the representation of women in Professional and higher category posts, as reflected in Assembly Resolution A39-30, and in line with the gender equality measures and strategies being implemented throughout the UN.

78. The Committee had also noted that the Gender Equality Implementation Plan consisted of specific actions which were to be undertaken over a three-year period (2017-2020) by Secretariat Bureaus/Offices. Bearing in mind that the commitment and sustained efforts by the Secretariat, as well as by States were required to increase the participation of women in the global aviation sector, it had also been noted that actions to be considered by States had also been included in the Implementation Plan.

79. The HRC had further noted: that the Secretary General, with the assistance of the Advisory Committee on Gender Equality, would monitor the Secretariat's progress on the Gender Equality Implementation Plan and adjust priorities, as required; that based on actions taken each year, the Plan would be updated and further enhanced; and that the main focus of future reports on gender equality would therefore be focused on implementation details and on progress made towards enhancing gender representation.

Discussion

80. The Representative of France emphasized that it was very inspirational for ICAO to have a female Secretary General, Dr. Fang Liu, for a second three-year term. Recalling, however, from the appointment processes for the D-2 level posts of D/TCB and D/LEB considered earlier in the meeting,

as well as from the recent appointment processes for certain D-1 Deputy Director posts, that there had been a lack of female candidates for such Professional posts, he stressed the need to widen the talent pool of women in the global aviation sector. The Representative of France underscored that it was extremely important for ICAO to recruit young female professionals so that they could advance within the Organization's hierarchy and become its future senior managers and leaders. Affirming that that must be a priority, he called upon the Secretary General to make the implementation of the *ICAO Gender Equality Programme* a key element of her second term.

81. The Representative of Kenya supported these comments. Referring to Appendix A, she suggested that the two tables setting forth the current representation of women in the Professional and higher category posts and in the General Service category posts be expanded to include corresponding data for the previous three years to enable progress to be demonstrated. Recalling that a few female candidates had been appointed to Professional posts by the current Secretary General, she underscored the desirability of more such appointments. Noting, from the first table, that there were no female Professionals employed in the Eastern and Southern African Office (Nairobi) (ESAF), the Representative of Kenya emphasized that that was not a good situation for women in her region for whom it was very difficult to climb the corporate ladder. It was for that reason that having a female Secretary General of ICAO was such an inspiration to them and to the young girls growing up in African villages. She stressed the need for the ESAF Regional Office and the other ICAO Regional Offices, which were the face of ICAO, to represent the population.

82. In endorsing the interventions by the Representatives of France and Kenya, the Representative of Brazil suggested that the two tables in Appendix A be further expanded to include columns indicating the percentage of men occupying each Professional and higher category post and General Service category post for each Bureau/Office so as to enable a comparative analysis to be made and progress to be visualized and assessed. Noting, with regret, that currently there were no women occupying D-2 level posts, she recalled that in the past there had been some very capable female Directors.

83. The Representative of Brazil further noted that ADB was highly populated with women, with 31 occupying Professional and higher category posts and 86, General Service category posts. She emphasized the need for further work to increase the number of women in all areas. Expressing surprise that there were many women occupying the lower echelon General Service category posts (G-3, G-4 and G-5) but few occupying the upper echelon General Service category and Professional category posts, the Representative of Brazil stressed that the need for additional efforts to address that situation as well.

84. The Representative of the United Kingdom shared the views expressed by the previous speakers and supported the excellent suggestions made by the Representatives of Brazil and Kenya to enhance the presentation of the information provided in Appendix A, which would significantly improve the Council's ability to understand the changing trends in ICAO vis-à-vis gender equality. Referring to the Council's earlier consideration of the appointments of D/TCB and D/LEB, he highlighted that there had been a huge disparity between the number of male and female candidates for each of those two D-2 level posts, with there having been 145 male and 21 female candidates for the post of D/TCB, and 75 male and 22 female candidates for the post of D/LEB. The Representative of the United Kingdom underscored that of the nine shortlisted candidates for the two posts, only one had been a woman. He therefore suggested that the HRC review ICAO's recruitment process and identify any additional measures that could be taken to attract more female candidates to Professional and higher category posts in the Organization, including making Vacancy Notices more appealing.

85. The President of the Council recalled, in this regard, that in ICAO Vacancy Notices: attention was already drawn to the fact that the Assembly had recently reaffirmed its commitment to

enhancing gender equality and the advancement of women's development by supporting UN Sustainable Development Goal 5, *Achieve gender equality and empower all women and girls*; and female candidates were strongly encouraged to apply for ICAO positions, especially in the Professional and higher level categories.

86. In endorsing the interventions by the Representatives of France, Kenya, Brazil and the United Kingdom, the Representative of Argentina emphasized that although the Assembly and the Council had reaffirmed their commitment to gender equality and the Secretariat had accordingly implemented measures to achieve that goal, that was not reflected in the figures given in the tables in Appendix A. Underscoring that those measures were clearly insufficient to reverse the organizational culture whereby women were virtually excluded from Professional and higher category posts at ICAO, he reiterated the need to consider what additional actions could be taken.

87. The Representative of the United Arab Emirates expressed appreciation to the Secretary General for all of her efforts to promote gender equality, including the work that she and the other Members of the Advisory Committee on Gender Equality were doing to advance women within ICAO through the implementation of the *ICAO Gender Equality Programme*. While recognizing that it was a work in progress, she fully supported it. The Representative of the United Arab Emirates also fully supported the intervention by the Representative of France, and the suggestions made by the Representatives of Kenya and Brazil. She highlighted that in the appointment of staff to Professional and higher category posts due regard was given to ICAO's principles of equitable geographical representation and gender equality. In stressing that it was important for the Council to monitor the implementation of Assembly Resolution A39-30, the Representative of the United Arab Emirates recalled that it had been drafted by the seven female Representatives on the Council at that time (the Representatives of Australia, Japan, Kenya, Nicaragua, Poland, Portugal and the United Arab Emirates) and had subsequently been recommended by the Council to the Assembly for adoption [cf. C-WP/14462 (with Blue rider); 208/11].

88. The Representative of the United Arab Emirates noted that although she supported any suitably-qualified applicants for Professional posts at ICAO regardless of their gender, the figures given in the first table in Appendix A revealed that women were not equally represented in such posts. She highlighted, in this context, that her State implemented a principle of positive discrimination towards women, whereby women were supported in their efforts to be appointed to posts that were inherently male-dominated, such as through the use of "head-hunting" services, grooming women to be ready for the second line and, where applicable, even encouraging their families to be supportive. The Representative of the United Arab Emirates considered that the same principle could be implemented at ICAO. She therefore endorsed the suggestion made by the Representative of the United Kingdom that the HRC review ICAO's recruitment process and identify any additional measures that could be taken to attract more female candidates to Professional and higher category posts. The Representative of the United Arab Emirates underscored that States should also encourage suitably-qualified women to apply for such posts pursuant to Assembly Resolution A39-30.

89. The Representative of the United Republic of Tanzania voiced support for the HRC's oral report, as well as for the interventions by the Representatives of Kenya, Brazil, the United Kingdom and the United Arab Emirates. Referring to the point raised by the Representative of Kenya regarding the ESAF Regional Office, he underscored that likewise there were no women employed in Professional and higher category posts in the Asia and Pacific Office (Bangkok) (APAC), and stressed the need to encourage women to apply for such posts. The Representative of the United Republic of Tanzania expressed the hope that with the Secretary General as the Chairperson of the Advisory Committee on Gender Equality the goal of gender equality by 2030 would be met.

90. The Representative of Sweden endorsed the excellent interventions made by previous speakers relating to, inter alia: the need to lead by example, highlighted by the Representatives of France and Kenya; the need to enhance the presentation of the information provided in Appendix A, highlighted by the Representative of Brazil; the need for the HRC to review the recruitment process and identify any additional measures that could be taken to attract more female candidates to Professional and higher category posts, highlighted by the Representative of the United Kingdom; the need for political will to achieve gender equality, highlighted by the President of the Council; and the need to be proactive, highlighted by the Representative of the United Arab Emirates. She stressed the importance of enhancing gender equality within ICAO.

91. While agreeing with all of the excellent interventions made by previous speakers, the Representative of Turkey emphasized that achieving gender equality was easier said than done. He underscored that ICAO's NGAP Programme was the most important means to enhance the visibility of the *ICAO Gender Equality Programme* with a view to attracting more women to the global aviation sector and thereby widening the talent pool, and in turn increasing the number of female candidates for ICAO posts, especially in the Professional and higher level categories. The Representative of Turkey stressed, however, that the paramount consideration in the appointment of staff should be professional competency i.e. having the requisite qualifications and education. He considered that if two candidates for Professional and higher level category posts were equally competent, then in making the selection the principle of gender equality should be applied to the extent possible, until the goal of 50-50 gender balance was achieved. The Representative of Turkey emphasized that the Council had, nevertheless, re-appointed Dr. Liu, by acclamation, for a second term not in view of her gender but rather in view of her professional competency.

92. Emphasizing that the gender equality issue was not a new one for ICAO, the President of the Council noted that the Assembly had adopted two Resolutions thereon, Resolution A36-27 and Resolution A39-30. He recalled that even before the adoption of those Assembly Resolutions, three women had been appointed as Directors in 2007: Mrs. F.A. Odutola, as Director, Air Transport Bureau (D/ATB); Ms. N. Graham, as Director, Air Navigation Bureau (D/ANB); and Dr. Fang Liu, as Director, Bureau of Administration and Services (D/ADB), who was subsequently appointed Secretary General for two terms. Emphasizing that their appointments as Directors had increased the representation of women at the D-2 level from 0 to 60 per cent, the President affirmed that gender equality was thus achievable. It was necessary, however, to continue to encourage more women to apply for ICAO posts, especially in the Professional and higher level categories.

93. The Representative of Saudi Arabia recalled that during his first term as Council Representative (2004-2009), there had been very few female Representatives, one having been the former Representative of Ireland, Ms. A. McGinley. During that time, however, three women had been appointed Directors, as highlighted by the President, and subsequently more women had served as Council Representatives. Noting that there were currently six female Council Representatives, the Representative of Saudi Arabia emphasized that while there had been much progress in having States appoint women to represent them on the Council, the appointment of women to the higher category posts in ICAO had regressed. In endorsing the comments made by the Representative of Turkey, he reiterated that the paramount consideration in the appointment of staff should be professional competency.

94. In concurring with the Representative of France on the need to widen the talent pool of women in the global aviation sector, the Representative of Canada agreed with the Representative of Turkey that that was a long-term goal whose achievement required continuous efforts. Emphasizing that there were also actions that could be taken in the short-term, he suggested that the HRC establish a sub-group to propose concrete measures that could be taken to attract more female candidates to Professional

and higher category posts in the Organization, taking into account the innovative best practices of Member States. In underscoring that all Representatives had a role to play in promoting gender equality, the Representative of Canada highlighted that at a recent soirée in honour of International Women's Day on 8 March 2018 which he and the Mayor of Montréal had attended, the young female participants had evinced tremendous interest when the Representative of the United Arab Emirates had addressed them. He emphasized that all Representatives should make efforts, both here in Montréal and when travelling abroad, to foster the interest of women in pursuing aviation careers and to promote the place of women in the global aviation sector.

95. The Representative of Ireland affirmed that the Secretary General served as an excellent role model and inspiration for young women in aviation striving to achieve their ambitions and their goals. She expressed support for the suggestions made by the Representatives of Kenya and Brazil for the inclusion of clear comparators in the tables in Appendix A and endorsed the comments made by the Representatives of the United Arab Emirates and Sweden.

96. The Representative of Spain voiced support for the HRC's oral report and the excellent interventions made by all previous speakers. Referring to the first table in Appendix A, he stressed that in order to fill the deep gap in female representation in the middle, i.e. at the P-5 (31 per cent) and D-1 (11 per cent) levels, it was necessary to promote the representation at the P-2, P-3 and P-4 levels. The Representative of Spain endorsed the comments made by the Representative of the United Arab Emirates on the grooming of women in that regard. In also agreeing with the Representative of Turkey on the importance of the NGAP Programme, as well as the suggestion made by the Representative of Brazil for the inclusion of more comparative data in the tables in Appendix A, he stressed the need for the Council to also know the percentage of women and men working at ICAO on scholarships and internships.

97. The Secretary General thanked all Representatives for their comments and advice, which clearly showed their interest and their concerns regarding the important issue of gender equality. She underscored that work was underway to incorporate gender equality as one of the key components of the NGAP Programme. With regard to the recruitment process at ICAO, the Secretary General emphasized that efforts were being made to determine how to further enhance the visibility of Assembly Resolution A39-30 on gender equality in Vacancy Notices. Recalling the President's earlier intervention, she reiterated that, pursuant to a suggestion made earlier by the Representative of Canada (cf. C-DEC 211/4, paragraph 2), Vacancy Notices highlighted the Assembly's commitment to enhancing gender equality and indicated that female candidates were strongly encouraged to apply for ICAO positions, especially in the Professional and higher level categories. The Secretary General underscored that in addition the Secretariat would seek the cooperation of Representatives in determining how to increase the visibility of the Vacancy Notices themselves.

98. Stressing that challenging work lay ahead to achieve gender equality, the Secretary General observed that the Professional and higher levels of employment in the global aviation sector continued to be male-dominated, as did senior government positions. That being the current reality, it was necessary to intensify the promotion of gender equality and to obtain the requisite political will. It was also necessary to foster coaching, training, mentoring and leadership development for women, including by female and male Professionals in senior management positions at ICAO and by Representatives.

99. The Secretary General highlighted, in this regard, the Global Aviation Gender Summit (Johannesburg, 8-10 August 2018), which was being hosted by the South African Civil Aviation Authority (SACAA) with the support of ICAO, in close collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UN Women. In inviting Representatives to participate therein, she noted that the target audience was senior government officials and representatives of industry and academia. The Secretary General underscored that ICAO would avail

itself of the opportunity afforded by the Summit to further promote the twelve-month annual Young Aviation Professionals Programme (YAPP), which it led in conjunction with the International Air Transport Association (IATA) and Airports Council International (ACI). She was pleased to inform Representatives that three female candidates had been selected to take part in the 2018 YAPP.

100. The Secretary General further highlighted that ICAO, in partnership with the International Aviation Women's Association (IAWA), offered an aviation scholarship opportunity for a young female aviation professional to enhance her professional experience by working on, and contributing to, specific aspects of the ICAO Work Programme at the international level for a nine-month period, under the guidance of professionals in ANB .

101. The Secretary General underscored that she and the Secretariat wished to establish a partnership with Representatives to: intensify the promotion of gender equality, not only in ICAO but also in States and regions; engage the young generation; and more importantly, obtain the political will to achieve gender equality and to provide women with the opportunity to grow at the executive level, which would, in turn, lead to an increase in the number of female applicants for senior Professional posts at ICAO.

102. Note was taken of the comments and suggestions made during the discussion, including the proposals to enhance the presentation of the information provided in Appendix A by: expanding the two tables to include columns indicating the percentage of men occupying each Professional and higher category post and General Service category post for each Bureau/Office so as to enable a comparative analysis to be made; and including corresponding data for the previous three years to enable progress to be visualized and assessed. The clarifications provided by the Secretary General were also noted, as was her invitation to participate in the Global Aviation Gender Summit (Johannesburg, 8-10 August 2018).

103. The Council noted the information contained in C-WP/14733, as supplemented during the discussion. It also noted the HRC's oral report, in particular: that the Secretary General, with the assistance of the said Advisory Committee on Gender Equality, would monitor the Secretariat's progress in implementing the Gender Equality Implementation Plan and adjust priorities, as required; that based on actions taken each year by the responsible/accountable Bureaus/Offices, the Implementation Plan would be updated and further enhanced; and that the main focus of the Secretary General's future annual progress reports on gender equality would be on implementation details and progress made towards enhancing gender equality. Recalling that Representatives could also monitor progress in the achievement of the gender equality targets using the Corporate Management and Reporting Tool (CMRT), the President highlighted the need for Representatives to combine the information available through both the annual progress reports and the CMRT in reaching conclusions and taking decisions regarding gender equality.

104. In addition, the Council requested the HRC to review ICAO's recruitment process and identify any additional measures that could be taken to attract more female candidates to Professional and higher category posts in the Organization, taking into account the comments and suggestions made during the discussion and the innovative best practices of Member States. It was left to the HRC to consider whether or not to establish a Sub-group to carry out that work, a report on which was to be presented to the Council in due course. The President recalled that the ICAO Assembly had already demonstrated the necessary political will by adopting, on the Council's recommendation, Resolution A39-30: *ICAO Gender Equality Programme promoting the participation of women in the global aviation sector*. He emphasized that while the term "gender" cut across both sexes, the focus of the *ICAO Gender Equality Programme* in the near term was on ensuring an increase in the percentage of women employed in ICAO, especially in the Professional and higher category posts.

Subject No. 27: Convention on International Civil Aviation (Chicago Convention)

75th Anniversary Theme

105. The Council considered: C-WP/14708, in which the Secretary General, pursuant to its earlier decision (202/1), proposed three options for the theme for the ICAO 75th Anniversary and International Civil Aviation Day (ICAD) (2019) which was focused on aviation's global connectivity aspects; and an oral report thereon by the Implementation, Strategy and Planning Group (ISPG), which had reviewed the paper at its Second and Third Meetings of the current session on 27 February 2018 and 6 March 2018.

Oral report by the ISPG

106. In presenting the ISPG's oral report, its Chairperson, the Representative of the United Arab Emirates, Miss A. Alhameli, indicated that the Group had noted that the 2019 budget for potential sponsors would be allocated in August 2018 and that it was therefore critical for a theme to be endorsed during the current (213th) session to enable the timely development of related planning and proposals.

107. ISPG Members had discussed additional priorities and preferences regarding the three options proposed in C-WP/14708. The primary points raised during the Group's deliberations had included: the need for the theme to not be too specifically focused on any one ICAO Strategic Objective; whether or not it needed to include more direct air transport references; and various issues relating to its ability to be suitably trademarked, the need for professional copywriters to be entrusted with its suitable translation in ICAO's working languages, etc.

108. The Group had agreed to the rationale for, and intent of, the option entitled "ICAO75, *Connecting the World*". However, the ISPG had also agreed that additional emphasis should be placed on the significance of the 75th Anniversary of the Organization. The ISPG therefore recommended that the following theme be approved by the Council:

ICAO 2019

75 Years of Connecting the World

110. The ISPG had agreed that it would be important for the Council to be actively involved in determining the scope of activities which ICAO would ask its 192 Member States to consider, in recognizing this milestone Anniversary. In this respect, the IPSPG recommended that Council Members consider potential activities through informal dialogue among themselves and consultation with their States. Ideas generated by Council Members would then be consolidated by the ISPG, in coordination with the Secretariat, for subsequent discussion during the upcoming Council Off-site Strategy Meeting (COSM2018) (21-22 June 2018).

111. The Group had noted that the existing translations of the its recommended theme needed enhancement and had agreed that they be further refined by copywriters to ensure that the message would be effectively communicated in ICAO's working languages. Once this process had been completed, the translations would be shared with Council Members.

Discussion

112. In the absence of comments, the Council took the action recommended by the ISPG and:

- a) approved the following as the theme for the ICAO 75th Anniversary and ICAD 2019:

***ICAO 2019
75 Years of Connecting the World***

- b) and, in order to determine the scope of activities which ICAO would ask its 192 Member States to consider in celebrating the Organization's important 75th Anniversary in 2019, requested that Representatives, through informal dialogue among themselves and in consultation with their States, submit their suggestions to the ISPG, which, in coordination with the Secretariat, would consolidate them for subsequent discussion during the upcoming COSM2018 (21-22 June 2018).

113. It was noted that the translations of the said theme for the ICAO 75th Anniversary and ICAD 2019 would be circulated to Representatives once they had been further refined by copy writers to ensure that the message would be effectively communicated in all ICAO working languages.

Subject No. 6: Establishment of subsidiary bodies of the Council

Selection of ICAO Ambassadors

114. The Council had for consideration C-WP/14709, wherein the Secretary General proposed an ICAO Goodwill Ambassadors Policy which set forth the purpose and objective of designating ICAO GWAs, the scope of their activities and responsibilities, the selection criteria and process, and the policy's amendment procedure. The paper had been referred by the President to the ISPG for prior consideration and report to the Council.

115. The Chairperson of the ISPG, the Representative of the United Arab Emirates, Miss A. Alhameli, indicated that the Group appreciated C-WP/14709 and the Secretariat's efforts to research and develop the paper and the draft ICAO Goodwill Ambassadors Policy appended thereto. However, after careful review, and based upon the number of questions raised by the ISPG Members, the Group recommended that the Secretariat further refine the paper to increasingly tailor its scope and objectives to ICAO's needs, map out risks and mitigation strategies, and determine how the ICAO Goodwill Ambassadors' guidance would fit into an overall ICAO Advocacy Strategy. Consequently, the ISPG recommended that consideration of C-WP/14709 be deferred to the 215th Session in October/November 2018.

Discussion

116. While considering that it was a very noble idea to have ICAO GWAs, the Representative of Kenya questioned whether they should be selected through the proposed competitive process, under which submitted nominations would be assessed by the Secretariat against the established criteria and submitted to the Council for approval. Although she appreciated that the said process was based on UN best practices and a UN JIU evaluation of GWAs throughout the UN system, she cautioned that as it was similar to a recruitment process, it might lead to lengthy discussions of equitable geographic representation and gender equality. Underscoring that ICAO GWAs were expected to be highly honorable individuals, the Representative of Kenya therefore considered that they should not be required to submit nominations and that ICAO should instead invite potential GWAs to participate in the Programme.

117. Replying to a question then raised by the Representative, the President of the Council clarified that the current proposal for an ICAO Goodwill Ambassadors Policy was in response to a recommendation arising from COSM2016 (Québec City, 15-16 June 2016) [cf. C-WP/14503; C-DEC 208/16, paragraph 5]. He emphasized that it was a separate initiative not related to the Council's previous decision to confer upon Mr. Roberto Kobeh González, the past President of the ICAO Council, the honorary title of *Lifetime Goodwill Ambassador of ICAO* in recognition of his outstanding contribution to international civil aviation and eminent achievements in that regard (cf. C-DEC 200/5, paragraph 31). The President recalled that, in a similar manner, the late Dr. Assad Kotaite, the previous President of the Council, had been awarded the lifetime honorary title of *President Emeritus of the Council of ICAO* in a Council resolution adopted on 7 December 2006 (cf. C-DEC 179/19, paragraph 13).

118. The Representative of Spain remarked that he had had the honor, as First Vice-President of the Council at the time, to propose the adoption, on 29 November 2013, of the Council's Resolution of Gratitude conferring the said honorary title on Mr. Kobeh González. Being sensitive to the concerns raised by the Representative of Kenya, he averred that it would be inappropriate to "mass-produce" ICAO GWAs and to politicize the Programme. In agreeing to the proposal by the Chairperson of the ISPG, the Representative of Spain stressed the need for the Group to take a cautious approach in assessing the envisaged revised proposal for a ICAO Goodwill Ambassadors Policy.

119. In the absence of further comments, the Council agreed to defer consideration of C-WP/14709 to the 215th Session in October/November 2018. Representatives were invited to submit their comments and suggestions regarding the paper to the ISPG and the Secretariat for consideration in revising the paper.

120. The Council went into closed session at 1245 hours to consider the next item on its order of business, then reconvened in open session at 1255 hours to consider the remaining items.

Subject No. 13: Work Programmes of Council and its subsidiary bodies

Work Programmes of the Council and its Committees for the 214th Session

121. The Council considered this subject on the basis of C-WP/14713, presented by the President of the Council and the Secretary General; and an oral report by the WGGE on its review of that paper, as well as of a list of six Council informal briefings for the next (214th) Session proposed by the Secretariat.

Oral report by the WGGE

122. In presenting the WGGE's oral report, its Chairperson, the Representative of South Africa, Mr. M.D.T. Peege, noted that the Working Group had met in expanded form at its First Meeting of the current session on 1 March 2018 to review C-WP/14713 and the said list of proposed informal briefings.

123. In connection with item 21 of Appendix A [*Convening of a second High-Level Conference on Aviation Security (HLCAS/2)*]: the Working Group had sought clarification from the Secretariat that the formal decision to convene the meeting had yet to be made by the Council. The Secretariat had responded that the Council had noted the convening of HLCAS/2 to be held in 2018 during its discussion of the Global Aviation Security Plan (GASeP) (cf. C-WP/14665; C 212/7) and in the oral report thereon by the Chairperson of the Committee on Unlawful Interference (UIC). The Secretariat

had confirmed that a proposal to convene HLCAS/2 in 2018, including a draft Provisional Agenda, would be presented to the Council for approval during its next Session.

124. In response to a query regarding the background of item 34 of Appendix A [*Review of the Rules for the Settlement of Differences (Doc 7782/2)*], the Secretariat had explained that this followed the Council's request that the Secretariat review the Rules, with the aim of determining whether they needed to be revised and updated, taking into account relevant developments that had occurred since the publication of the document in 1975, and to advise on whether it would be necessary for this issue to be referred to the Legal Committee for consideration (cf. C-DEC 211/10, paragraph 45).

125. The WGGE had queried how the three pending Settlement of Differences cases (one case brought by Brazil and two cases brought by Qatar) would be addressed. The Secretariat had informed the Working Group that no information had yet been received on the status of the case brought by Brazil, while the two cases brought by Qatar were subject to a time-limit extension. It was possible that these cases would arise for consideration by the Council during the 214th Session, in the event of which items would be proposed for inclusion in the Work Programme, as needed. Otherwise, an update would be provided to the Council by the Secretary General by way of an oral report.

126. The Secretariat had informed the WGGE that the HRC had requested, during the current (213th) session, an update on matters that had been considered by the Committee during its past three sessions and were still pending, and had asked that an additional item on that issue be included in the HRC's Work Programme. The Working Group had agreed that that item be included in the Committee's Work Programme for the next (214th) session.

127. With regard to the proposed informal briefing by Aerion, the Working Group had been informed that that company was a sole provider of services closely related to the work of ICAO, namely, space-based ADS-B global air traffic surveillance.

128. With reference to the proposed informal briefing on the State of the Industry, the WGGE had highlighted the value of a format that would facilitate interaction between the industry representatives and Council Members, and thereby maximize the briefing's value.

129. The WGGE had also been informed that the JIU – the independent external oversight body of the UN system – would conduct a management and administration review (MAR) of ICAO over the course of the year. It had noted that an informal briefing on the JIU and the upcoming review would be beneficial to the Council, and had requested the Secretariat to enquire as to the possibility of arranging an informal briefing by the JIU to the Council during its 214th Session.

130. The WGGE had recommended that the Council approve the Work Programmes of the Council and its Committees for the 214th Session contained in C-WP/14713, subject to the addition to the HRC's Work Programme at Appendix G of an item on matters that had been considered by the Committee during its past three sessions and were still pending.

131. The WGGE had also recommended that the Council approve the list of proposed informal briefings of the Council set forth in Appendix 1 to its oral report (available at <https://portal.icao.int/council/Pages/meeting.aspx?session=213>), which would include the proposed informal briefing by the JIU upon confirmation by the latter.

Discussion

132. In noting the WGGE's oral report, the Council took the action recommended by the Working Group and approved its Work Programme for the 214th Session set forth in Appendix A to C-WP/14713, as well as the sessional Work Programmes of: the Air Transport Committee (ATC); the Joint Support Committee (JSC); the Finance Committee (FIC); the Committee on Unlawful Interference (UIC); the Technical Cooperation Committee (TCC); the Human Resources Committee (HRC), subject to the addition of an item on matters that had been considered by the HRC during its past three sessions and were still pending; and the Committee on Relations with the Host Country (RHCC) (cf. Appendices B-H).

133. It was noted that a revised version of C-WP/14713 would be issued in due course which would reflect: the above-mentioned change to the HRC's Work Programme; as well as the decisions taken by the Council in the course of the current session relating to the addition of items [e.g. Progress report on the negotiations regarding *Settlement of Differences: Brazil and the United States (2016)* and Update on ballistic missile launches], the deferral of items, and any other agreed changes that might be made in light of developments. The Chairperson of the ISPG highlighted, in this regard, that there might be additional items to include in the Council's Work Programme for the 214th Session as a result of the Group's work.

134. It was understood that discussions would be held between the Representative of Saudi Arabia and the Secretary General regarding clauses in employees' contracts relating to, inter alia, the non-disclosure of confidential information following separation from service.

135. As also recommended by the WGGE, the Council approved the list of six proposed Council informal briefings appended to the Working Group's oral report, on the understanding that: an informal briefing on the JIU and its upcoming management and administration review (MAR) of ICAO would be added following confirmation from the JIU; arrangements would be made to ensure that the State of the Industry informal briefing took place before COSM2018 (21-22 June 2018) as it would focus, in part, on the event's theme; and that consideration would be given to combining some of the informal briefings since it was the normal practice to hold no more than five during a Council session. It was noted that, once finalized, the list of informal briefings would be reflected in the *Meeting Schedule* for the Council's 214th Session.

Any other business

Subject No. 6: Establishment of subsidiary bodies of the Council

Council Off-site Strategy Meeting (COSM2018)

136. In providing preliminary information on preparations underway for the upcoming COSM2018 (21-22 June 2018), the Chairperson of the ISPG, the Representative of the United Arab Emirates, Miss A. Alhameli, indicated that the Secretariat was concluding the internal procurement process and that the contract with the selected hotel would soon be signed. Noting that detailed information would thereafter be provided to Representatives, she encouraged them to book their rooms as soon as possible as allocation of the 50 lake view rooms would be done on a first-come, first-served basis. Another 50 rooms were also available for Representatives. The Chairperson also encouraged Representatives to promptly advise the Office of the President by e-mail regarding their participation in COSM2018, whether they would be accompanied by their spouses and any children, and whether they would avail themselves of the bus transportation provided by ICAO.

137. The Chairperson noted that an exciting moderator had been selected for the meeting and that a theme would soon be chosen. She further indicated that opportunities for sponsoring certain meals and coffee breaks would be put forward. The President of the Council expressed his willingness to sponsor the coffee breaks.

138. The Council noted the above preliminary information on C OSM2018, on the understanding that more detailed information regarding, inter alia, the venue, the chosen theme, the moderator for the discussions, and logistics would be circulated to Representatives the following week.

Subject No. 10: ICAO relations with the United Nations, the Specialized Agencies and other international organizations

UN-Transport

139. The Secretary General presented the following oral report on a new UN inter-agency coordination mechanism, *UN-Transport*, which had been gaining momentum over the past few months and which was envisaged to be established as a subsidiary of the United Nations System Chief Executives Board for Coordination (CEB):

140. “Over the past two years, transport has gained greater prominence and recognition in the global arena. The need for greater coordination among UN agencies has been a recurrent theme in these global discussions – from the UN SG High-Level Panel on Sustainable Transport to the more recent UNGA Resolution on transport approved 20 December 2017 [cf. A/RES/72/212].

141. “Building on the December 2017 UNGA Resolution aimed at ‘Strengthening the links between all modes of transport to achieve the Sustainable Development Goals’, the UN Secretary-General is considering the potential creation of a new UN inter-agency coordination mechanism called *UN-Transport*. The *UN-Transport* is responding to an urgent call for better coordination, coherence and efficiency between the three UN pillars of transport, namely air, land and maritime transport. As of now, 26 UN agencies and regional commissions have indicated an interest in joining *UN-Transport*.

142. “This new UN inter-agency coordination mechanism will facilitate synergies, complement and add value to relevant work on sustainable transportation carried out by these 26 UN agencies, their programmes and projects. Through coordinated collaboration and effective joint efforts, as well as outreach and advocacy on the benefits of sustainable mobility and transport, it will support in an efficient way the achievement of the 2030 Agenda for Sustainable Development and its SDGs – especially in developing countries, including the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States.

143. “The *UN-Transport* will be beneficial for ICAO in that it will allow for greater visibility of, and entry points for, aviation and ICAO’s work throughout the efforts of the 26 UN agencies working on transport, and beyond. Its unified and coherent support of the UN system in achieving the 2030 Agenda and its sustainable transport- and mobility-related goals and targets will be advantageous as well for our work at the State level.

144. “It is envisaged that the United Nations Department for Economic and Social Affairs (UNDESA) will be the *UN-Transport*’s Secretariat. UNDESA – supported by the lead agencies in each of the transport pillars – will coordinate knowledge management and outreach activities, as well maintain the inter-agency coordination mechanism’s website.

145. “In closing, I would like to emphasize that while *UN-Transport* will build on its Members’ existing areas of expertise within their respective mandates, each Member will remain accountable to their own governing bodies and boards. The *UN-Transport* is envisaged to be established as a subsidiary of the CEB. I will keep you abreast of the progress of this initiative.”.

146. The Council noted the above oral report, on the understanding: that it would be circulated to Representatives and/or posted on the Council’s secure website; and that Secretary General would keep the Council abreast of the progress made with regard to this new *UN-Transport* initiative.

Activities during the recess

147. In informing the Council of his upcoming missions during the recess, the President indicated that on the invitation of the Government of Nicaragua, he would visit that State from 8-12 April 2018 to confer with high-level officials. Thereafter, he would be in Nigeria from 15-21 April 2018 to participate in the 59th ACI Africa Board and Committees meetings and Regional Conference and Exhibition. The President would then be in Turkey from 23-27 April 2018 to participate in the Eurasia Airshow 2018.

148. The Secretary General then informed Representatives of her planned missions during the recess, on the understanding that they were subject to possible adjustments due to her executive functions. She indicated that she would be in New Zealand from 26-28 March 2018 to address the International Council of Aircraft Owner and Pilot Associations (IAOPA) 2018 World Assembly (Queenstown) and to meet with Government and aviation officials (Wellington). From 29-30 March 2018, the Secretary General would be in Port Vila, Vanuatu, to meet with government and aviation officials, following which she would be in Santiago, Chile, to address the Aviation Leaders Forum as part of Feria Internacional del Aire y del Espacio (FIDAE) 2018 programme and to meet with government and aviation officials from 2-4 April 2018. Thereafter, the Secretary General would be in Argentina from 18-20 April 2018 to participate as a speaker in the World Travel and Tourism Council (WTTC) Global Summit and to meet with government and aviation officials. She would then be in Germany from 23-25 April 2018 to participate in the Berlin Air Summit and to meet with government officials.

149. The Council took note of the above-mentioned missions to be conducted by the President of the Council, as well as by the Secretary General, during the recess.

150. The meeting adjourned at 1315 hours.

COUNCIL — 213TH SESSION

SUMMARY MINUTES OF THE NINTH MEETING

(THE COUNCIL CHAMBER, FRIDAY, 16 MARCH 2018, AT 1245 HOURS)

CLOSED MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Algeria	— Mr. A.D. Mesroua	Kenya	— Ms. M.B. Awori
Argentina	— Mr. G.E. Ainchil	Malaysia	— Mr. K.A. Ismail
Australia	— Mr. S. Lucas	Mexico	— Mr. D. Méndez Mayora
Brazil	— Mrs. M.G. Valente da Costa	Nigeria	— Mr. M.S. Nuhu
Cabo Verde	— Mr. C. Monteiro	Panama	— Mr. G.S. Oller
Canada	— Mr. M. Pagé	Republic of Korea	— Mr. D. Ha (Alt.)
China	— Mr. Shengjun Yang	Russian Federation	— Mr. S. Gudkov
Colombia	— Mr. A. Muñoz Gómez	Saudi Arabia	— Mr. S.A.R. Hashem
Congo	— Mr. R.M. Ondzotto	Singapore	— Mr. T.C. Ng
Cuba	— Mrs. M. Crespo Frasquieri	Spain	— Mr. V.M. Aguado
Ecuador	— Mr. I. Arellano	Sweden	— Ms. H. Jansson Saxe
Egypt	— Mr. A. Khedr	Turkey	— Mr. A.R. Çolak
France	— Mr. P. Bertoux	United Arab Emirates	— Miss A. Alhameli
Germany	— Mr. U. Schwierczinski	United Kingdom	— Mr. D.T. Lloyd
India	— Mr. A. Shekhar	United Republic of Tanzania	— Mr. R.W. Bokango
Ireland	— Ms. N. O'Brien	United States	— Mr. T.L. Carter
Italy	— Mr. M.R. Rusconi	Uruguay	— Mrs. M.A. González (Alt.)
Japan	— Mr. S. Matsui		

ALSO PRESENT:

Mrs. M.F. Loguzzo (Alt.)	— Argentina
Mr. C. Fernández (Alt.)	— Argentina
Mr. R.F. Pecoraro (Alt.)	— Brazil
Mr. D.A. Tavares Taufner (Alt.)	— Brazil
Mr. M.G. Correia Pontes (Alt.)	— Brazil
Mr. P. Langlais (Alt.)	— Canada
Ms. E. Burack (Alt.)	— Canada
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. N. Naoumi (Alt.)	— Germany
Mr. M. Usami (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. K. Lee (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. M.S. Habib (Alt.)	— Saudi Arabia
Mr. S. Vuokila (Alt.)	— Sweden
Mr. Ö. Doğrukol (Alt.)	— Turkey
Mrs. K.L. Riensema (Alt.)	— United Kingdom
Mr. S. Kotis (Alt.)	— United States
Mr. F. de Medina (Alt.)	— Uruguay

SECRETARIAT:

Mrs. J. Yan	— C/OSG
Mr. B. Djibo	— D/ATB
Mr. S. Creamer	— D/ANB
Mr. J. Huang	— D/LEB
Mr. H. Gourdji	— H/SPCP
Mr. M. Fox	— C/PRC
Mr. A. Opolot	— LO
Mr. Y. Nyampong	— LO
Mr. V. Winodan	— LO
Mr. M. Vaugeois	— LEB
Miss S. Black	— Précis-writer

Representatives to ICAO

Bolivia (Plurinational State of)
Chile
Cyprus
Ghana
Greece
Indonesia
Lebanon
Paraguay
Peru
Qatar
Senegal
Ukraine
Venezuela (Bolivarian Republic of)

Airports Council International (ACI)
European Union (EU)

Subject No. 16: Legal work of the Organization
Subject No. 26: Settlement of disputes between Contracting States

**Report on Settlement of Differences: the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) – Application (A);
and the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (2017) – Application (B)**

1. The Secretary General presented the following oral report on the status of proceedings with regard to the above-mentioned Application (A) and Application (B), which had been circulated prior to the present meeting and was available on the Council’s secure website:
2. “On 30 October 2017, the State of Qatar presented to the Organization two Applications: *the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017) – Application (A)* and *the State of Qatar and the Arab Republic of Egypt, the Kingdom of Bahrain and the United Arab Emirates (2017) – Application (B)* and their corresponding Memorials.
3. “Application (A) was submitted under ‘the terms of Article 84 of the Convention on International Civil Aviation (‘Chicago Convention’), related Annexes and the Rules for the Settlement of Differences (Doc 7782/2)’. It relates to ‘the interpretation and application of the Chicago Convention and its Annexes’ following the referenced announcement by the governments of the Respondents on 5 June 2017 made ‘with immediate effect and without any previous negotiation or warning, that Qatar-registered aircraft are not permitted to fly to or from the airports within their territories and would be barred not only from their respective national air spaces, but also from their Flight Information Regions (FIRs) extending beyond their national airspace even over the high seas.’
4. “Application (B) was submitted under ‘the terms of Article II, Section 2 of the International Air Services Transit Agreement (Chicago, 1944), Article 1 (b) of the Rules for the Settlement of Differences and Chapter XVIII of the Convention on International Civil Aviation (Chicago, 1944)’. It concerns the interpretation and application of the *International Air Services Transit Agreement* (Chicago, 1944) (Transit Agreement) following the referenced announcement by the governments of the Respondents on 5 June 2017 made ‘with immediate effect and without any previous negotiation or warning, that Qatar-registered aircraft are not permitted to fly to or from the airports within their territories and are barred from their respective national air spaces.’
5. “As required under Article 3 (1) (a) of the *Rules for the Settlement of Differences* (Doc 7782/2) (the ‘Rules’), I verified that both Application (A) and Application (B) comply in form with the requirements of Article 2 of the Rules.
6. “In accordance with Article 3, paragraph (1) (b) of the Rules, by State letter Ref. LE 6/7.CONF – 17/122, dated 10 November 2017, all Contracting States to the Chicago Convention were notified that Application (A) and its corresponding Memorial had been received. Similarly, by State letter Ref. LE 6/7.CONF – IND/17/18, dated 15 November 2017, all Parties to the Transit Agreement were notified that Application (B) and its corresponding Memorial had been received. Copies of both Application (A) and Application (B) as well as their corresponding Memorials were transmitted to Representatives on the Council by memorandum SG 2384/17, dated 7 November 2018.

7. “On 15 November 2017, the Council, acting under Article 3, paragraph (1) (c) and Article 28 of the Rules, granted the Respondents a time-limit of 12 weeks for the filing of Counter-memorials in both Application (A) and Application (B), to expire on 12 February 2018.

8. “On 9 February 2018, pursuant to a request made by the Representative of the Arab Republic of Egypt on the Council of ICAO, on behalf of all Respondents in both Application (A) and Application (B), the Council, acting under 28 of the Rules, extended the time-limit for the filing of Counter-memorials by an additional 6 weeks i.e. until 26 March 2018. On 9 February 2018, all Parties to Application (A) and Application (B) as well as the Representatives on the Council were duly informed of the said extension of the time-limit (PRES OBA/2737).”.

9. In the absence of comments, the Council noted the above oral report.

10. The Council then reconvened in open session at 1255 hours to consider the remaining items on its order of business.

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