

# RESOLUTIONS ADOPTED AT THE 35TH SESSION OF THE ASSEMBLY

## PROVISIONAL EDITION

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## RESOLUTIONS ADOPTED AT THE 35TH SESSION OF THE ASSEMBLY

### PROVISIONAL EDITION

#### **A35-1: Acts of terrorism and destruction of Russian civil aircraft resulting in the deaths of 90 people — passengers and crew members**

*Whereas* the terrorist acts committed on 24 August 2004 on board Russian civil aircraft on scheduled passenger flights represent, in principle, a new form of terrorism which uses terrorist-suicide bombers who carry explosive devices on board aircraft;

*Given* the need for unification of international efforts to combat the threat which uses terrorist-suicide bombers to carry out terrorist acts, both on aircraft and in other public areas;

*Aware* of all the difficulties in identifying terrorist-suicide bombers and detecting explosive devices on their bodies;

*Convinced* of the need to adopt adequate measures to counter such acts of terrorism;

*Welcoming* the resolve of all States to prosecute the organizers and perpetrators of such acts; and

*Recalling* its Resolutions A22-5, A27-9, A33-1 and A33-2;

*The Assembly:*

1. *Strongly condemns* the terrorist acts on board Russian passenger aircraft that took many human lives;
2. *Extends* its deepest sympathy and condolences to the families of those who perished as a result of these acts of terrorism;
3. *Urges* Contracting States to cooperate actively in holding to account and punishing severely those responsible for aiding, supporting or harbouring those who perpetrated these attacks, as well as those who organized and sponsored them; and
4. *Calls upon* Contracting States to study the ways and means to reinforce the prevention of terrorist attacks by means of explosives, in particular by enhancing international cooperation and information exchange in developing technical means of detection of explosives, giving increased attention to the detection of explosive devices on the human body.

#### **A35-2: Application of Article IV of the Convention on the Marking of Plastic Explosives for the Purpose of Detection**

*Recognizing* the importance of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* in the prevention of unlawful acts against civil aviation;

*Conscious* of the current proposal made by the International Explosives Technical Commission to amend the Technical Annex to the Convention for the purpose of increasing the required minimum concentration of the detection agent 2,3-Dimethyl-2,3-Dinitrobutane (DMNB) from 0.1 to 1.0 per cent by mass;

*Bearing in mind* the desirability of maintaining a uniform regime for the detection system of the explosives, particularly after the amendment to the Technical Annex; and

*Noting* the recommendation of the Legal Committee as approved by the Council that Article IV of the Convention should be applied *mutatis mutandis* to the explosives which are not marked in accordance with the amended Technical Annex;

*The Assembly:*

*Urges* the ICAO Contracting States which are Parties to the Convention to apply Article IV of the Convention in their mutual relations in the following manner:

- 1) The explosives which, at the time of manufacture, met the requirements in Part 2 of the Technical Annex but which no longer meet the requirements of Part 2 because of the above-mentioned amendment to the Technical Annex, namely to increase the minimum concentration of the detection agent DMNB from 0.1 to 1.0 per cent by mass, shall be subjected to the provisions of Article IV, paragraphs (2) and (3), from the entry into force of that amendment.
- 2) Accordingly, when such an amendment to Part 2 of the Technical Annex enters into force, each State Party not having expressly objected to the amendment shall take the necessary measures to ensure that:
  - a) all stocks of those explosives in its territory referred to in the preceding paragraph are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective within a period of three years from the entry into force of the amendment, if these explosives are not held by its authorities performing military or police functions; and
  - b) all stocks of those explosives referred to in sub-paragraph (a) held by its authorities performing military or police functions and that are not incorporated as an integral part of duly authorized military devices are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective within a period of fifteen years from the entry into force of the amendment.
- 3) The foregoing paragraph shall apply to any State Party that withdraws its objection to the amendment as from the date it expresses its consent to be bound.
- 4) The above paragraphs shall apply *mutatis mutandis* to any future amendment to the Technical Annex unless any Contracting State notifies all other Contracting States and the Council that it does not agree to such application. Such notification shall take place within the 90-day period referred to in paragraph 3 of Article VII of the Convention.

**A35-3: A Practical Way Forward on Legal and Institutional Aspects of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems**

*Whereas* the global implementation of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) systems, which, *inter alia*, is intended to provide safety-critical services for aircraft navigation, has made substantial progress since its inception at the 10th Air Navigation Conference in 1991 and received enthusiastic endorsement at the 11th Air Navigation Conference in 2003;

*Whereas* the existing legal framework for CNS/ATM systems, namely the Chicago Convention, its Annexes, Assembly Resolutions (especially including the Charter of GNSS Rights and Obligations), associated ICAO guidance (especially including the Statement of ICAO Policy on CNS/ATM Systems Implementation and Operation), regional navigation plans, and exchanges of letters between ICAO and the States operating satellite navigation constellations has enabled the technical implementation achieved thus far;

*Whereas* ICAO has devoted substantial resources to the study of the legal and institutional aspects of CNS/ATM systems in the ICAO Assembly, the Council, the Legal Committee, and a Panel of Legal and Technical Experts and a Study Group, building a detailed record and developing an understanding of the issues, challenges, and concerns facing the global community; and

*Whereas* there is a need to also consider regional initiatives to develop measures addressing any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention;

*The Assembly:*

1. *Recognizes* the importance of Item No. 1 of the General Work Programme of the Legal Committee “Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), of the establishment of a legal framework”, and resolutions or decisions by the Assembly and the Council relating to it;

2. *Reaffirms* that there is no need to amend the Chicago Convention for the implementation of CNS/ATM systems;

3. *Invites* Contracting States to also consider using regional organizations to develop mechanisms necessary to address any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention, and public international law;

4. *Encourages* the facilitation of technical assistance in implementation of CNS/ATM systems by ICAO, regional organizations and industry;

5. *Invites* Contracting States, other multilateral agencies and private financiers to consider development of additional sources of funding for assistance to States and regional groups in implementation of CNS/ATM;

6. *Directs* the Secretary General to monitor and, where appropriate, assist in the development of contractual frameworks to which parties may accede, *inter alia*, on the basis of the structure and model proposed by the Members of the European Civil Aviation Conference and the other regional civil aviation commissions, and on international law;

7. *Invites* the Contracting States to transmit regional initiatives to the Council; and

8. *Directs* the Council to register such regional initiatives, to consider their value and to make them public as soon as possible (in accordance with Articles 54, 55 and 83 of the Chicago Convention).

**A35-4: Assembly resolutions no longer in force**

*The Assembly declares:*

1. that, subject to the provisions of clause (2) following, the resolutions or parts of resolutions specified in the list below are no longer in force; and

2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.

<b>Resolution</b>	<b>Subject</b>	<b>No longer in force because</b>
A29-2	Membership of the Federal Republic of Yugoslavia (Serbia and Montenegro)	Action completed
A22-14	Technical and economic problems related to the introduction into commercial service of supersonic aircraft	Action completed
A31-20	Apportionment of expenses of ICAO among Contracting States	Obsolete
A32-26	Assessments to the General Fund for 1999, 2000 and 2001	Action completed
A33-25	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention	Action completed
A32-24	Budgets 1999, 2000 and 2001	Action completed
A33-30	Approval of the accounts of the Organization for the financial years 1998, 1999 and 2000 and examination of the Audit Reports thereon	Action completed









































10. *Urges* all Contracting States to submit to ICAO, in a timely manner, and keep up-to-date, all the information and documentation associated with the preparation and conduct of an audit, to ensure the effective and efficient implementation of the Programme;

11. *Urges* all Contracting States to cooperate with ICAO and as much as practicable to accept audit missions as scheduled by the Organization in order to facilitate the smooth functioning of the Programme;

12. *Urges* all Contracting States to accept the primacy of USOAP audit results as meeting the established international Standards, Recommended Practices and Procedures, when considering the need for additional or supplementary safety oversight audits by States;

13. *Declares* that Resolution A33-8: *Continuation and expansion of the ICAO Universal Safety Oversight Audit Programme* has been superseded by this Resolution;

14. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the Programme.

#### **A35-7: Unified strategy to resolve safety-related deficiencies**

*Whereas* a primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Whereas* ensuring the safety of international civil aviation is also the responsibility of Contracting States both collectively and individually;

*Whereas* in accordance with Article 37 of the Convention on International Civil Aviation each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards, procedures and organization in relation to aircraft, personnel, airports, airways and auxiliary services in all matters in which uniformity will facilitate and improve air navigation;

*Whereas* the improvement of the safety of international civil aviation on a worldwide basis requires the active collaboration of all stakeholders;

*Whereas* the Convention and its Annexes provide the legal and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Contracting States implement the SARPs as far as practicable and adequately perform safety oversight;

*Whereas* the results of the Universal Safety Oversight Audit Programme (USOAP) indicate that several Contracting States have not yet been able to establish a satisfactory national safety oversight system;

*Whereas* the ICAO Technical Cooperation Bureau (TCB) can provide the required assistance to States in need;

*Whereas* the International Financial Facility for Aviation Safety (IFFAS) has been established to assist Contracting States in financing safety-related projects to correct deficiencies primarily identified through USOAP and for which they cannot otherwise provide or obtain necessary financial resources;

*Recognizing* that not all Contracting States have the requisite human, technical and financial resources to adequately perform safety oversight;

*Recognizing* that the establishment of regional and sub-regional safety oversight organizations has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and promotion of uniformity on a larger scale;

*Recognizing* that the assistance available to Contracting States experiencing difficulties in correcting deficiencies identified through the safety oversight audits would be greatly enhanced by a unified strategy involving all Contracting States, ICAO and other concerned parties in civil aviation operations;

*Recognizing* the safety enhancement contributions resulting from audits conducted by international and regional organizations such as the IATA Operational Safety Audit (IOSA) Programme and Eurocontrol ESARR Implementation Monitoring and Support (ESIMS) Programme;

*Recognizing* that transparency and sharing of safety information is one of the fundamental tenets of a safe air transportation system;

*The Assembly:*

1. *Urges* all Contracting States to share with other Contracting States critical safety information which may have an impact on the safety of international air navigation and to facilitate access to all relevant safety information;
2. *Encourages* Contracting States to make full use of available safety information when performing their safety oversight functions, including during inspections as provided for in Article 16 of the Convention;
3. *Directs* the Council to further develop practical means to facilitate the sharing of such safety information among Contracting States;
4. *Reminds* Contracting States of the need for surveillance of all aircraft operations, including foreign aircraft within their territory and to take appropriate action when necessary to preserve safety;
5. *Directs* the Council to develop a procedure to inform all Contracting States, within the scope of Article 54 j) of the Chicago Convention, in the case of a State having significant compliance shortcomings with respect to ICAO safety-related SARPs;
6. *Directs* the Council to promote the concept of regional or sub-regional safety oversight organizations;

7. *Requests* the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety, and specifically with IATA and Eurocontrol;

8. *Urges* Contracting States to further develop regional and sub-regional cooperation and, whenever feasible, partnership initiatives with other States, industry, air navigation service providers, financial institutions and other stake holders to strengthen safety oversight capabilities in order to foster a safer international civil aviation system and to better discharge their individual responsibilities;

9. *Encourages* States to foster the creation of regional or sub-regional partnerships to collaborate in the development of solutions to common problems to build their individual safety oversight capability;

10. *Encourages* all States able to do so to participate in, or provide tangible support for, the strengthening and furtherance of regional safety oversight organizations;

11. *Invites* Contracting States to use the services of the ICAO Technical Cooperation Bureau (TCB) to resolve deficiencies identified by the USOAP;

12. *Invites* Contracting States experiencing difficulties in financing measures necessary to correct safety-related deficiencies identified through USOAP to take advantage of the funding opportunity offered by the International Financial Facility for Aviation Safety (IFFAS);

13. *Requests* the Council to implement a unified strategy based on the principles of increased transparency, cooperation and assistance and to foster, where appropriate, partnership among States, users, air navigation service providers, industry, financial institutions and other stake holders to analyse causes, establish and implement sustainable solutions in order to assist States in resolving safety-related deficiencies;

14. *Directs* the Council to adopt a flexible approach for the provision of assistance through the ICAO Regional Offices to support regional and sub-regional organizations responsible for safety oversight tasks and to implement an efficient system to monitor implementation of the unified strategy.

15. *Requests* the Secretary General to investigate ways in which the identification of measures may be undertaken at national and regional levels to support States' development of ATM safety oversight capabilities and procedures.

#### **Associated practice**

1. The Council should develop ways in which all relevant information from the Audit Findings and Differences Database (AFDD) could be made available to all Contracting States through the use of the ICAO secure website.

#### **A35-8: International Financial Facility for Aviation Safety (IFFAS)**

*Whereas* under Article 44 of the Chicago Convention the aims and objectives of ICAO *inter alia* are to foster planning and development of international air transport so as to ensure the safe and orderly growth

of international civil aviation, meet the needs of the people of the world for safe, regular and economical air transport, and promote safety of flight in international air navigation;

*Whereas* under Article 69 of the Chicago Convention, if the Council is of the opinion that the airports and air navigation facilities of a Contracting State are not reasonably adequate for the safe, regular, efficient and economical operation of international air services, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose;

*Whereas* in pursuance of Resolution A32-11, the Council has brought into effect, from 1 January 1999, a Universal Safety Oversight Audit Programme, and the results of the initial audits of almost all Contracting States under that Programme have been received;

*Whereas* these audits have revealed that a number of Contracting States have to draw on scarce resources from other national priorities in order to implement effective safety oversight and that these States will require various degrees of assistance to meet their safety oversight responsibilities;

*Whereas* most developing States experience difficulties in gaining access to many financial market sources, particularly foreign capital markets, for funding their airport and air navigation services infrastructure, including safety-related components of that infrastructure;

*Whereas* the 33rd Session of the Assembly, satisfied with the Council's study demonstrating the need for an IFFAS, endorsed the establishment of IFFAS; and

*Considering* that IFFAS will provide financial support towards achieving the objectives of improving aviation safety, through the implementation of the necessary corrective measures identified in the ICAO Universal Safety Oversight Audit Programme (USOAP);

*The Assembly:*

1. *Expresses appreciation* to the Council and the Secretary General for:
  - a) preparing and adopting a clear administrative charter for IFFAS, taking into account the principles and objectives in Resolution A33-10, in particular voluntary participation by States; eligibility for benefits by a State dependent on contributions or other participation by that State; and complete independence from ICAO's Programme Budget;
  - b) establishing the International Financial Facility for Aviation Safety (IFFAS);
  - c) establishing a Governing Body of IFFAS which ensures adequate representation from amongst participating parties;
  - d) developing Rules of Procedure and guidelines for the Governing Body of IFFAS consistent with ICAO's legal regime; and
  - e) ensuring initial implementation of IFFAS within the 2002-2004 triennium;

2. *Expresses appreciation* to Contracting States and international organizations for their contributions and pledges to IFFAS;
3. *Invites* Contracting States experiencing difficulties in financing measures necessary to correct safety-related deficiencies identified through the ICAO Universal Safety Oversight Audit Programme (USOAP) as an element of the Global Aviation Safety Plan (GASP) to take advantage of the assistance which can be offered by IFFAS in the financing of such measures by direct funding or as a facilitator and catalyst for other sources of funding, in order to ensure that required aviation safety standards be maintained globally;
4. *Urges* Contracting States to consider participation in IFFAS by making voluntary financial or in kind contributions to the Facility;
5. *Strongly encourages* international organizations (private and public) having association with international aviation, airlines, airports, providers of air navigation services, manufacturers of airframes, engines and avionics, other members of the aerospace industry, and civil society, to make voluntary financial or in kind contributions to IFFAS;
6. *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding IFFAS activities, including performance assessment and audited financial statements; and
7. *Declares* that this Resolution supersedes Resolution A33-10.

**A35-9: Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference**

*Whereas* it is considered desirable to consolidate Assembly resolutions on the policies related to the safeguarding of international civil aviation against acts of unlawful interference in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized;

*Whereas* in Resolution A33-2 the Assembly resolved to adopt at each session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement of continuing ICAO policies in Resolution A33-2, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 35th Session;

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, up to date as these policies exist at the close of the 35th Session of the Assembly.

2. *Resolves* to request the Council to submit at each ordinary session for review a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

3. *Declares* that this resolution supersedes Resolution A33-2.

## **APPENDIX A**

### **General policy**

*Whereas* the development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to general security;

*Whereas* acts of unlawful interference against civil aviation have become the main threat to its safe and orderly development;

*Whereas* the threat of terrorist acts posed by man-portable air defence systems (MANPADS) and other surface-to-air missiles systems, light weapons and rocket propelled grenades, unlawful seizure of aircraft, facility attacks and other acts of unlawful interference against civil aviation, including acts aimed at destruction of aircraft, as well as acts aimed at using the aircraft as a weapon of destruction, have a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endanger the lives of persons on board and on the ground and undermine the confidence of the peoples of the world in the safety of international civil aviation;

*Whereas* all acts of unlawful interference against international civil aviation constitute a grave offence in violation of international law;

*Recalling* Assembly Resolution A33-1, which directed the Council to convene an international high-level, ministerial conference on aviation security with the objectives of preventing, combatting and eradicating acts of terrorism involving civil aviation; of strengthening ICAO's role in the adoption of SARPs in the field of security and audit of their implementation; and of ensuring the necessary financial means;

*Considering* the recommendation of the High-level, Ministerial Conference on Aviation Security held in February 2002, to adopt an ICAO Aviation Security Plan of Action which includes, *inter alia*, the identification, analysis and development of an effective global response to new and emerging threats; integration of measures to be taken in specific fields, including airports, aircraft, and air traffic control systems; and a follow-up programme to assist with the rectification of identified deficiencies; and

*Endorsing* actions taken so far by the Council, in particular the adoption of the ICAO Aviation Security Plan of Action in June 2002, as well as the new preventive measures, strengthening the means available to the Organization and assuming functions related to the implementation of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*;

*The Assembly:*

1. *Strongly condemns* all acts of unlawful interference against civil aviation wherever and by whomsoever and for whatever reason they are perpetrated;
2. *Reaffirms* the important role of ICAO to facilitate the resolution of questions which may arise between Contracting States in relation to matters affecting the safe and orderly operation of international civil aviation throughout the world;
3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority by ICAO and its Member States;
4. *Notes* with abhorrence acts of unlawful interference aimed at the destruction in flight of civil aircraft in commercial service including any misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;
5. *Calls upon* all Contracting States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures individually and in cooperation with one another, to suppress acts of unlawful interference and to punish the perpetrators of any such acts;
6. *Directs* the Council to continue its work relating to measures for prevention of acts of unlawful interference, in particular the implementation of the ICAO Aviation Security Plan of Action; and
7. *Urges* all Contracting States to contribute to the ICAO Aviation Security Plan of Action, since its implementation is largely dependent on voluntary contributions.

## **APPENDIX B**

### **International legal instruments, national legislation and bilateral agreements for the suppression of acts of unlawful interference with civil aviation**

#### *a) International legal instruments*

*Whereas* the protection of civil aviation from acts of unlawful interference has been enhanced by the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), by the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), by the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation* (Montreal, 1971), by the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, (Montreal, 1988) as well as by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montreal, 1991) and by bilateral agreements for the suppression of such acts;

*The Assembly:*

1. *Urges* Contracting States which have not yet done so to become parties to the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), to the *Convention for the*

*Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), to the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation* (Montreal, 1971) and the 1988 Supplementary Protocol to the Montreal Convention, and to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montreal, 1991);

2. *Calls upon* States not yet parties to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* to give effect, even before ratification, acceptance, approval or accession, to the principles of that instrument and calls upon States which manufacture plastic explosives to implement the marking of such explosives as soon as possible; and

3. *Directs* the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague and Montreal Conventions, to the 1988 Supplementary Protocol to the Montreal Convention and the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* and to provide assistance requested by States encountering any difficulties in becoming parties to these instruments.

*b) Enactment of national legislation and bilateral agreements*

*Whereas* deterrence of acts of unlawful interference with civil aviation can be greatly facilitated through the enactment by Contracting States of national criminal laws providing severe penalties for such acts;

*The Assembly:*

1. *Calls upon* Contracting States to give special attention to the adoption of adequate measures against persons committing acts of unlawful seizure of aircraft or other acts of unlawful interference against civil aviation, and in particular to include in their legislation rules for the severe punishment of such persons; and

2. *Calls upon* Contracting States to take adequate measures relating to the extradition or prosecution of persons committing acts of unlawful seizure of aircraft or other acts of unlawful interference against civil aviation by adopting appropriate provisions in law or treaty for that purpose or by strengthening existing arrangements and by concluding appropriate agreements for the suppression of such acts which would provide for the extradition of persons committing criminal attacks on international civil aviation.

## **APPENDIX C**

### **Implementation of technical security measures**

*Whereas* protection of civil aviation against acts of unlawful interference requires continued vigilance and development and implementation of positive safeguarding action by the Organization and its Contracting States;

*Whereas* a clear need exists for the strengthening of security to be applied to all phases and processes associated with the carriage of persons, their cabin and checked baggage, cargo, mail, courier and express parcels;

*Whereas* the responsibility for ensuring that security measures are applied by government agencies, airport authorities and aircraft operators rests with the Contracting States;

*Whereas* the implementation of the security measures advocated by ICAO is an effective means of preventing acts of unlawful interference with civil aviation; and

*Whereas* countermeasures for protection of civil aviation can only be effective through employment of highly-trained security personnel, in addition to background checks, certification and quality control;

*The Assembly:*

1. *Urges* the Council to continue to attach the highest priority to the adoption of effective measures for the prevention of acts of unlawful interference commensurate with the current threat to the security of international civil aviation and to keep up to date the provisions of Annex 17 to the Chicago Convention;

2. *Requests* the Council to complete, in addition to the International Explosives Technical Commission (IETC) mandate as prescribed by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, studies into methods of detecting explosives or explosive materials, especially into the marking of those explosives of concern, other than plastic explosives, with a view to the evolution, if needed, of an appropriate comprehensive legal regime;

3. *Urges* all States on an individual basis and in cooperation with other States to take all possible measures for the suppression of acts of violence at airports serving international civil aviation, in particular, those required or recommended in Annex 17 to the Convention on International Civil Aviation;

4. *Urges* Contracting States to intensify their efforts for the implementation of existing Standards and Recommended Practices (SARPs), and Procedures relating to aviation security, to monitor such implementation, to take all necessary steps to prevent acts of unlawful interference against international civil aviation and to give appropriate attention to the guidance material contained in the ICAO Security Manual and available on the ICAO secured website;

5. *Calls upon* Contracting States, while respecting their sovereignty, to substantially enhance cooperation and coordination between them in order to improve such implementation;

6. *Requests* the Council to ensure, with respect to the technical aspects of aviation security, that:

- a) the provisions of Annex 17 and Annex 9 — *Facilitation* are compatible with and complementary to each other provided the effectiveness of security measures is not compromised;
- b) when considered necessary, the agenda of ICAO meetings include items dealing with aviation security which are relevant to the subject of such meetings;
- c) regional aviation security seminars are convened by ICAO after consultation with or at the request of States concerned;

- d) the ICAO Training Programme for Aviation Security comprising Aviation Security Training Packages (ASTPs) for use by States continues to be developed; and
- e) ICAO assumes the coordination role, of the aviation security training centres (ASTCs) to ensure training standards are maintained and sound levels of cooperation are achieved; and

7. *Directs* the Secretary General to continue to update and amend at appropriate intervals the Security Manual and develop new guidance material designed to assist Contracting States in implementing the specifications and procedures related to civil aviation security.

## **APPENDIX D**

### **Action of States concerned with an act of unlawful interference**

a) *Acts of unlawful interference*

*Whereas* acts of unlawful interference continue seriously to compromise the safety, regularity and efficiency of international civil aviation;

*Whereas* the safety of flights of aircraft subjected to an act of unlawful seizure may be further jeopardized by the denial of navigational aids and air traffic services, the blocking of runways and taxiways and the closure of airports; and

*Whereas* the safety of passengers and crew of an aircraft subjected to an act of unlawful seizure may also be further jeopardized if the aircraft is permitted to take off while still under seizure;

*The Assembly:*

1. *Notes with concern* the large number of acts of unlawful interference, in particular the facility attacks inside the terminal buildings targeting passengers and public before the security screening points;

2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague Conventions, and the 1988 Supplementary Protocol to the Montreal Convention;

3. *Urges* Contracting States which have not done so to become parties to the 1988 Supplementary Protocol to the Montreal Convention;

4. *Recommends* that States take into account the above considerations in the development of their policies and contingency plans for dealing with acts of unlawful interference;

5. *Urges* Contracting States to provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigational aids, air traffic services and permission to land;

6. *Urges* Contracting States to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life;

7. *Recognizes* the importance of consultations between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft as well as notification by the State where the aircraft has landed to the States of assumed or stated destination;

8. *Urges* Contracting States to cooperate for the purpose of providing a joint response in connection with an act of unlawful interference, as well as utilizing, if necessary, the experience and capabilities of the State of the operator of an aircraft, the State of manufacture and the State of registration which has been subjected to an act of unlawful interference while taking measures in their territory to free the passengers and crew members of that aircraft;

9. *Condemns* any failure by a Contracting State to fulfil its obligations to return without delay an aircraft which is being illegally detained or to extradite or submit to competent authorities without delay the case of any person accused of an act of unlawful interference with civil aviation; and

10. *Calls upon* Contracting States to continue to assist in the investigation of such acts and in the apprehension and prosecution of those responsible.

b) *Reporting on acts of unlawful interference*

*The Assembly:*

1. *Reminds* States parties of their obligations under Article 11 of The Hague Convention and Article 13 of the Montreal Convention, following occurrences of unlawful interference, to forward all relevant information required by those Articles to the Council; and

2. *Directs* the Secretary General, within a reasonable time from the date of a specific occurrence of unlawful interference, to ask that States parties concerned forward to the Council in accordance with their national law all relevant information required by those Articles concerning such occurrence, including particularly information relating to extradition or other legal proceedings.

## **APPENDIX E**

### **The ICAO Universal Security Audit Programme**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety and security of international civil aviation worldwide;

*Whereas* promoting the implementation of international aviation security Standards contributes to this objective;

*Whereas* Article 37 of the Convention requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

*Recalling* that the 33rd Session of the Assembly directed the Council and the Secretary General to consider the establishment of an ICAO universal security oversight audit programme relating to, *inter alia*, airport security arrangements and civil aviation security programmes;

*Recalling* that the 33rd Session of the Assembly directed the Council to convene, at the earliest possible date, an international High-level, Ministerial Conference on Aviation Security with the objective, *inter alia*, of strengthening ICAO's role in the adoption of SARPs in the field of security and the audit of their implementation;

*Considering* the recommendations of the High-level Ministerial Conference on Aviation Security convened in Montreal in February 2002, which called for the adoption of an ICAO Aviation Security Plan of Action which provides, *inter alia*, for the establishment of a comprehensive programme of regular, mandatory, systematic and harmonized aviation security audits to be carried out by ICAO in all Contracting States;

*Considering* the adoption of the ICAO Aviation Security Plan of Action by the Council of ICAO during its 166th Session;

*Considering* that the ICAO Universal Security Audit Programme (USAP) has been launched, with the first ICAO aviation security audit taking place in November 2002;

*Recognizing* that the implementation of the USAP is proving to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution;

*Recognizing* that the continuation of the USAP is essential to create mutual confidence in the level of aviation security between Contracting States and to ensure the adequate implementation of security-related Standards; and

*Recognizing* that all of the activities of the USAP are currently funded through the voluntary contributions of Contracting States;

*The Assembly:*

1. *Requests* the Secretary General to continue the ICAO Universal Security Audit Programme (USAP), comprising regular, mandatory, systematic and harmonized aviation security audits of all Contracting States, with such audits conducted at both national and airport levels in order to evaluate States' aviation security oversight capabilities as well as the actual security measures in place at selected key airports;

2. *Urges* all Contracting States to agree to audits to be carried out upon ICAO's initiative by signing a bilateral Memorandum of Understanding with the Organization, as approved by the Council during its 167th Session;

3. *Urges* all Contracting States to give full support to ICAO by accepting the audit missions as scheduled by the Organization, facilitating the work of the audit teams, and preparing and submitting to ICAO an appropriate corrective action plan to address deficiencies identified during the audit;

4. *Urges* all Contracting States to share, as appropriate and consistent with their sovereignty, the results of the audit carried out by ICAO and the corrective actions taken by the audited State, if requested by another State;

5. *Requests* the Council to ensure the long-term financial sustainability of the USAP by progressively integrating its activities as soon as possible into the Regular Programme Budget; and

6. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the USAP.

## APPENDIX F

### **Assistance to States in the implementation of technical measures for the protection of international civil aviation**

*Whereas* the implementation of technical measures for prevention of acts of unlawful interference with international civil aviation requires financial investment and training of personnel;

*Whereas*, notwithstanding assistance given, some countries, in particular developing countries, still face difficulties in fully implementing preventive measures due to insufficient financial, technical and material resources; and

*Whereas* aviation security is vital to all Contracting States for the proper operation of their airlines all around the world;

*The Assembly:*

1. *Invites* developed countries to give assistance to the countries which are not able to implement programmes of suggested technical measures for the protection of aircraft on the ground and, in particular, in the processing of passengers, their cabin and checked baggage, cargo, mail, courier and express parcels;

2. *Invites* Contracting States to bear in mind the possibility offered by the Mechanism for effective implementation of Standards and Recommended Practices (SARPs) contained in Annex 17, the United Nations Development Programme and the Technical Co-operation among Developing Countries to meet their technical assistance requirements arising from the need to protect international civil aviation;

3. *Invites* Contracting States to take advantage of short-term remedial assistance available under the AVSEC Mechanism and longer-term State assistance projects under the Technical Co-operation Programme to remedy deficiencies identified during audits;

4. *Urges* all States that have the means to do so to increase technical, financial and material assistance to countries in need of such assistance to improve aviation security through bilateral and multilateral effort, in particular, through the ICAO AVSEC Mechanism ;

5. *Urges* all Contracting States to take advantage of the availability of ICAO aviation security training centres (ASTCs) for the purpose of enhancing training standards; and

6. *Urges* the international community to consider increasing assistance to States and enhance cooperation amongst them, in order to be able to benefit from the achievement of the aims and objectives of

the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, in particular through the International Explosives Technical Commission (IETC).

## APPENDIX G

### **Action by the Council with respect to multilateral and bilateral cooperation in different regions of the world**

*Whereas* the rights and obligations of States under the international conventions on aviation security and under the SARPs adopted by the Council on aviation security could be complemented and reinforced in bilateral cooperation between States;

*Whereas* the bilateral agreements on air services represent the main legal basis for international carriage of passengers, baggage, cargo and mail; and

*Whereas* provisions on aviation security should form an integral part of the bilateral agreements on air services;

*The Assembly:*

1. *Urges* all Contracting States to insert into their bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986 and to take into account the model agreement adopted by the Council on 30 June 1989; and

2. *Recommends* that the Council continue to:

- a) gather the results of States' experience in cooperation to suppress acts of unlawful interference with international civil aviation;
- b) analyse the existing situation in the fight against acts of unlawful interference with international civil aviation in different regions of the world; and
- c) prepare recommendations for strengthening measures to suppress such acts of unlawful interference.

## APPENDIX H

### **International and regional cooperation in the field of aviation security**

*Mindful of* the need for strengthening measures to prevent all acts of unlawful interference with civil aviation; and

*Recognizing* that the threat posed to civil aviation requires development of an effective global response by States as well as concerned international and regional organizations;

*The Assembly:*

1. *Invites* the International Criminal Police Organization (ICPO/INTERPOL), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Air Line Pilots' Associations (IFALPA) and the Organization for Security and Cooperation for Europe (OSCE) to continue their cooperation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference;

2. *Directs* the Council to take into account the G8 Secure and Facilitated International Travel Initiative (SAFTI) and collaborate with this group and other relevant groups of States in its work relating to development of countermeasures against the threat posed by man-portable air defence systems (MANPADS) and encourage their implementation by all Contracting States; and

3. *Directs* the Council to cooperate with the United Nations Counter-Terrorism Committee (CTC), in the global effort to combat terrorism.

#### **A35-10: Financial contributions to the Aviation Security Plan of Action**

*Whereas* the development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to general security;

*Whereas* the threat of terrorist acts, unlawful seizure of aircraft and other acts of unlawful interference against civil aviation, including acts aimed at destruction of aircraft, as well as acts aimed at using the aircraft as a weapon of destruction, have a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endanger the lives of persons on board and on the ground and undermine the confidence of the peoples of the world in the safety of international civil aviation;

*Recalling* its Resolutions A33-1 and A33-2;

*Endorsing* the Aviation Security Plan of Action adopted by the Council to urgently address the new and emerging threats to civil aviation, in particular the establishment of an ICAO Universal Security Audit Programme relating to, *inter alia*, airport security arrangements and civil aviation security programmes, the review of the adequacy of the existing aviation security conventions and the review of the ICAO aviation security programme, including a review of Annex 17 and other related Annexes to the Convention;

*Convinced* that aviation security continues to remain a critical and priority programme of ICAO and of the need to establish and implement work programmes in the next triennium to address the issues identified under Assembly Resolutions A33-1 and A33-2; and

*Noting* that much of the funding required to implement the work programme relating to aviation security could not be included within the Regular Programme Budget for the 2005-2007 due to budgetary and financial constraints;

*The Assembly:*

1. *Expresses* its appreciation to the relevant Contracting States for the voluntary contributions in the form of human and financial resources expected to reach at least U.S. \$ 12 million by the end of 2004 for the implementation of the Aviation Security Plan of Action during the 2002-2004 triennium;
2. *Endorses* the indicative funding requirements from extrabudgetary resources for the implementation of the Aviation Security Plan of Action totaling U.S. \$ 20 million for the financial years 2005, 2006 and 2007;
3. *Urges* all Contracting States to provide voluntary contributions to the Enhanced AVSEC Mechanism to finance the implementation of the Aviation Security Plan of Action, the suggested contributions to be based upon the scales of assessments approved by the Assembly for the Regular Programme Budget for 2005, 2006 and 2007;
4. *Urges* all Contracting States to make pledges of voluntary contributions in advance and make contributions early in the financial year so as to ensure the proper planning and implementation of the Aviation Security Plan of Action; and
5. *Urges* the Council to ensure the long term sustainability of the Aviation Security Plan of Action by progressively, and as soon as possible, incorporating the funding requirements within the Regular Programme Budget, and accordingly *requests* the Secretary General to make specific proposals in this regard, taking into consideration the priority accorded to aviation security, when preparing the draft Programme Budget for 2008-2010.

**A35-11: Threat to civil aviation posed by man-portable air defence systems (MANPADS)**

*Expressing its deep concern* regarding the global threat posed to civil aviation by terrorist acts, in particular the threat posed by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket propelled grenades;

*Recalling* its Resolution A33-1: *Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation*, which directs the Council and the Secretary General to act urgently to address the new and emerging threats to civil aviation;

*Recalling* United Nations General Assembly resolutions 58/241 *on the illicit trade in small arms and light weapons in all its aspects* and 58/54 *on transparency in armaments*;

*Noting* the Wassenaar Arrangement *on Export Controls for Conventional Arms and Dual-Use Goods and Technologies*, *Elements for Export Controls of MANPADS* and the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Material*;

*Welcoming* the ongoing efforts of other international and regional organizations aimed at developing a more comprehensive and coherent response to the threat to civil aviation posed by MANPADS;

*Recognizing* that the specific threat posed by MANPADS requires a comprehensive approach and responsible policies on the part of States; and

*Considering* that its Resolution A32-23: *MANPADS Export Control* is no longer adequate and that a more far-reaching resolution is now required;

*The Assembly:*

1. *Urges* all Contracting States to take the necessary measures to exercise strict and effective controls on the import, export, transfer or retransfer, as well as storage of MANPADS;

2. *Calls upon* all Contracting States to cooperate at the international, regional and subregional levels with a view to enhancing and coordinating international efforts aimed at implementing countermeasures carefully chosen with regard to their effectiveness and cost, and combatting the threat posed by MANPADS;

3. *Calls upon* all Contracting States to take the necessary measures to ensure the destruction of non-authorized MANPADS in their territory, as soon as possible;

4. *Urges* all Contracting States to actively participate in the development of an international instrument for the purpose of identifying and tracing illicit small arms and light weapons as referred to in the United Nations General Assembly resolution 58/241 *on the illicit trade in small arms and light weapons in all its aspects*;

5. *Urges* all Contracting States to apply the principles defined in the *Elements for Export Controls of MANPADS of the Wassenaar Arrangement*, if they have not yet participated in the Arrangement; and

6. *Declares* that this resolution supersedes Resolution A32-23: *MANPADS Export Control*.

**A35-12: Protection of the health of passengers and crews and prevention of the spread of communicable disease through international travel**

*Whereas* Article 44 of the *Convention on International Civil Aviation* states that “The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to: ... meet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

*Whereas* Article 14 of the *Convention on International Civil Aviation* states that “Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft”;

*Whereas* the worldwide transmission of communicable diseases by means of air transport, and the threat thereof, have increased in past years;

*Whereas* Assembly Resolution A29-15 urges all contracting States to take necessary measures to restrict smoking progressively on all international passenger flights with the objective of implementing complete smoking bans by 1 July 1996;

*Whereas* the increasing number of elderly and handicapped persons travelling by air and the increasing duration of international flights may pose additional risks to the health of passengers and may give rise to more frequent medical emergencies on board;

*Whereas* ICAO forecasts a five per cent annual increase in the number of passengers in the foreseeable future, thus potentially increasing the occurrence of medical emergencies during air travel;

*Whereas* the communication technologies have made possible in-flight diagnosis and treatment of passengers by doctors based at ground facilities;

*Whereas* health issues are becoming a consideration for some in their decision to fly or not, with a potential for highly detrimental impact on the economy of airlines and airports;

*Whereas* there is a need to coordinate for global application the considerable activity and progress on health issues by ICAO, some contracting States, the European Civil Aviation Conference (ECAC), the World Health Organization (WHO), the World Tourism Organization (WTO-OMT) and international organizations such as the Aerospace Medical Association (AsMA), International Academy of Aviation and Space Medicine (IAASM), International Air Transport Association (IATA), Airports Council International (ACI) and other interested organizations;

*The Assembly:*

1. *Declares* that the protection of the health of passengers and crews on international flights is an integral element of safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner;
2. *Requests* the Council to review existing SARPs related to passenger and crew health and develop new SARPs where appropriate with due consideration of global health issues and recent developments in air transport operations;
3. *Requests* the Council to establish suitable institutional arrangements to coordinate efforts by contracting States and other members of the international civil aviation community aimed at protecting the health of passengers and crews;
4. *Requests* the Council as a matter of priority to develop Standards and Recommended Practices in the appropriate Annexes to the Convention in order to address contingency plans to prevent the spread of communicable diseases by air transport;
5. *Urges* all contracting States, in the meantime, to ensure the implementation of existing SARPs related to the health of passengers and crews;
6. *Requests* the Council to support further research on the consequences of air transport on the health of passengers and crews;

7. *Requests* the Council to report on the implementation of this resolution in all aspects to the next ordinary Session of the Assembly.

**A35-13: Non-chemical aircraft disinsection of the cabin and flight deck for international flights**

*Whereas* all nations benefit from the safe, secure, efficient and effective operation of the international civil aviation system;

*Whereas* Assemblies have demonstrated a concern for and a contribution to human welfare in the quality of life and in the environment in which human beings work and engage in other pursuits, including matters related to engine emissions, the ozone layer, aircraft noise, smoking and invasive alien species;

*Whereas* Assemblies have recognized a responsibility to achieve maximum compatibility between civil aviation operation and the quality of the human environment;

*Whereas* there is concern that the current practice by some States of requiring the use of insecticides to disinsect aircraft can result in discomfort and raises questions about possible adverse health effects to aircraft crews and passengers; and

*Whereas* recently conducted research has shown non-chemical methods of disinsection to be efficacious in preventing the entry into aircraft of mosquitoes and other flying insects.

*The Assembly:*

1. *Requests* the Council to assist the World Health Organization in evaluating non-chemical approaches to aircraft disinsection;
2. *Requests* the Council to encourage the exploration of non-chemical approaches to aircraft disinsection of the cabin and flight deck; and
3. *Requests* the Council to report on the implementation of this Resolution to the next ordinary Session of the Assembly.

**A35-14: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation**

*Whereas* in Resolution A15-9 the Assembly resolved to adopt in each session for which a Technical Commission is established a consolidated statement of continuing policies related specifically to air navigation up to date as at the end of that session;

*Whereas* a statement of continuing policies and associated practices related specifically to air navigation as they existed at the end of the 33rd Session of the Assembly was adopted by the Assembly in Resolution A33-14, Appendices A to X inclusive;

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A33-14, Appendices A to X inclusive, and has amended the statement to reflect the decisions taken during the 35th Session; and

*Whereas* the statement of continuing policies in Resolution A33-14 is hereby superseded;

*The Assembly:*

1. *Resolves* that:
  - a) the Appendices attached to this resolution constitute the consolidated statement of continuing air navigation policies and associated practices of the Organization as they exist at the close of the 35th Session of the Assembly; and
  - b) the practices associated with the individual policies in the appendices constitute guidance intended to facilitate and ensure implementation of the respective policies;
2. *Declares* that this resolution supersedes Resolution A33-14 with its Appendices A to X inclusive.

## **APPENDIX A**

### **Formulation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)**

*Whereas* Article 37 of the *Convention on International Civil Aviation* requires the Organization to adopt and amend international Standards and Recommended Practices and Procedures and states the purpose of and the matters to be dealt with in that action, and Articles 38, 54, 57 and 90 contain additional relevant provisions;

*Whereas* the Assembly deems it advisable to establish certain policies to be followed in complying with these provisions of the Convention; and

*Whereas* the terms “Standard” and “Recommended Practice” have the following meanings:

- a) *Standard*— any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38 of the Convention; and
- b) *Recommended Practice*— any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation and to which Contracting States will endeavour to conform in accordance with the Convention;

*The Assembly resolves that:*

1. SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, inter alia, to provide a sound basis for regional planning and the provision of facilities and services;
2. subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to enable the Contracting States to maintain stability in their national regulations. To this end amendments shall be limited to those significant to safety, regularity and efficiency, and editorial amendments shall be made only if essential;
3. SARPs and PANS shall be drafted in clear, simple and concise language. For complex aeronautical systems, SARPs shall consist of broad, mature and stable provisions specifying system-level, functional and performance requirements that provide for the requisite safety levels and interoperability. For such systems, any technical specifications necessary to achieve these requirements shall be appendices to Annexes. Any related detailed technical specifications shall be placed in separate documents and be referenced in Annexes by means of notes.
4. in the development of SARPs, procedures and guidance material, ICAO should utilize, to the maximum extent appropriate and subject to the adequacy of a verification and validation process, the work of other recognized standards-making organizations. Where deemed appropriate by the Council, material developed by these other standards-making organizations should be referenced in ICAO documentation;
5. to the extent consistent with the requirements of safety and regularity, Standards specifying the provision of facilities and services shall reflect a proper balance between the operational requirements for such facilities and services and the economic implications of providing them;
6. Contracting States shall be consulted on proposals for the amendment of SARPs and PANS before the Council acts on them, except when the Council may deem urgent action to be necessary. Furthermore, subject to the adequacy of the verification and validation process, technical specifications for complex systems may be acted upon by the Council without consultation with States. Such material shall however be made available to States upon request;
7. the applicability dates of amendments to SARPs and PANS shall be so established as to allow the Contracting States sufficient time for their implementation; and
8. unless exceptional circumstances dictate otherwise, the applicability dates of amendments to Annexes and PANS shall be so established as to avoid the need for Contracting States to amend their national regulations more often than twice per calendar year. In the application of the foregoing, whenever practicable, any one Annex or PANS document shall not be amended more frequently than once per calendar year.

### **Associated practices**

1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system- level, functional and performance requirements. The Council should continue seeking the most appropriate means of development, processing and dissemination of technical specifications for complex systems.
2. Contracting States should comment fully and in detail on the proposals for amendment of SARPs and PANS or at least should express their agreement or disagreement on their substance. They should be allowed at least three months for this purpose. Furthermore, Contracting States should receive at least thirty days of notification of the intended approval or adoption of detailed material on which they are not consulted.
3. Contracting States should be allowed a full three months for notifying disapproval of adopted SARPs amendments; in establishing a date for notifying disapproval the Council should take into account the time needed for transmission of the adopted amendments and for receipt of notifications from States.
4. In the application of the provision in Resolving Clause 8 above, the Council should ensure that, whenever practicable, the interval between successive common applicability dates of amendments to Annexes and PANS is at least six months.

## **APPENDIX B**

### **Air navigation meetings of worldwide scope**

*Whereas* the holding of worldwide air navigation meetings is an important function of ICAO and entails substantial expenditures of effort and money by the Contracting States and the Organization; and

*Whereas* it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden upon the Contracting States or the Organization;

*The Assembly resolves that:*

1. meetings, convened by the Council, in which all Contracting States may participate on an equal basis shall be the principal means of progressing the resolution of problems of worldwide import, including the development of amendments to the Annexes and other basic documents in the air navigation field;
2. such meetings shall be convened only when justified by the number and importance of the problems to be dealt with and when there is the likelihood of constructive action on them; meetings convened on this basis may also be requested to conduct exploratory discussions on matters not mature for definite action;

3. the organization of such meetings shall be arranged so that they are best suited to carry out the assigned task and to provide proper coordination among the technical specialities involved; and

4. unless necessitated by extraordinary circumstances, not more than two such meetings shall be convened in a calendar year, and successive meetings dealing extensively with the same technical specialty shall be separated by at least twelve months.

### **Associated practices**

1. Before deciding to refer a matter to a worldwide meeting, the Council should consider whether correspondence with States or use of machinery such as panels or air navigation study groups could dispose of it or facilitate subsequent action on it by a future meeting.

2. The agenda should be sufficiently explicit to define the task to be performed and to indicate the types of specialized expertise that will be needed at the meeting. In an agenda including more than one technical specialty the types of expertise called for should be kept to the minimum compatible with efficiency.

3. To facilitate the participation of all Contracting States, the Council should so plan the meeting programme as to keep to the minimum, consistent with efficiency, the demands upon the time of States' technical officials.

4. The planned duration of a meeting should allow adequate time for completion of the agenda, study of the report as drafted in the working languages of the meeting and approval of the report. Following the meeting, the Secretariat should make any necessary minor editorial amendments and typographical corrections to the meeting report.

5. The approved agenda and the main supporting documentation should be dispatched, normally by air, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation; other documentation should be dispatched as soon as possible.

## **APPENDIX C**

### **Panels of the Air Navigation Commission (ANC)**

*Whereas* panels of the Air Navigation Commission have proved a valuable medium for advancing the solution of specialized technical problems; and

Whereas it is necessary to ensure that maximum benefit is obtained from Air Navigation Commission panels without imposing any undue burden upon the Contracting States or the Organization;

*The Assembly resolves that:*

1. panels of the Air Navigation Commission shall be established when it is necessary to advance the solution of specialized technical problems which cannot be solved adequately or expeditiously by the Air Navigation Commission through other established facilities;
2. the terms of reference and the work programmes of panels shall be clear and concise and the panels shall be required to adhere to them; and
3. the progress of panels of the Air Navigation Commission shall be reviewed periodically and panels shall be terminated as soon as the task assigned to them has been accomplished. A panel shall be allowed to continue in existence for more than four years only if its continuation is considered justified by the Air Navigation Commission.

### **Associated practice**

Reports should be clearly presented as the advice of a group of experts to the Air Navigation Commission so that they cannot be construed as representing the views of Contracting States.

## **APPENDIX D**

### **Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)**

*Whereas* Article 37 of the *Convention on International Civil Aviation* requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

*Whereas* in accordance with Article 38 of the Convention any Contracting State which finds it impractical to comply in all respects with any international standard or procedure and deems it necessary to adopt regulations or practices differing therefrom is obliged to give immediate notification to ICAO; and

*Whereas* it is important that all available means of the Organization be employed in encouraging and assisting the Contracting States in overcoming their difficulties in implementation of SARPs and PANS;

*The Assembly resolves that:*

1. Contracting States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means; and
2. the differences between the regulations and the practices of Contracting States and the SARPs and PANS shall be monitored with the aim of encouraging the elimination of those differences that are important for the safety and regularity of international air navigation or are inconsistent with the objectives of the international Standards.

### **Associated practices**

1. In encouraging and assisting Contracting States in the application of SARPs and PANS the Council should make use of all existing means including the resources of the Headquarters, the ICAO Regional Offices and the United Nations Development Programme.

2. Contracting States should continue, and where necessary should intensify, their efforts to apply at their operating installations practices and procedures that are in accordance with the current SARPs and PANS. In this regard, the Contracting States should consider the practicability of modifying the internal processes by which they give effect to the provisions of SARPs and PANS, if such modifications would expedite or simplify the processes or make them more effective.

3. The Council should urge Contracting States to notify the Organization of any differences that exist between their national regulations and practices and the provisions of SARPs as well as the date or dates by which they will comply with the SARPs. The notifications of differences from SARPs received should be promptly issued in supplements to the relevant Annexes. Contracting States should also be requested to publish in their AIPs any significant differences from the SARPs and PANS.

4. In the monitoring of the differences from SARPs and PANS, the Council should request reports from Contracting States that have not or have incompletely reported to the Organization the implementation of SARPs. Furthermore, the Council should also request Contracting States that have not published in their AIPs information on the implementation of SARPs and PANS to publish it.

## **APPENDIX E**

### **ICAO technical manuals and circulars**

*Whereas* up-to-date technical guidance material made available through ICAO provides extremely valuable assistance to administrations in the planning for implementation of Standards and Recommended Practices, Procedures for Air Navigation Services and Regional Plans;

*Whereas* it is equally important to provide for the availability of appropriate technical guidance for the training of staff and the updating of the knowledge of operating personnel, as warranted by advancing technology, thus improving the quality of service and enhancing the level of safety in air operations;

*Whereas* no satisfactory alternative exists for the provision of such guidance material on an international level other than under the aegis of ICAO; and

*Whereas* the maintenance of existing ICAO manuals and the development of new manuals and circulars, as appropriate, is a major task in terms of both technical and administrative personnel requirements, involving conflicting priorities and requiring special measures related to Secretariat capacity and publication practices;

*The Assembly resolves* that priority shall be provided for the continuing updating of the contents of present ICAO technical manuals and the development of additional guidance material as warranted by advancing technology, thus ensuring optimum value for Contracting States in their implementation of Standards, Recommended Practices and Procedures for Air Navigation Services as well as planning for and implementation of facilities and services.

### **Associated practices**

1. The Council, taking into account the requirement to improve still further existing safety levels, should keep under review the ICAO technical manuals and circulars programme so as to ensure that all appropriate technical fields are adequately covered by the necessary guidance material.

2. The Council should seek means by which appropriate technical manuals and circulars can be produced and published without undue delay and without competing with priorities in the production of routine publications.

## **APPENDIX F**

### **Units of measurement**

*Whereas* in the interest of safety of international air and ground operations, unification of units of measurement should be achieved;

*Whereas* it is important that standard units of measurement are used in a uniform manner in ICAO air navigation publications; and

*Whereas* Annex 5, Fourth Edition, specifies the use of a standardized system of units of measurement in international civil aviation air and ground operations based on the International System of Units (SI) but permits the use of certain non-SI units on a permanent basis and others on a temporary basis;

*The Assembly resolves* that:

1. Contracting States shall be encouraged to bring their national regulations and practices into conformity with the provisions of Annex 5, as soon as practicable; and

2. in all ICAO air navigation publications the units of measurement shall be expressed in the units specified in Annex 5 where appropriate units exist therein.

## APPENDIX G

### **Certificates of airworthiness, certificates of competency and licences of flight crews**

*Whereas* Article 33 of the Convention does not explicitly define the purposes for which recognition is to be accorded to certificates and licences;

*Whereas* several interpretations exist as to whether or not there is any obligation on Contracting States to recognize certificates and licences issued or rendered valid by other Contracting States pending the coming into force of SARPs applicable to the aircraft or airmen involved; and

*Whereas* with respect to certain categories of aircraft or classes of airmen, it may be many years before SARPs come into force or it may be found most practicable not to adopt SARPs for some categories or classes;

*The Assembly resolves that:*

1. certificates of airworthiness and certificates of competency and licences of the crew of an aircraft issued or rendered valid by the Contracting State in which the aircraft is registered shall be recognized as valid by the other Contracting States for the purpose of flight over their territories, including landings and take-offs, subject to the provisions of Articles 32 (b) and 33 of the Convention; and

2. pending the coming into force of international Standards respecting particular categories, classes or types of aircraft or classes of airmen, certificates and licences issued or rendered valid, under national regulations, by the Contracting State in which the aircraft is registered shall be recognized by the other Contracting States for the purpose of flight over their territories, including landings and take-offs.

## APPENDIX H

### **Aviation training**

*Whereas* satisfactory provision and operation of ground facilities and services and implementation of SARPs and PANS are dependent upon a high standard of personnel training;

*Whereas* difficulties are being experienced by Contracting States in these matters owing to a lack of adequately trained personnel;

*Whereas* special effort is required to foster a high standard of personnel training and to assist Contracting States in meeting their training needs; and

*Whereas* training seminars conducted by the Organization are an effective means of promoting common understanding and uniform application of SARPs and PANS;

*The Assembly resolves that:*

1. Contracting States shall be encouraged and assisted in the maintenance of high standards of training of aviation personnel and particularly those employed in the provision and operation of services and facilities for international air navigation. To this end, as a part of its regular work programme, the Organization shall carry out a continuing training programme which is referred to as the ICAO aviation training programme\*; and
2. the ICAO aviation training programme shall be governed by the following principles:
  - a) aviation training is the responsibility of Contracting States;
  - b) the Organization should place the highest priority on the establishment of safety-and security-related programmes;
  - c) mutual assistance among Contracting States in the training of aviation personnel should be encouraged and facilitated, particularly in those matters where the lack of adequate training may adversely affect the safety, security or regularity of international air navigation;
  - d) the Organization should advise Contracting States on the operational oversight of training facilities; and
  - e) the Organization should not participate in the operation of training facilities but should encourage and advise operators of such facilities.

#### **Associated practices**

1. Through the development of specifications and guidance material, the conduct of training seminars, and by direct advice and consultation, the Council should assist Contracting States to:
  - a) standardize, as far as practicable, the curricula, methods and content of training courses and establish adequate examination and licensing provisions;
  - b) bring levels of accomplishment into line with international Standards; and
  - c) employ the criteria referred to in a) and b) above so as to bring about greater uniformity in operating practices and procedures.
2. Continuing attention should be given to the establishment of specialized and advanced training courses when needed to provide the skills required to install, operate and maintain facilities and services.
3. The Council should encourage the Contracting States to establish requirements for:

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\* Assistance provided by ICAO under the United Nations Development Programme and other programmes is governed by Resolutions A16-7 and A26-16.

- a) on-the-job training, including familiarization with relevant operating conditions, for personnel who, after completion of their basic training, require practical experience under actual operating conditions before being assigned to positions of responsibility in operational posts; in this regard States' attention should be invited to the possibility of drawing fully upon the resources of the various technical cooperation and assistance programmes; and
  - b) periodic refresher training particularly when new equipment, procedures or techniques are introduced.
4. The Council should request the Contracting States to provide, for dissemination to other States, information on the types of aeronautical courses they sponsor or are otherwise available in their States to which students are accepted from other States, including the address to which enquiries may be sent for additional details. Similarly, the Council should make available to Contracting States all pertinent information concerning training establishments assisted through ICAO that admit students from other countries.
5. The Council should urge Contracting States to make the maximum practicable use of training centres in their area for training their aviation personnel in fields where there are no corresponding national schools. To this end, the Council should encourage States to establish favourable conditions for attendance by nationals of other States in the area.

## APPENDIX I

### **Coordination of activities relating to research, development, trials and demonstrations in the fields of communications, navigation, surveillance and air traffic management (CNS/ATM) and aerodrome services**

*Whereas* the Organization plays a useful role in coordination of research and development work in the fields of CNS/ ATM and aerodrome services; and

*Whereas* it is important for States engaged in research and development to have timely information from the Organization on the operational requirements of international civil aviation in those fields;

*The Assembly resolves* that international coordination of research, development, trials and demonstrations related to CNS/ ATM and aerodrome services shall be encouraged but without impeding the essential freedom of action in research and development.

### **Associated practices**

1. The Council should give due attention to the timely establishment of the operational requirements of international civil aviation in the fields of CNS/ATM and aerodrome services.
2. The Council should encourage Contracting States to provide the Organization with current

information on the nature and direction of current and planned research and development projects of significant interest in order to allow the Organization to monitor, coordinate and harmonize these activities and make them available to all Contracting States.

## **APPENDIX J**

### **Coordination of aeronautical systems and subsystems**

*Whereas* it is desirable to avoid unnecessary duplication of functions performed by equipments installed on board aircraft or in ground or space installations in the general interests of economy;

*Whereas* it might be possible to reduce the aggregate complexity of future equipments by coordinating the general, functional specifications for new specific equipments with those of the other equipments either on board aircraft, or in ground or space installations;

*Whereas* it is recognized that such coordination may nevertheless encounter technical and operational difficulties, and must take into account cost effectiveness and the need for progressive implementation without undue penalty; and

*Whereas* the Air Navigation Commission has, to the extent necessary, performed a coordinating function for various technical activities under its control taking into due account information provided to it by States;

*The Assembly resolves* that work on aeronautical systems and subsystems shall be closely coordinated paying due regard to their interrelationships and taking into account operational requirements, expected technical progress and operational cost/benefit considerations.

## **APPENDIX K**

### **Formulation of Regional Plans including Regional Supplementary Procedures**

*Whereas* the Council establishes Regional Plans setting forth the facilities, services and Regional Supplementary Procedures to be provided or employed by the Contracting States pursuant to Article 28 of the Convention; and

*Whereas* the Regional Plans require amendment from time to time to reflect the changing needs of international civil aviation;

*The Assembly resolves* that:

1. Regional Plans shall be revised when it becomes apparent that they are no longer consistent with current and foreseen requirements of international civil aviation;

2. when the nature of a required change permits, the associated amendment of the Regional Plan shall be undertaken by correspondence between the Organization and the Contracting States and international organizations concerned; and

3. when amendment proposals are associated with the services and facilities provided by States and such amendment proposals:

- a) do not represent changes to the requirements set by the Council in the Regional Plans;
- b) do not conflict with established ICAO policy; and
- c) do not involve issues which cannot be resolved at the regional level;

the Council may delegate authority for processing and promulgating such amendments to the regional level.

### **Associated practices**

1. The Council, taking into account the requirement to improve still further existing safety levels, should keep under review the effect of changing requirements on the Regional Plans to ascertain in good time any need for their revision.

2. In assessing the urgency of any revision of the Regional Plans the Council should take into account the time needed by Contracting States to arrange for the provision of any necessary additional facilities and services.

3. The Council should ensure that implementation dates in Regional Plans involving the procurement of new types of equipment are realistically related to the ready availability of suitable equipment.

4. The Council should use the planning groups it has established throughout the regions to assist in keeping up to date the Regional Plans and any complementary documents.

## **APPENDIX L**

### **Regional air navigation (RAN) meetings**

*Whereas* RAN meetings are important instruments in the determination of the facilities and services the Contracting States are expected to provide pursuant to Article 28 of the Convention;

*Whereas* these meetings entail substantial expenditures of effort and money by the Contracting States and the Organization; and

*Whereas* it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden on the Contracting States or the Organization;

*The Assembly resolves that:*

1. RAN meetings, convened by the Council, shall be the principal means of conducting comprehensive reviews and revisions of the Regional Plans as necessary to keep them abreast of changing requirements;
2. the convening of such meetings and their agenda shall be based on the existence or expectation of specific shortcomings in the Regional Plans of the respective areas;
3. the geographical area to be considered, account being taken of the existing and planned international air transport and international general aviation operations, the technical fields to be dealt with and the languages to be used shall be decided for each such meeting;
4. the organization best suited to deal with the agenda and to ensure effective coordination among the components of the meeting shall be used for each such meeting; and
5. meetings of limited technical and/or geographical scope shall be convened when specific problems, particularly those requiring urgent solution, require to be dealt with or when convening them will reduce the frequency with which full-scale RAN meetings must be held.

#### **Associated practices**

1. The Council should endeavour to hold RAN meetings at sites within the areas concerned and should encourage the Contracting States within those areas to serve as host, either individually or jointly.
2. The approved agenda and the main supporting documentation including the statement of basic operational requirements and planning criteria should be dispatched, normally by air, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation; other documentation should be dispatched as soon as possible.
3. The Council should ensure that adequate guidance is made available to RAN meetings on operational and technical matters relevant to their agenda.
4. Each participating Contracting State should inform itself, in advance of a meeting, on the plans of its air transport operators and its international general aviation for future operations and, similarly, on the expected traffic by other aircraft on its registry and on the overall requirements of these various categories of aviation for facilities and services.
5. The Council, taking into account the requirement to improve still further existing safety levels, should foster the establishment, for and by RAN meetings, of up-to-date planning criteria which would aim to ensure that Regional Plans satisfy the operational requirements and are economically justified.
6. The Council should develop and maintain up-to-date specific and detailed directives for consideration of implementation matters at RAN meetings.

## APPENDIX M

### Implementation of Regional Plans

*Whereas* in accordance with Article 28 of the Convention Contracting States undertake, in so far as they may find practicable, to provide air navigation facilities and services necessary to facilitate international air navigation;

*Whereas* the Regional Plans set forth the requirements for facilities and services for international civil aviation; and

*Whereas* any serious deficiencies in the implementation of Regional Plans may affect the safety, regularity and efficiency of international air operations and therefore should be eliminated as quickly as practicable;

*The Assembly resolves that:*

1. priority shall be given in the implementation programmes of Contracting States to the provision, including continuing operation, of those facilities and services the lack of which would likely have a serious effect on international air operations;
2. the identification, investigation and action by the Organization on serious deficiencies in the implementation of Regional Plans shall be carried out in the minimum practicable time; and
3. regional planning and implementation groups shall identify problems and shortcomings in Regional Plans and in the implementation thereof, along with suggested remedial measures.

### Associated practices

1. The Council, taking into account the requirement to improve still further existing safety levels, should inform fully and promptly each Contracting State of the recommendations for the provision of air navigation facilities and services which are applicable to that State under the Regional Plans.
2. Contracting States should prepare and keep up to date suitable plans, including the requirements for personnel, for the orderly implementation of the parts of Regional Plans applicable to them.
3. The Council should arrange for the monitoring of the status of implementation of the Regional Plans and for the issue of periodic progress reports which should include information on serious shortcomings in implementation of the Regional Plans.
4. The users of air navigation facilities and services should report any serious problems encountered due to the lack of implementation of air navigation facilities or services required by Regional Plans. The reports should be addressed to the Contracting States responsible for implementation. These States should act on such reports to resolve the problems, but when remedial action is not taken users should inform ICAO, through the medium of an international organization where appropriate.
5. The Council should arrange for periodic review of serious problems encountered by users due to the lack of implementation of air navigation facilities or services and, when appropriate, for measures to be taken to facilitate elimination of the problems as quickly as practicable.

## APPENDIX N

### Delimitation of air traffic services (ATS) airspaces\*

*Whereas* Annex 11 to the Convention requires a Contracting State to determine those portions of airspace over its territory within which air traffic services will be provided and, thereafter, to arrange for such services to be established and provided;

*Whereas* Annex 11 to the Convention also makes provision for a Contracting State to delegate its responsibility for providing air traffic services over its territory to another State by mutual agreement;

*Whereas* both the delegating and the providing State can reserve the right to terminate any such agreement at any time; and

*Whereas* Annex 11 to the Convention prescribes that those portions of the airspace over the high seas where air traffic services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council normally on the advice of regional air navigation meetings;

*The Assembly resolves*, with reference to regional air navigation plans, that:

1. the limits of ATS airspaces, whether over States' territories or over the high seas, shall be established on the basis of technical and operational considerations with the aim of ensuring safety, and optimizing efficiency and economy for both providers and users of the services;
2. established ATS airspaces should not be segmented for reasons other than technical, operational, safety and efficiency considerations;
3. if any ATS airspaces need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned;
4. the providing State in implementing air traffic services within airspace over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;
5. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the safety and regularity of the air traffic operating in the airspace concerned;

and *furthermore*, declares that:

6. any Contracting State which delegates to another State the responsibility for providing air traffic services within airspace over its territory does so without derogation of its sovereignty; and
7. the approval by the Council of regional air navigation agreements relating to the provision by a State of air traffic services within airspace over the high seas does not imply recognition of sovereignty of that State over the airspace concerned.

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\* The expression "ATS airspaces" includes flight information regions, control areas and control zones.

### **Associated practices**

1. Contracting States should seek the most efficient and economic delineation of ATS airspaces, the optimum location of points for transfer of responsibility and the most efficient coordination procedures in cooperation with other States concerned and with the Organization.

2. The Council should encourage States providing air traffic services over the high seas to enter, as far as is practicable, into agreements with appropriate States providing air traffic services in adjacent airspaces, so that, in the event the required air traffic services over the high seas cannot be provided, contingency plans, which may require temporary modifications of ATS airspace limits, will be available to be put into effect with the approval of the ICAO Council until the original services are restored.

## **APPENDIX O**

### **Provision of search and rescue services**

*Whereas* in accordance with Article 25 of the Convention each Contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable and to collaborate in coordinated measures which may be recommended from time to time pursuant to the Convention;

*Whereas* Annex 12 to the Convention contains specifications relating to the establishment and provision of search and rescue services within the territories of Contracting States as well as within areas over the high seas;

*Whereas* Annex 12 to the Convention specifies that those portions of the high seas where search and rescue services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council normally on the advice of regional air navigation meetings;

*Whereas* Annex 12 to the Convention recommends that search and rescue regions should, in so far as practicable, be coincident with corresponding flight information regions and, with respect to those areas over the high seas, maritime search and rescue regions;

*Whereas* Article 69 of the Convention specifies that, if the Council is of the opinion that the air navigation services of a Contracting State are not reasonably adequate for the safe operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose; and

*Whereas* the air navigation services referred to in Article 69 of the Convention include, inter alia, search and rescue services;

*The Assembly resolves that:*

1. search and rescue regions, whether over States' territories or, in accordance with regional air navigation agreement, over an area greater than a State's sovereign airspace or over the high seas, shall be delimited on the basis of technical and operational considerations, including the desirability of coincident

flight information regions, search and rescue regions, and, with respect to areas over the high seas, maritime search and rescue regions, with the aim of ensuring safety, and optimizing efficiency with the least overall cost;

2. States shall ensure the closest practicable cooperation between maritime and aeronautical search and rescue services where they serve the same area and, where practical, establish joint rescue coordination centres to coordinate aeronautical and maritime search and rescue operations;

3. if any search and rescue regions need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned;

4. the providing State in implementing search and rescue services over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;

5. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the provision of search and rescue services in the area concerned;

6. remedies to any inadequacies in the provision of efficient search and rescue services, including over the high seas, should be sought through negotiations with States which may be able to give operational or financial assistance in search and rescue operations, with a view to concluding agreements to that effect;

and *furthermore*, declares that:

7. any Contracting State which delegates to another State the responsibility for providing search and rescue services within its territory does so without derogation of its sovereignty; and

8. the approval by Council of regional air navigation agreements relating to the provision by a State of search and rescue services within areas over the high seas does not imply recognition of sovereignty of that State over the area concerned.

### **Associated practices**

1. Contracting States should, in cooperation with other States and the Organization, seek the most efficient delineation of search and rescue regions and consider, as necessary, pooling available resources or establishing jointly a single search and rescue organization to be responsible for the provision of search and rescue services within areas extending over the territories of two or more States or over the high seas.

2. The Council should encourage States whose air coverage of the search and rescue regions for which they are responsible cannot be ensured because of a lack of adequate facilities, to request assistance from other States to remedy the situation and to negotiate agreements with appropriate States regarding the assistance to be provided during search and rescue operations.

## **APPENDIX P**

### **Coordination of civil and military air traffic**

*Whereas* the airspace as well as many facilities and services should be used in common by civil aviation and military aviation;

*Whereas* Article 3 (d) of the Convention requires that the Contracting States undertake, when issuing regulations for their state aircraft, that they have due regard for the safety of navigation of civil aircraft;

*Whereas* satisfactory solutions to the problem of common use of airspace have not been evolved in all areas; and

Whereas although full integration of the control of civil and military air traffic may be regarded as the ultimate goal, improvement in coordination in many States offers, at the present time, an immediate approach towards resolution of existing difficulties;

*The Assembly resolves that:*

1. the common use by civil and military aviation of airspace and of certain facilities and services shall be arranged so as to ensure the safety, regularity and efficiency of international civil air traffic; and
2. the regulations and procedures established by Contracting States to govern the operation of their state aircraft over the high seas shall ensure that these operations do not compromise the safety, regularity and efficiency of international civil air traffic and that, to the extent practicable, these operations comply with the rules of the air in Annex 2.

### **Associated practices**

1. Contracting States should as necessary initiate or improve the coordination between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.
2. The Council should ensure that the matter of civil and military coordination in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings.
3. When establishing the regulations and procedures mentioned in Resolving Clause 2 the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question.

## **APPENDIX Q**

### **The provision of adequate aerodromes**

*Whereas* major improvements to physical characteristics of aerodromes are required at many locations;

*Whereas* in certain cases these improvements will involve considerable outlay and it would be inadvisable to plan such work without taking into account future developments;

*Whereas* States and aerodrome authorities will continue to need to know the general trends in aerodrome requirements which succeeding generations of aircraft will most likely produce;

*Whereas* many serious problems can be avoided if the operating requirements of new aircraft are such as to permit them to operate economically without further demands on physical characteristics of aerodromes;

*Whereas* the operation of aerodromes has many advantages, environmental considerations have imposed limitations upon the operation of aircraft at some locations. In view of the capacity problems currently experienced globally, account should be taken of the introduction into service of newer quieter aircraft; and

*Whereas* there is a growing trend for aerodromes to be operated by autonomous entities, the obligation of States to ensure safe aerodrome facilities and services remains unaffected;

*The Assembly resolves that:*

1. the technical requirements for aerodromes shall be kept under review by the Organization;
2. there is a need for future generations of aircraft to be designed so that they are capable of being operated efficiently, and with the least possible environmental disturbance, from aerodromes used for the operation of present-day aircraft;
3. States shall undertake certification of aerodromes; and
4. States should ensure that safety management systems are introduced at their aerodromes.

#### **Associated practices**

1. In the light of the results of the continuing review mentioned in Resolving Clause 1 above the Council, taking into account the requirement to improve still further existing safety levels, should:
  - a) develop additional guidance material on future developments; and
  - b) keep Contracting States informed of developments.
2. The Council should continue to draw the attention of aircraft manufacturers and operators to the policy expressed in Resolving Clause 2.

#### **APPENDIX R**

##### **Ground and flight testing of radio navigation aids**

*Whereas* it is essential that the performance of radio navigation aids is checked through regular testing; and

*Whereas* the development of greatly improved ground testing facilities would minimize the need for flight testing;

*The Assembly resolves that:*

1. pending the possible availability of greatly improved ground testing facilities, radio navigation aids shall be checked through regular flight testing; and
2. to minimize the need for periodic flight testing, improvements should be made to radio navigation ground equipment, including associated ground testing and monitoring facilities, which would provide the same level of assurance of performance as flight testing.

### **Associated practices**

1. Pending the possible development of greatly improved ground testing facilities, Contracting States should establish their own flight test units, establish joint units with other States or conclude agreements to have flight tests performed on their behalf with States or agencies that have suitable facilities.
2. The Council should continue its efforts to coordinate arrangements by Contracting States for the regular flight testing of their radio navigation aids.
3. The Council should investigate, in consultation with Contracting States that are engaged in the development and manufacture of radio navigation systems, all possible means of improving ground testing facilities so as to minimize the need for periodic flight testing.
4. The Council should circulate to Contracting States information concerning significant developments respecting improvements to radio navigation ground equipment, including associated ground testing and monitoring facilities, to the extent that those developments will serve to minimize the need for flight testing.

## **APPENDIX S**

### **Adequate conditions of employment for aviation ground personnel**

*Whereas* conditions of employment that do not correspond with the qualifications and responsibilities of aviation ground services personnel constitute a major cause of difficulty in recruiting suitably qualified personnel and retaining them after completion of the training; and

*Whereas* this difficulty is impeding the satisfactory implementation of Regional Plans, SARPs and PANS;

*The Assembly resolves that* conditions of employment for personnel in the aviation ground services should be commensurate with the qualifications required and the responsibility carried by them.

## APPENDIX T

### **Participation by States in the technical work of ICAO**

*Whereas* technical contributions of Contracting States are essential to attain satisfactory progress in the technical work of the Organization;

*Whereas* difficulties are from time to time experienced in obtaining prompt and adequate contributions from Contracting States to the technical work of the Organization; and

*Whereas* it is necessary to ensure that maximum benefit is obtained from this participation without imposing an undue burden on the Contracting States and the Organization;

*The Assembly resolves* that there is need for effective technical contributions from Contracting States to the technical work of the Organization.

#### **Associated practices**

1. The Council should encourage effective participation by Contracting States in the technical work of the Organization, paying due regard to the need to minimize the cost to the Organization and the Contracting States of such participation.

2. In so far as each may find it practicable, Contracting States should:

- a) assist, by correspondence, in advancing ICAO technical projects;
- b) attend ICAO meetings and participate actively in pre-meeting preparations, particularly by presenting advance documentation containing either specific proposals relative to items of the agenda or their views on documentation submitted to them;
- c) participate in ICAO panel activities and ensure that their nominees are suitably qualified and are able to contribute effectively to the panel work;
- d) undertake specialized studies as requested by the Organization; and
- e) assist the Organization in its technical work through any other means the Council may devise.

## APPENDIX U

### **The Headquarters' and Regional Offices' technical Secretariat**

*Whereas* there is a continuing need to provide effective assistance to Contracting States in the implementation of Regional Plans, SARPs, PANS and SUPPs;

*Whereas* it is important that the technical Secretariat of the Headquarters and the Regional Offices is effectively used to provide assistance to Contracting States in their implementation problems; and

*Whereas* it is important that, for the proper execution of their tasks, the members of the technical Secretariat of the Headquarters and the Regional Offices are enabled to maintain their technical proficiency and are kept adequately informed of the latest development in their particular fields;

*The Assembly resolves that:*

1. the resources of the Headquarters' and Regional Offices' technical Secretariat shall be effectively deployed to provide optimum assistance to the Contracting States in their problems relating to the implementation of Regional Plans, SARPs, PANS and SUPPs; and

2. the members of the Headquarters' and Regional Offices' technical Secretariat shall be enabled to maintain their technical proficiency and to keep adequately informed on the latest technical developments.

### **Associated practices**

1. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to carry out frequent visits of adequate duration when such visits are necessary or are requested by Contracting States to assist them with their implementation problems.

2. To the maximum practicable extent, temporary assignment of specialized personnel from one Regional Office to another and from Headquarters to the Regional Offices should take place when temporary reinforcement in the Regional Offices is required.

3. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to keep adequately up to date in their particular fields by, inter alia, attendance at selected technical meetings, visits to research and development organizations and witnessing trial applications and evaluation of new equipment and techniques. However, such visits should not be allowed to take priority over the primary function of the Secretariat to serve the Organization and its several deliberative bodies. Furthermore, the travelling on such visits should be integrated as far as possible with travel necessary to the performance of other ICAO duties.

## APPENDIX V

### **Cooperation among Contracting States in investigations of certain aircraft accidents**

*Whereas* it is incumbent on the State in which an accident occurs to institute an inquiry into the circumstances of the accident in conformity with Article 26 of the Convention;

*Whereas*, owing to the growing sophistication and complexity of modern aircraft, the conduct of an accident investigation requires participation by experts from many specialized technical and operational fields and access to specially equipped facilities for investigation;

*Whereas* many Contracting States do not have such specialized technical and operational expertise and appropriate facilities;

*Whereas* it is essential for flight safety and accident prevention that accidents be thoroughly investigated and reported, and that the effectiveness of investigations should not be unduly hampered by considerations of cost; and

*Whereas* the costs of salvage and investigation of major aircraft accidents may place a heavy financial burden on the resources of the State where the accident occurred;

*The Assembly resolves* to recommend that Contracting States cooperate in the investigation of major aircraft accidents or accidents in which the investigation requires highly specialized experts and facilities, and that to this end Contracting States, to the extent possible, inter alia:

- a) provide, on request by other Contracting States, expert assistance and facilities for the investigation of major aircraft accidents; and
- b) afford opportunity to Contracting States seeking investigation experience to attend investigations of major aircraft accidents, in the interest of developing and furthering investigation expertise.

### **Associated practices**

1. Contracting States should be encouraged to support the convening of regional accident investigation workshops with a view to exchanging information on each State's investigation legislation and procedures, on the sharing of knowledge and expertise in investigation management and techniques, on the availability of experts and facilities and on practices in dealing with encountered accident investigation difficulties.

2. Contracting States should be encouraged to facilitate the participation of investigators of accident investigation authorities as observers in investigations in other States for training purposes and orientation visits.

3. Contracting States should be encouraged to assess their needs and capabilities in the field of aircraft accident investigation and prevention with a view to developing training curricula for basic accident

investigation and prevention courses. The use of regional training centres for such courses should be fully explored as well as the incorporation of the TRAINAIR methodology which provides for internationally standardized training.

## APPENDIX W

### Flight safety and human factors

*Whereas* the aims and objectives of ICAO as laid down by the Chicago Convention, provide for fostering the development of international air transport “. . . so as to . . . promote safety of flight in international air navigation”;

*Whereas* it is recognized that human factors relate to the limitations of human performance in the aviation environment;

*Whereas* the human factors’ influence is manifested in a majority of accidents (in the order of 70 per cent), there is therefore a continuing need to adopt appropriate measures aimed at reducing the number of aircraft accidents;

*Whereas* the increased use of automation and the introduction of new technology with its associated complexity in both flight and ground operations, may further exacerbate the human factors issues unless appropriate and timely measures are taken;

*Whereas* a number of States are carrying out human factors programmes, the experience they have acquired should be put to practical use, with a view to raising the safety level of air transport; and

*Whereas* it is accepted that in order to bring about substantial progress in raising the aviation safety level, the human factors’ influence on aircraft accidents must be further reduced;

*The Assembly resolves that:*

1. Contracting States should take into account relevant human factors aspects when designing or certifying equipment and operating procedures and when training and/or licensing personnel;
2. Contracting States should be encouraged to engage in far-reaching cooperation and mutual exchange of information on problems related to the influence of human factors on the safety of civil aviation operations; and
3. The Council should collect and analyse the experience of States and develop and introduce appropriate ICAO material regarding the various aspects of human factors.

## APPENDIX X

### The provision of air traffic services

*Whereas* in accordance with Annex 11 to the Convention, Contracting States are required to arrange for air traffic services to be provided in airspaces and at aerodromes for which it has been determined that such services would be required;

*Whereas* Annex 11 to the Convention requires Contracting States to ensure that ATS safety management programmes are established;

*Whereas* cooperative efforts between Contracting States could lead to more efficient air traffic management;

*The Assembly resolves that:*

1. in implementing air traffic services, States shall ensure that the services being provided meet established requirements for safety, regularity and efficiency of international civil aviation;
2. taking into account the need for cost-effective introduction and operation of CNS/ATM systems, States give consideration to cooperative efforts for introducing more efficient airspace management, in particular, the upper airspace; and
3. States should ensure that safety management programmes are introduced by the relevant air traffic services provider in all airspaces and at all aerodromes where air traffic services are provided.

### Associated practice

Contracting States should consider, as necessary, establishing jointly a single air traffic services authority to be responsible for the provision of air traffic services within ATS airspace extending over the territories of two or more States or over the high seas.

#### **A35-15: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems**

*Whereas* it is considered desirable to consolidate Assembly resolutions on the Organization's policies and practices related to CNS/ATM in order to facilitate their implementation and practical application by making their text more readily available and logically organized;

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies and practices related to CNS/ATM, up to date as these policies exist at the close of the 35th Session of the Assembly;

2. *Resolves* to continue to adopt at each ordinary session of the Assembly, for which a Technical Commission is established, a consolidated statement of continuing ICAO policies and practices related to CNS/ATM; and

3. *Declares* that this resolution supersedes A33-15.

## **APPENDIX A**

### **General Policy**

*Whereas* ICAO is the only international organization in a position effectively to coordinate global CNS/ATM activities;

*Whereas* the ICAO CNS/ATM systems should be utilized to serve the interests and the objectives of civil aviation throughout the world;

*Whereas* Contracting States should have equal rights to benefit from global systems incorporated within the ICAO CNS/ATM systems;

*Considering* the Statement of ICAO Policy on CNS/ATM Systems Implementation and Operation developed and adopted by the ICAO Council on 9 March 1994;

*The Assembly:*

1. *Resolves* that nothing should deprive a Contracting State from its right to benefit from the ICAO CNS/ATM systems or cause discrimination between provider and user States;

2. *Resolves* that States' sovereignty and borders should not be affected by the ICAO CNS/ATM systems implementation;

3. *Urges* that provisions and guidance material relating to all aspects of the ICAO CNS/ATM systems should be sought and developed through the convening of adequate meetings, conferences, panels and workshops with the participation of Contracting States; and

4. *Urges* that the proposed provisions covering all aspects of the ICAO CNS/ATM systems be presented to all Contracting States well in advance to give them enough opportunity to prepare themselves as far as practicable.

## **APPENDIX B**

### **Harmonization of the implementation of the ICAO CNS/ATM systems**

*Considering* the international character of civil aviation and the regional interactions of air navigation services;

*Considering* Recommendations 4/5, 6/2, 7/1, 8/4 and 8/5 of the Tenth Air Navigation Conference, Recommendations 4/4 and 4/5 of the third meeting of the Special Committee for the Monitoring and Coordination of Development and Transition Planning for the Future Air Navigation System (FANS Phase II), Recommendation 4/4 of the fourth meeting of the FANS (Phase II) Committee, and Recommendations 1/1, 1/5, 1/13, 2/8, 4/1, 6/9, 7/3 and 6/13 of the Eleventh Air Navigation Conference;

*Considering* that these recommendations have been noted or approved by the Council of ICAO, which has instructed the Secretary General of ICAO to take all appropriate measures;

Recognizing the role which regions must play in the planning and implementation of the ICAO CNS/ATM systems;

*Conscious* of the delay which certain regions could experience in the transition to these systems;

*Noting with satisfaction* the trials and demonstrations programmes and the progress being achieved by all regions with regard to the implementation of advanced ATM systems;

*Believing* that the contribution of all regions would guarantee a better evaluation of the trials and would favour the evolution of the ICAO CNS/ATM systems in order to ensure that the systems become interoperable and contribute to a global, seamless ATM system that allows adaptation to efficiently meet regional and local needs;

*Noting* that economic and institutional issues, in particular cost/benefit analysis, and facility financing, cost recovery and cooperative aspects, need to be addressed by States individually and/or collectively; and

*Noting* that for an early realization of benefits to users and for globally coordinated and harmonious CNS/ATM systems in support of a global ATM system implementation, certain States will require technical and financial assistance and recognizing the statement concerning the central role ICAO shall play in coordinating technical cooperation arrangements as well as in facilitating the provision of assistance to States with regard to the technical, financial, managerial, legal and cooperative aspects of implementation;

*The Assembly:*

1. *Calls upon* States, PIRGs and aviation industry to use the ICAO Global ATM Operational Concept as the common framework to guide planning and implementation of CNS/ATM systems and to focus all such development work on the Global ATM Operational Concept;

2. *Urges* the Council to ensure that ICAO develop the transition strategies, ATM requirements and SARPs necessary to support the implementation of a global ATM system;

3. *Urges* the Council to continue considering without delay the economic, institutional, legal and strategic aspects related to the implementation of the ICAO CNS/ATM systems;

4. *Urges* the Council to take the steps necessary to ensure that the future global ATM system is performance based and that the performance objectives and targets for the future system are developed in a timely manner;

5. *Calls upon* States, in a position to do so, and *Invites* international organizations concerned, users and service providers to:
- a) spare no effort in cooperating and facilitating the execution of the research, development, trials and demonstrations (RDT&D) programme in close cooperation with States with limited resources; and
  - b) validate the concept components identified in the Global ATM Operational Concept.
6. *Requests* the Council, as a matter of high priority within the budget adopted by the Assembly, to ensure that adequate resources are made available to the ICAO Regional Offices, particularly those which are accredited to the developing States, taking into account the increased support they will be called upon to provide to the regional planning and implementation groups, which are the main bodies for the regional planning of the transition to the ICAO CNS/ATM systems; and
7. *Further requests* the Council to continue to urge States, international organizations and financial institutions to mobilize resources in order to assist States requiring technical cooperation in the planning and implementation of the ICAO CNS/ATM systems.

**A35-16: Taking due account of the evolution of specifications concerning flight data recording systems**

*Considering* that the primary objective of the Organization is to ensure the safety of international civil aviation worldwide;

*Considering* that the establishment of international Standards contributes to this objective;

*Recognizing* the importance for safety of flight data recorders; and

*Recognizing* the need to develop specifications for these systems;

*The Assembly:*

1. *Directs* the Council to resume work on flight recorders as soon as possible using appropriate means and to give priority to problems arising from the search and recovery of these systems, obsolescence, the insufficient number of recorded parameters, and the need to prescribe image recording of the cockpit; and
2. *Requests* the Council to report to the next session of the Assembly on the implementation of the present resolution.

**A35-17: Protecting information from safety data collection and processing systems in order to improve aviation safety**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Recognizing* the importance of the free communication of safety information amongst the stakeholders of the aviation system;

*Recognizing* that the protection of safety information from inappropriate use is essential to ensure the continued availability of all relevant safety information, to enable proper and timely preventive actions to be taken;

*Concerned* by a trend for safety information to be used for disciplinary and enforcement actions, and to be admitted as evidence in judicial proceedings;

*Mindful* that the use of safety information for other than safety-related purposes may inhibit the provision of such information, with an adverse effect on aviation safety;

*Considering* that a balance needs to be struck between the need for the protection of safety information and the need for the proper administration of justice;

*Recognizing* that technological advances have made possible new safety data collection, processing and exchange systems, resulting in multiple sources of safety information that are essential in order to improve aviation safety;

*Noting* that existing international laws, as well as national laws and regulations in many States may not adequately address the manner in which safety information is protected from inappropriate use;

*The Assembly:*

1. *Instructs* the Council to develop appropriate legal guidance that will assist States to enact national laws and regulations to protect information from all relevant safety data collection and processing systems, while allowing for the proper administration of justice in the State;
2. *Urges* all Contracting States to examine their existing legislation and adjust as necessary, or enact laws and regulations to protect information from all relevant safety data collection and processing systems based, to the extent possible, on the legal guidance developed by ICAO; and
3. *Instructs* the Council to provide a progress report to the next ordinary Session of the Assembly on this matter.

## **A35-18: Consolidated statement of continuing ICAO policies in the air transport field**

### **Introduction**

*Whereas* the Convention establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly and harmonious manner and it is therefore one of the purposes of ICAO to support principles and arrangements in order that international air transport services may be established on the basis of equality of opportunity, sound and economic operation, mutual respect of the rights of States and taking into account the general interest;

*Whereas* air transport is a major factor in promoting and fostering sustained economic development at national as well as international level;

*Whereas* it is becoming increasingly difficult, particularly for developing countries, to secure the necessary resources for the development of air transport;

*Whereas* the Organization prepares guidance, studies and statistics on the development of air transport for Contracting States on a continuing basis and this should be kept current, focused and relevant and should be disseminated to Contracting States through the most effective means;

*Whereas* Contracting States are required to provide accurate and factual statistical data and other information in order that the Organization may prepare this guidance and these studies and statistics;

*Whereas* guidance developed by the Organization should assist Contracting States in developing policies and practices that facilitate the globalization, commercialization and liberalization of international air transport; and

*Whereas* it is important for Contracting States to participate in the work of the Organization in the air transport field;

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies in the air transport field, up to date as these policies exist at the close of the 35th Session of the Assembly:

- Appendix A — Economic regulation
- Appendix B — Statistics
- Appendix C — Forecasting and economic planning
- Appendix D — Facilitation
- Appendix E — Taxation
- Appendix F — Airports and air navigation services
- Appendix G — Air carrier economics
- Appendix H — Air mail

2. *Urges* Contracting States to have regard to these policies and their continuing elaboration by the Council in documents identified in this consolidated statement and by the Secretary General in manuals and circulars;

3. *Urges* Contracting States to make every effort to fulfil their obligations, arising out of the Convention and Assembly resolutions, to support the work of the Organization in the air transport field, and, in particular, to provide as completely and promptly as possible the statistical and other information asked for by the Organization for its air transport studies;

4. *Requests* the Council to attach particular importance to the problem of financing the development of the human and technical resources necessary to ensure the best possible contribution of air transport to the economic and social well-being of developing countries;

5. *Requests* the Council, when it considers that it would be of benefit in assisting its work on any air transport question, to seek consultation of expert representatives of Contracting States by the most appropriate means, including the establishment of panels of qualified experts reporting to the Air Transport Committee or of Secretariat study groups, and work by correspondence or by meetings;

6. *Requests* the Council to convene Conferences or Divisional meetings, in which all Contracting States may participate, as the principal means of progressing the resolution of issues of worldwide importance

in the air transport field, when such meetings are justified by the number and importance of the issues to be dealt with and where there is the likelihood of constructive action upon them;

7. *Requests* the Council to provide for workshops, seminars and other such meetings as may be required to disseminate ICAO's air transport policies and associated guidance to and amongst Contracting States;

8. *Requests* the Council to keep the consolidated statement of ICAO's air transport policies under review and advise the Assembly as appropriate when changes are needed to the statement; and

9. *Declares* that this resolution supersedes Resolution A33-19.

## APPENDIX A

### Economic regulation

#### Section I. Agreements and arrangements

*Whereas* the Assembly is of the opinion that there is no present prospect of achieving a comprehensive and global multilateral agreement, although multilateralism in commercial rights to the greatest possible extent continues to be an objective of the Organization;

*Whereas* within the framework of the Convention, Contracting States have many differing regulatory goals and policies but share a fundamental objective of participation through reliable and sustained involvement in the international air transport system;

*Whereas* one of the objectives of the Convention is that international air transport services may be operated soundly and economically and in that regard the International Air Services Transit Agreement (IATA) strengthens the operation of international scheduled services and facilitates the achievement of that objective for the Contracting States who are already parties to it;

*Whereas* the Assembly has repeatedly stressed the obligation of each Contracting State to comply with Article 83 of the Convention by registering with the Council as soon as possible all arrangements relating to international civil aviation, in accordance with the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*;

*Whereas* undue delays and non-compliance relating to the registration of aeronautical agreements and arrangements is not desirable for the accuracy and completeness of regulatory information, and for enhancing transparency;

*Whereas* the establishment of international air transport fares and rates that are fair and reasonable and designed to promote the satisfactory development of air services is a matter of major importance to the economies of many States;

*Whereas* the rules and conditions associated with international air transport fares and rates should avoid unnecessary complication, be uniform where possible and reasonably protect user interests; and

*Whereas* governments have a responsibility in fares and rates matters pursuant to their national legislation and to obligations under bilateral and other air services agreements;

*The Assembly:*

1. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport and in facilitating safeguarded liberalization;
2. *Urges* Contracting States which have not yet become parties to the International Air Services Transit Agreement (IASTA) to give urgent consideration to so doing;
3. *Urges* all Contracting States to register cooperative agreements and arrangements relating to international civil aviation with ICAO in accordance with Article 83 of the Convention and the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*;
4. *Urges* Contracting States to keep the Council fully informed of important problems arising from the application of bilateral agreements and of any developments achieved or contemplated which tend toward the objective of multilateralism in the exchange of commercial rights;
5. *Requests* the Council to continue to cooperate with regional and subregional bodies in their examination and development of measures of cooperation, including liberalized arrangements, and the results of these measures, in order to see whether similar or other measures should at the appropriate time be recommended to Contracting States for application on a wider basis;
6. *Requests* the Council to continue the comparative and analytical study of the policies and practices of Contracting States and airlines concerning commercial rights and the provisions of air services agreements and to inform all Contracting States of any new developments in international cooperation, including liberalized arrangements, with respect to commercial rights;
7. *Requests* the Council to keep under review the machinery for the establishment of international tariffs as well as the rules and conditions associated with international tariffs;
8. *Requests* the Council to review periodically the rules for registration with a view to simplifying the process of registration of aeronautical agreements and arrangements;
9. *Requests* the Secretary General to remind Contracting States of the importance of registration without undue delay of aeronautical agreements and arrangements and to provide such assistance to Contracting States as they may require in registering their aeronautical agreements and arrangements with the Council; and
10. *Requests* the President of the Council and the Secretary General to promote universal adherence to and implementation of the International Air Services Transit Agreement (IASTA) and to ask Contracting States to inform the Secretariat of their intentions with respect to adherence to the agreement.

## **Section II. Cooperation in regulatory arrangements**

*Whereas* certain economic, financial and operational constraints unilaterally introduced at the national level affect the stability of, and tend to create unfair discriminatory trading practices in, international

air transport and might be incompatible with the basic principles of the Convention and the orderly and harmonious development of international air transport;

*Whereas* the provision of regular and reliable air transport services is of fundamental importance to the development of the economies of many developing States, including those dependent on tourism;

*Whereas* the strict application of the criterion of substantial ownership and effective control for the authorization of an airline to exercise route and other air transport rights could deny to many developing States a fair and equal opportunity to operate international air services and to optimize the benefits to be derived therefrom;

*Whereas* air carrier designation and authorization for market access should be liberalized at each State's pace and discretion progressively, flexibly and with effective regulatory control in particular regarding safety and security;

*Whereas* the broadening or the flexible application of the criteria for airline designation and authorization could help create an operating environment in which international air transport may develop and flourish in a stable, efficient and economical manner, and contribute to the participation objectives of States in the liberalization process;

*Whereas* the realization of developmental objectives among such States is increasingly being promoted by cooperative arrangements in the form of regional economic groupings and functional cooperation symbolic of the affinity and community of interest which is particularly shared among developing States belonging to such regional economic integration movements; and

*Whereas* the exercise of route and other air transport rights of a developing State having such community of interest by an airline substantially owned and effectively controlled by another developing State or States or its or their nationals sharing the same community of interests will serve to promote the foregoing interests of developing States;

*The Assembly:*

1. *Urges* Contracting States to avoid adopting unilateral measures which may affect the orderly and harmonious development of international air transport and to ensure that domestic policies and legislation are not applied to international air transport without taking due account of its special characteristics;

2. *Urges* Contracting States to accept such designations and allow such airlines to exercise the route rights and other air transport rights of a State or States, in particular developing States, within the same grouping, under mutually acceptable terms and conditions including air transport agreements negotiated or to be negotiated by the parties concerned;

3. *Urges* Contracting States to recognize the concept of community of interest within regional or subregional economic groupings as a valid basis for the designation by one developing State or States of an airline of another developing State or States within the same regional economic grouping where such airline is substantially owned and effectively controlled by such other developing State or States or its or their nationals;

4. *Urges* Contracting States to give consideration to the use of alternative criteria for airline designation and authorization, including those developed by ICAO and to adopt a flexible and positive

approach to accommodate other States in their efforts to liberalize air carrier ownership and control without compromising safety and security;

5. *Invites* Contracting States with experience in various forms of joint operation of international air services to submit to the Council, on a continuing basis, full information concerning their experience, so that the Organization may have in this particular field all information that might be of assistance to Contracting States;

6. *Requests* the Council, when approached, to render all feasible assistance to Contracting States wishing to enter regional or subregional economic groupings with respect to the operation of international air services; and

7. *Requests* the Council to give assistance, when approached, to Contracting States that take the initiative in developing cooperative arrangements for the joint ownership and operation of international air services, directly among themselves or whose airlines develop such arrangements, and promptly circulate to States information concerning such cooperative arrangements.

### **Section III. Computer reservation systems**

*Whereas* there is a need to define principles of worldwide applicability for computer reservation systems based on transparency, accessibility and non-discrimination to enhance competition among airlines and among such systems, to afford international air transport users access to the widest possible choice of options to meet their needs, and to avoid abuse of these systems which can lead to harmful practices in the distribution of air carrier products;

*The Assembly:*

1. *Urges* Contracting States:

- a) to follow the revised *ICAO Code of Conduct for the Regulation and Operation of Computer Reservation Systems* adopted by the Council on 25 June 1996;
- b) to use as appropriate the Model Clauses, approved by the Council on the same date, to strengthen and complement the Code; and
- c) to cooperate at the bilateral, regional and inter-regional levels with a view to reducing difficulties connected with the introduction and operation of computer reservation systems in various parts of the world; and

2. *Requests* the Council to revise the ICAO CRS Code when required.

### **Section IV. Trade in services**

*Whereas* on the issue of including aspects of international air transport under the General Agreement on Trade in Services (GATS), ICAO has actively promoted an understanding by all parties concerned of the provisions of the *Convention on International Civil Aviation* and of the particular mandate and role of ICAO in international air transport;

*The Assembly:*

1. *Reaffirms* the need for ICAO to continue to explore future regulatory arrangements and develop recommendations and proposals to meet the challenges facing international air transport, responding to the internal and external changes affecting it;

2. *Recognizes* that such arrangements should be based on the general goal of gradual, progressive, orderly and safeguarded change towards market access, and the interests of all Contracting States in ensuring their effective and sustained participation in international air transport;

3. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport;

4. *Urges* Contracting States which participate in trade negotiations, agreements and arrangements relating to international air transport to:

- a) ensure internal coordination in their national administrations and in particular the direct involvement of aeronautical authorities and the aviation industry in the negotiations;
- b) ensure that their representatives are fully aware of the provisions of the Chicago Convention, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements;
- c) take into account their rights and obligations vis-à-vis those ICAO Member States which are not members of the World Trade Organization;
- d) examine carefully the implications of any proposed inclusion of an additional air transport service or activity in the GATS bearing in mind, in particular, the close linkage between economic, environmental, safety and security aspects of international air transport;
- e) promote a full understanding of the role and mandate of ICAO in developing policy guidance on economic regulation, including liberalization of international air transport, and consider using this guidance; and
- f) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the GATS;

5. *Requests* the World Trade Organization, its Member States and Observers to accord due consideration to:

- a) the particular regulatory structures and arrangements of international air transport and the progressive liberalization taking place at the bilateral, sub-regional and regional levels;
- b) ICAO's constitutional responsibility for international air transport and, in particular, for its safety and security; and
- c) ICAO's existing policy and guidance material on the economic regulation of international air transport and its continued work in the field; and

6. *Requests* the Council to:

- a) continue to exert a global leadership role in facilitating and coordinating the process of economic liberalization while ensuring safety, security and environmental protection in international air transport;
- b) pursue in a proactive manner developments in trade in services which might impinge on international air transport and inform Contracting States accordingly; and
- c) promote continued effective communication, cooperation and coordination among ICAO, the World Trade Organization, and other intergovernmental and non-governmental organizations dealing with trade in services.

## **Section V. Elaboration of policy guidance**

*Whereas* governments have responsibilities in the economic regulation of international air transport and to international obligations; and

*Whereas* the Organization has addressed many of the regulatory issues concerned and compiled the resulting recommendations and other guidance material;

*The Assembly:*

1. *Urges* Contracting States in their regulatory functions to have regard to the advice contained in Doc 9587, *Policy and Guidance Material on the Regulation of International Air Transport*; and

2. *Requests* the Council to ensure that the advice contained in Doc 9587 is current and responsive to the requirements of Contracting States.

## **APPENDIX B**

### **Statistics**

*Whereas* each Contracting State has undertaken that its international airlines shall file the statistics requested by the Council in accordance with Article 67 of the Convention;

*Whereas* the Council has also laid down requirements for statistics on domestic airline operations, international airports, and international route facilities, pursuant to Articles 54 and 55 of the Convention;

*Whereas* ICAO has developed an integrated statistical database in order to provide to Contracting States and other users an efficient online system for the validation, storage and retrieval of statistical data;

*Whereas* a number of Contracting States have still not filed, or have not filed completely, the statistics requested by the Council; and

*Whereas* cooperation amongst international organizations active in the area of collection and distribution of aviation statistics may enable reduction in the burden of filing statistics;

*The Assembly:*

1. *Urges* Contracting States to make every effort to provide the statistics required on time, and to submit them electronically whenever possible;
2. *Requests* the Council, calling on statistical and accounting experts as required, to examine the statistical problems of Contracting States and ICAO in order to meet more effectively the needs of the Organization and to improve the uniformity of the statistics, the completeness and timeliness of reporting by Contracting States, the form and content of analyses and publications, and the speed of dissemination by the Organization; and
3. *Requests* the Council to:
  - a) continue to explore ways of closer co-operation with other international organizations active in the collection and distribution of aviation statistics; and
  - b) make arrangements, on an appropriate basis, for assistance to be given upon request to Contracting States by personnel of the Secretariat for the improvement of their civil aviation statistics and their statistical reporting to the Organization.

## **APPENDIX C**

### **Forecasting and economic planning**

*Whereas* Contracting States require global and regional forecasts of future civil aviation developments for various purposes;

*Whereas* the Council, in carrying out its continuing functions in the economic field, must foresee future developments likely to require action by the Organization and must initiate such action in good time; and

*Whereas* the Organization requires specific forecasts and economic support for airports and air navigation systems planning and environmental planning purposes;

*The Assembly:*

1. *Requests* the Council to prepare and maintain, as necessary, long-term and medium-term forecasts of future trends and developments in civil aviation of both a general and a specific kind, including, where possible, regional as well as global data, and to make these available to Contracting States;
2. *Requests* the Council to develop methodologies and procedures for the preparation of forecasts, the analysis of cost-benefit or cost-effectiveness, and the development of business cases, to meet the needs of the regional air navigation planning groups and, as required, other systems or environmental planning bodies of the Organization; and
3. *Requests* the Council to make arrangements to collect and develop material on current forecasting methods both for the purposes described in clauses 1 and 2 and for dissemination to Contracting States from time to time as guidance in their own forecasting and economic planning.

## APPENDIX D

### Facilitation

#### Section I. Development of facilitation provisions

*Whereas* Annex 9, *Facilitation*, was developed as a means of articulating the obligations of Contracting States under Articles 22, 23 and 24 of the Convention and standardizing procedures for meeting the legal requirements referred to in Articles 10, 13, 14, 29 and 35;

*Whereas* it is essential that Contracting States continue to pursue the objective of maximum efficiency in air transport while at the same time safeguarding international civil aviation operations against acts of unlawful interference;

*Whereas* the development of specifications for machine readable travel documents by the Organization has proved effective in the development of systems which accelerate the movement of international passengers and crew members through clearance control at airports while enhancing security and immigration compliance programmes; and

*Whereas* the development of a set of standard signs to facilitate the efficient use of airport terminals by travellers and other users has proved effective and beneficial;

*The Assembly:*

1. *Requests* the Council to ensure that Annex 9, *Facilitation* is current and addresses to the contemporary requirements of Contracting States with respect to administration of border controls;
2. *Requests* the Council to ensure that the provisions of Annex 9, *Facilitation* and Annex 17, *Security* are compatible with and complementary to each other;
3. *Requests* the Council to ensure that its specifications and guidance material in Doc 9303, *Machine Readable Travel Documents*, remain up to date in the light of technological advances, and to continue to explore technological solutions aimed at improving clearance procedures; and
4. *Requests* the Council to ensure that Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, is current and responsive to the requirements of Contracting States.

#### Section II. Implementation of Annex 9

*Whereas* implementation of the Standards and Recommended Practices in Annex 9 aimed at improving procedures at border-control points to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail is essential to the efficiency of air transport;

*The Assembly:*

1. *Urges* Contracting States to give special attention to their obligations arising from Articles 22, 23 and 24 of the Convention and increase their efforts to implement Annex 9 Standards and Recommended Practices;
2. *Urges* Contracting States to examine critically, at least once a year, any differences that exist in their territory between their national regulations and practices and the provisions of the current edition of Annex 9, and make special efforts to modify their policies in order to eliminate such differences;
3. *Urges* each Contracting State to notify the Organization of the status of implementation of Annex 9 in its territory in accordance with Article 38 of the Convention; and
4. *Requests* the Council to review, whenever necessary or at least once every three years, the status of implementation of Annex 9 and indicate those aspects which require intensified implementation efforts by Contracting States.

### **Section III. International cooperation in protecting the security and integrity of passports**

*Whereas* the passport is the basic official document which denotes a person's identity and citizenship and provides an assurance for the State of transit or destination that the bearer can return to the State which issued the passport;

*Whereas* international confidence in the integrity of the passport is the very essence of the functioning of the international travel system;

*Whereas* the United Nations General Assembly has requested ICAO to consider ways and means to enhance international cooperation to combat the smuggling of aliens, while emphasizing that such efforts should not undercut the protection provided by international law to refugees;

*Whereas* the United Nations General Assembly and the Economic and Social Council have requested member States to establish or improve procedures to permit the ready discovery of false travel documents, to cooperate bilaterally and on a multilateral basis to prevent the use of fraudulent documents, and to take measures to provide penalties for the production and distribution of false travel documents and the misuse of international commercial aviation; and

*Whereas* high level cooperation among States is required in order to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of forged or counterfeit passports, the use of valid passports by imposters, the misuse of authentic passports by rightful holders in furtherance of the commission of an offence, the use of expired or revoked passports, and the use of fraudulently obtained passports;

*The Assembly:*

1. *Urges* Contracting States to intensify their efforts to safeguard the security and integrity of their passports, to protect their passports against passport fraud, and to assist one another in these matters; and
2. *Requests* the Council to continue the work being undertaken to enhance the effectiveness of

controls on passport fraud, including the possible preparation of necessary SARPs and guidance material, to assist Contracting States in maintaining the integrity and security of their passports and other travel documents.

#### **Section IV. National and international action and cooperation on facilitation matters**

*Whereas* there is a need for continuing action by Contracting States to improve the effectiveness and efficiency of clearance control formalities;

*Whereas* the establishment and active operation of national facilitation committees is a proven means of effecting needed improvements; and

*Whereas* cooperation on facilitation matters amongst Contracting States and with the various national and international parties interested in facilitation matters has brought benefits to all concerned;

*The Assembly:*

1. *Urges* Contracting States to establish and utilize national facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;

2. *Urges* Contracting States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;

3. *Urges* Contracting States to take all necessary steps, through national facilitation committees or other appropriate means, for:

a) regularly calling the attention of all interested departments of its government to the need for:

1) making the national regulations and practices conform to the provisions and intent of Annex 9; and

2) working out satisfactory solutions for day-to-day problems in the facilitation field; and

b) taking the initiative in any follow-up action required;

4. *Urges* Contracting States to encourage the study of facilitation problems by their national and other facilitation committees, and to coordinate the findings of their committees on facilitation problems with those of other Contracting States with which they have air links;

5. *Urges* neighbouring and bordering States to consult one another about common problems that they may have in the facilitation field whenever it appears that these consultations may lead to a uniform solution of such problems;

6. *Urges* Contracting States to encourage their aircraft operators to continue to cooperate intensively with their governments as regards:

a) identification and solution of facilitation problems; and

b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration and other threats to national interests;

7. *Urges* Contracting States to call upon international operators and their associations, to participate to the extent possible in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of passenger and cargo traffic at international terminals; and

8. *Urges* States and operators, in cooperation with interested international organizations, to make all possible efforts to speed the handling and clearance of air cargo.

## APPENDIX E

### Taxation

*Whereas* international air transport plays a major role in the development and expansion of international trade and travel and the imposition of taxes on aircraft, fuel, and consumable technical supplies used for international air transport, taxes on the income of international air transport enterprises and on aircraft and other movable property associated with the operation of aircraft in international air transport, and taxes on its sale or use, may have an adverse economic and competitive impact on international air transport operations;

*Whereas* ICAO policies make a conceptual distinction between a charge and a tax in that “a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis”;

*Whereas* it is a matter of great concern that taxes are increasingly being imposed by some Contracting States in respect of certain aspects of international air transport and that charges on air traffic, several of which can be categorized as taxes on the sale or use of international air transport are proliferating;

*Whereas* the matter of aircraft engine emission-related levies is addressed in Assembly Resolution A35-5, *Consolidated statement of continuing ICAO policies and practices related to environmental protection*;

*Whereas* the resolution in Doc 8632, *ICAO’s Policies on Taxation in the Field of International Air Transport*, supplements Article 24 of the Convention and is designed to recognize the uniqueness of international civil aviation and the need to accord tax exempt status to certain aspects of the operations of international air transport;

*The Assembly:*

1. *Urges* Contracting States to follow the resolution of the Council as contained in Doc 8632, *ICAO’s Policies on Taxation in the Field of International Air Transport*; and

2. *Requests* the Council to ensure that the guidance and advice contained in Doc 8632 is current and responsive to the requirements of Contracting States.

## APPENDIX F

### Airports and air navigation services

#### Section I. Charging policy

*Whereas* ICAO policies make a conceptual distinction between a charge and a tax in that “a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis”;

*Whereas* the matter of aircraft engine emission-related levies is addressed separately in Assembly Resolution A35-5, *Consolidated statement of continuing ICAO policies and practices related to environmental protection*;

*Whereas* Article 15 of the Convention establishes the basis for the application and disclosure of charges for airports and air navigation services;

*Whereas* the Council has been directed to formulate recommendations for the guidance of Contracting States with regard to the principles on which providers of airports and air navigation services for international civil aviation may charge to recover the costs of their provision and derive other revenue therefrom, and with regard to the methods that may be employed to that effect; and

*Whereas* the Council has adopted and revised as necessary, and published in Doc 9082, *ICAO’s Policies on Charges for Airports and Air Navigation Services*;

*The Assembly:*

1. *Urges* Contracting States to ensure that Article 15 of the Convention is fully respected;
2. *Urges* Contracting States to base the recovery of the costs of the airports and air navigation services they provide or share in providing for international civil aviation on the principles set forth in Article 15 of the Convention and additionally in Doc 9082, *ICAO’s Policies on Charges for Airports and Air Navigation Services* regardless of the organizational structure under which the airports and air navigation services are operated;
3. *Urges* Contracting States to ensure that airport and air navigation services charges only be applied towards defraying the costs of providing facilities and services for civil aviation;
4. *Urges* Contracting States to make every effort pursuant to Article 15 of the Convention to publish and communicate to the Organization any charges that may be imposed or permitted to be imposed by a Contracting State for the use of air navigation facilities and airports by the aircraft of any other Contracting State; and
5. *Requests* the Council to ensure that the guidance and advice contained in Doc 9082 is current and responsive to the requirements of Contracting States.

## **Section II. Economics and management**

*Whereas* in handling growing volumes of traffic the global costs of providing airports and air navigation services continue to rise;

*Whereas* Contracting States are placing increased emphasis on improving financial efficiency in the provision of airports and air navigation services;

*Whereas* a balance should be maintained between the respective financial interests of providers of airports and air navigation services on one hand and air carriers and other users on the other;

*Whereas* Contracting States have called on the Organization to provide advice and guidance aimed at promoting equitable recovery of airport and air navigation services costs; and

*Whereas* Contracting States are to an increasing extent assigning the operation of airports and air navigation services to autonomous entities and using multinational air navigation facilities and services to meet the commitments they have assumed under Article 28 of the Convention;

*The Assembly:*

1. *Reminds* Contracting States that with regard to airports and air navigation services they alone remain responsible for the commitments they have assumed under Article 28 of the Convention regardless of what entity or entities operate the airports or air navigation services concerned;

2. *Urges* Contracting States to cooperate actively in the recovery of costs of multinational air navigation facilities and services;

3. *Requests* the Council to provide economic, organizational and managerial advice to Contracting States on the provision of airports and air navigation services;

4. *Requests* the Council to keep the economic situation of airports and air navigation services under review and make reports thereon to Contracting States at appropriate intervals; and

5. *Urges* Contracting States to make every effort to provide with the least possible delay the financial data relating to their airports and air navigation services to enable Council to provide such advice and prepare such reports.

## **APPENDIX G**

### **Air carrier economics**

*Whereas* there is a continuing interest among users, tourist, aviation and trade interests and their international organizations about the level of international air carrier costs of operation, fares, rates and appropriate revenue yields;

*Whereas* the objective studies by ICAO on international air transport costs and revenues are widely used by Contracting States and other international organizations and have promoted neutrality and resulted in a more equitable system of revenue sharing; and

*Whereas* ICAO requires air carrier revenue and cost data for environmental planning, investment studies and other purposes;

*The Assembly:*

1. *Requests* the Council to instruct the Secretary General to issue periodically a study on regional differences on the level of international air transport operating costs, analysing how differences in operations and input prices may affect their levels and the impact that changes in costs may have on air transport tariffs; and

2. *Urges* Contracting States to make every effort to obtain from their international air carriers with the least possible delay the cost, revenue and other data requested by ICAO.

## **APPENDIX H**

### **Air mail**

*Whereas* the Assembly has given ongoing directions with regard to ICAO's work in the field of international air mail;

*The Assembly:*

1. *Urges* Contracting States to take into account the effects on international civil aviation whenever policy is being formulated in the field of international air mail, and particularly at meetings of the Universal Postal Union (UPU); and

2. *Directs* the Secretary General to furnish the UPU, on request, information of a factual character which may be readily available.

### **A35-19: Preventing the introduction of invasive alien species**

*Whereas* the global community has increasingly recognized the threat to biological diversity posed by invasive alien species;

*Whereas* international transportation, including civil air transportation, represents a potential pathway for the introduction of invasive alien species; and

*Whereas* the Convention on Biological Diversity, the Global Invasive Species Programme and other intergovernmental and non-governmental international organizations are currently working on means to effectively assess and manage alien species that threaten ecosystems, habitats and native species;

*The Assembly:*

1. *Urges* all Contracting States to support one another's efforts to reduce the risk of introducing, through civil air transportation, potentially invasive alien species to areas outside their natural range;

2. *Requests* the ICAO Council to develop guidance material and, if appropriate, Standards and Recommended Practices, to assist Contracting States to reduce the risk of introducing potentially invasive alien species to areas outside their natural range and to continue working with the appropriate organizations in this regard;

3. *Requests* the ICAO Council to report on the implementation of this Resolution at the next ordinary session of the Assembly; and

4. *Declares* that this resolution supersedes Resolution A33-18.

#### **A35-20: Update of the New Policy on Technical Co-operation**

*Whereas* measures towards a new technical cooperation policy have been applied and A33-21 directed the Council to prepare for its consideration a consolidated Resolution regarding all technical cooperation activities and programmes;

*Whereas* Contracting States increasingly call upon ICAO to provide advice and assistance to implement SARPs and develop their civil aviation through the strengthening of their administration, the modernization of their infrastructure and the development of their human resources;

*Whereas* funding institutions expect from those implementing the projects they finance, expedient and effective project execution as well as detailed and real-time information on project activities and finances;

*Whereas* UNDP funding is directed to development sectors other than civil aviation, and its financial contribution to civil aviation activities has considerably decreased to a level where it represents less than 3 per cent of the ICAO Technical Co-operation Programme;

*Whereas* civil aviation administrations of Least Developed Countries are, in particular, those who need the most support while, at the same time, they rely most on financial institutions and sector industry to fund their technical cooperation projects;

*Whereas*, over the 1996-1998, 1999-2001 and 2002-2004 Triennia, integration of the Technical Co-operation Bureau and the implementation of the core staff concept have been pursued and the financial position of the Technical Co-operation Bureau has consequently improved;

*Whereas*, on an urgent basis, there is a need for effective follow-up and remedial action on the ICAO Universal Safety Oversight Audit Programme (USOAP) and Universal Security Audit Programme (USAP) for providing support to States in addressing the identified deficiencies;

*Whereas* initial funding provided to the Technical Co-operation Programme from extra-budgetary resources has begun to support TCB in addressing the deficiencies identified in the USOAP and USAP audits;

*The Assembly:*

1. *Reaffirms* that the Technical Co-operation Programme is a permanent priority activity of ICAO that complements the role of the Regular Programme in providing support to States in the effective implementation of SARPs and ANPs as well as in the development of their civil aviation administration infrastructure and human resources;

2. *Reaffirms* that the Technical Co-operation Bureau is one of the main instruments of ICAO to assist States in remedying the deficiencies identified through ICAO's assessment and audit activities;

3. *Affirms* that further integration of ICAO's activities should be achieved through clear delimitation of each Bureau's mandate and activities, enhanced cooperation and coordination of their respective activities and avoidance of duplication and redundancy;

4. *Affirms* that, within the existing financial means, the ICAO Technical Co-operation Programme should be strengthened, at Regional Office and field level, in order to allow the Technical Co-operation Bureau to play its role more efficiently and effectively;

5. *Recognizes* that, by providing funds from extra-budgetary resources, ICAO will allow the Technical Co-operation Programme to continue and expand its services to States in relation to safety, security and efficiency in civil aviation, thus further contributing to the implementation of SARP's and PIRG's recommendations;

6. *Encourages* States to make use of the quality assurance services offered by the Technical Co-operation Bureau, on a cost-recovery basis, for the supervision of projects implemented by third parties outside the Technical Co-operation Programme of ICAO;

7. *Recognizes* the need to expand the provision of technical cooperation by ICAO to the non-State entities (public or private) directly involved in civil aviation, in furtherance of ICAO objectives, to encompass, *inter alia*, those activities that were traditionally provided by national civil aviation administrations and are being privatized to some degree, where the State shall, nonetheless, continue to respond under the Chicago Convention for the quality of the services provided and their compliance with ICAO SARPs;

8. *Requests* UNDP to give more priority to the development of the air transport sub-sector in developing countries and requests the President, the Secretary General and the Secretariat to intensify their contacts with UNDP to increase its contribution to ICAO's technical cooperation projects;

9. *Encourages* States and other development partners, including the industry and the private sector, to contribute to the ICAO Objectives Implementation Funding Mechanism which allows them to participate in the implementation of ICAO's civil aviation development projects;

10. *Approves* that, in the event that the Administrative and Operational Services Cost-(AOSC) operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;

11. *Directs* the Council to report to the next ordinary session of the Assembly regarding the implementation of this Resolution.

12. *Decides* that this Resolution replaces and supersedes Resolution A33-21.

### **A35-21: Expansion of ICAO Technical Co-operation Activities**

*Whereas* A33-21 affirmed that the Technical Co-operation Programme is a permanent priority activity of ICAO that complements the role of the Regular Programme in providing support to States in the effective implementation of Standards and Recommended Practices (SARPs) and Air Navigation Plans (ANPs) as well as in the development of their civil aviation administration infrastructure and human resources;

*Whereas* the Council agreed that greater operational flexibility should be accorded to the Technical Co-operation Bureau with the appropriate oversight and control over technical cooperation activities;

*Whereas* A33-21 encouraged the Council and the Secretary General to adopt a structure and mechanism that would use commercially oriented practices to allow fruitful partnerships with funding partners and recipient States;

*Whereas* harmonized and fully SARPs-compliant project implementation by TCB or any other third party outside ICAO results in substantially enhanced safety, security and efficiency of civil aviation worldwide;

*Whereas* non-State entities (public and private) implementing projects for Contracting States in the field of civil aviation increasingly call upon ICAO, through the Technical Co-operation Bureau, to provide advice and assistance in the traditional technical cooperation fields and ensure project compliance with ICAO SARPs;

*The Assembly:*

1. *Resolves* that ICAO should expand the provision of technical cooperation services, upon request, to non-State entities (public and private) implementing projects in Contracting States in the field of civil aviation that aim at enhancing the safety, security and efficiency of international air transport;

2. *Stresses* that the Technical Co-operation Programme should always operate within the rules, regulations and procedures of ICAO;

3. *Recognizes* that in adopting commercially oriented practices, there is a need to ensure that the good reputation of ICAO is maintained;and

4. *Directs* the Secretary General to consider, on a case-by-case basis, the requests from non-State entities (public and private) implementing projects in Contracting States in the field of civil aviation for the provision of ICAO assistance in the traditional technical cooperation areas, with particular regard to project compliance with ICAO SARPs.

### **A35-22: Budgets 2005, 2006 and 2007**

A. *The Assembly*, with respect to the **Programme Budget 2005-2006-2007**, *notes* that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates [indicative estimates for the Administrative and Operational Services

Costs of the Technical Co-operation Programme (AOSC)] for each of the financial years 2005, 2006 and 2007;

2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization.

**B. The Assembly, with respect to the Technical Co-operation Programme:**

*Recognizing* that the AOSC are mainly financed by income from implementation of projects assigned to ICAO for execution by external funding sources such as Governments, the United Nations Development Programme and other sources;

*Recognizing* that the Technical Co-operation Programme cannot be determined with a high degree of precision until such time as the Governments of donor and recipient countries have decided on the relevant projects;

*Recognizing* that due to the difficulties cited above, the annual AOSC net budget figures shown below for the years 2005, 2006 and 2007 represent indicative budget estimates only:

<b>2005</b>	<b>2006</b>	<b>2007</b>
6 299 000	6 051 000	5 993 000

*Recognizing* that technical co-operation is an indispensable means of fostering the development and safety of civil aviation;

*Recognizing* the circumstances facing the Technical Co-operation Programme of the Organization and the necessity to take continuing measures; and

*Recognizing* that in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort.

*Resolves* that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Co-operation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations, provided that the overall requirements shall not at any time exceed the funds placed at the disposal of the Organization for this purpose.

**C. The Assembly, with respect to the Regular Programme:**

*Recognizing* that on one hand, the increasing demand for resources due to addition or expansion of activities and unavoidable cost increases have resulted in increasing budgets from year to year and that on the other, the ability of Contracting States to finance these increases is not unlimited; and

*Recognizing* that it is imperative that: (i) cost of all operations continue to be properly reviewed and controlled; (ii) new programmes or activities added to the Programme Budget be adequately justified within

the Budget levels, the context of the Organization's principal objectives and widely supported and ensured of funding by Contracting States; and (iii) alternative sources of funding, without affecting the character of the Organization, be identified and used.

*Resolves that:*

1. for the financial years 2005, 2006 and 2007, there are hereby authorized for expenditure in accordance with the Financial Regulations, and subject to the provisions of this Resolution, the following amounts for the Regular Programme, **separately** for the years stated:

	<b>2005</b>	<b>2006</b>	<b>2007</b>
I. General Policy and Direction	1 090 000	1 118 000	1 718 000
II. Air Navigation	9 138 000	9 314 000	9 521 000
III. Air Transport	5 363 000	5 468 000	5 561 000
IV. Legal	1 171 000	1 123 000	1 069 000
V. Regional and Other Programmes	17 120 000	16 493 000	16 392 000
VI. Administrative Support	25 646 000	26 047 000	26 401 000
VII. Finance, External Relations/ Public Information and Programmes Evaluation, Audit and Management Review	3 984 000	4 081 000	4 101 000
VIII. Universal Safety Oversight Audit Programme	2 007 000	3 027 000	2 599 000
Reduction (not to adversely affect Safety, Security, and Environment activities both at Headquarters and regional levels)	(850 000)	(851 000)	(851 000)
<b>TOTAL AUTHORIZED APPROPRIATION</b>	<b>64 669 000</b>	<b>65 820 000</b>	<b>66 511 000</b>

2. the separate annual Total Authorized Appropriation be financed as follows, in accordance with the Financial Regulations:

	<b>2005</b>	<b>2006</b>	<b>2007</b>
a) by Assessments on Contracting States in accordance with Resolution on the Scale of Assessments	58 507 000	60 407 000	60 788 000
b) by Miscellaneous Income	5 162 000	5 413 000	5 723 000
c) by Transfer from the Incentive Scheme for Long-Outstanding Arrears Account	1 000 000		
<b>TOTAL</b>	<b>64 669 000</b>	<b>65 820 000</b>	<b>66 511 000</b>

3. the Secretary General inform all Contracting States of the revised appropriations for the Regular Programme Budget by Major Programme, which would take into account the proposed reduction of \$ 2.55 million, before the end of 2004.

**A35-23: Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention**

*The Assembly:*

1. *Notes* that:

- a) Financial Regulations 6.9 and 7.5 provide that the Council shall, if the Assembly is not in session, determine the assessment of contributions and the advance to the Working Capital Fund of a new Contracting State, subject to approval or adjustment at the next session of the Assembly; and
- b) the Council has acted accordingly in respect of the State which became a member of the International Civil Aviation Organization after the 33rd Session of the Assembly, and assessable, as indicated below;

2. *Confirms* the action of the Council in assessing the contribution and the advance to the Working Capital Fund of the following State at the percentage rate indicated, such assessment rate to apply from the assessable date indicated:

<b>Name of New Contracting State</b>	<b>Date of Membership</b>	<b>Date from which Assessable</b>	<b>Assessment Rate</b>
Saint Kitts and Nevis	20 June 2002	1 July 2002	0.06%

**A35-24: Assessments to the General Fund for 2005, 2006 and 2007**

*The Assembly:*

1. *resolves* that the amounts to be assessed on Contracting States for 2005, 2006 and 2007 pursuant to Article 61, Chapter XII of the Convention, shall be determined in accordance with the scales set out below; and

2. *instructs* the Council to examine the methodology used in calculating the scales of assessment, and in particular, the limitation principle, which is defined in Assembly Resolution A21-33, Resolving Clause 1e) and report its findings and recommendations to the next Assembly.

	<b><u>2005</u></b>	<b><u>2006</u></b>	<b><u>2007</u></b>
	<i>%</i>	<i>%</i>	<i>%</i>
Afghanistan	0.06	0.06	0.06
Albania	0.06	0.06	0.06

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Algeria	0.07	0.07	0.07
Andorra	0.06	0.06	0.06
Angola	0.06	0.06	0.06
Antigua and Barbuda	0.06	0.06	0.06
Argentina	0.72	0.72	0.71
Armenia	0.06	0.06	0.06
Australia	1.63	1.61	1.61
Austria	0.72	0.71	0.71
Azerbaijan	0.06	0.06	0.06
Bahamas	0.06	0.06	0.06
Bahrain	0.06	0.06	0.06
Bangladesh	0.08	0.08	0.08
Barbados	0.06	0.06	0.06
Belarus	0.06	0.06	0.06
Belgium	0.82	0.81	0.81
Belize	0.06	0.06	0.06
Benin	0.06	0.06	0.06
Bhutan	0.06	0.06	0.06
Bolivia	0.06	0.06	0.06
Bosnia and Herzegovina	0.06	0.06	0.06
Botswana	0.06	0.06	0.06
Brazil	1.38	1.37	1.36
Brunei Darussalam	0.06	0.06	0.06

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Bulgaria	0.06	0.06	0.06
Burkina Faso	0.06	0.06	0.06
Burundi	0.06	0.06	0.06
Cambodia	0.06	0.06	0.06
Cameroon	0.06	0.06	0.06
Canada	2.46	2.49	2.48
Cape Verde	0.06	0.06	0.06
Central African Republic	0.06	0.06	0.06
Chad	0.06	0.06	0.06
Chile	0.30	0.30	0.30
China	1.67	1.84	2.02
Colombia	0.23	0.23	0.23
Comoros	0.06	0.06	0.06
Congo	0.06	0.06	0.06
Cook Islands	0.06	0.06	0.06
Costa Rica	0.06	0.06	0.06
Côte d'Ivoire	0.06	0.06	0.06
Croatia	0.06	0.06	0.06
Cuba	0.06	0.06	0.06
Cyprus	0.06	0.06	0.06
Czech Republic	0.16	0.15	0.15
Democratic People's Republic of Korea	0.06	0.06	0.06
Democratic Republic of the Congo	0.06	0.06	0.06
Denmark	0.56	0.55	0.55
Djibouti	0.06	0.06	0.06

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Dominican Republic	0.06	0.06	0.06
Ecuador	0.06	0.06	0.06
Egypt	0.19	0.18	0.18
El Salvador	0.06	0.06	0.06
Equatorial Guinea	0.06	0.06	0.06
Eritrea	0.06	0.06	0.06
Estonia	0.06	0.06	0.06
Ethiopia	0.06	0.06	0.06
Fiji	0.06	0.06	0.06
Finland	0.45	0.45	0.44
France	5.12	5.08	5.06
Gabon	0.06	0.06	0.06
Gambia	0.06	0.06	0.06
Georgia	0.06	0.06	0.06
Germany	7.14	7.09	7.05
Ghana	0.06	0.06	0.06
Greece	0.43	0.43	0.43
Grenada	0.06	0.06	0.06
Guatemala	0.06	0.06	0.06
Guinea	0.06	0.06	0.06
Guinea-Bissau	0.06	0.06	0.06
Guyana	0.06	0.06	0.06
Haiti	0.06	0.06	0.06
Honduras	0.06	0.06	0.06
Hungary	0.12	0.12	0.12

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Iceland	0.06	0.06	0.06
India	0.46	0.45	0.45
Indonesia	0.24	0.24	0.24
Iran, Islamic Republic of	0.16	0.15	0.15
Iraq	0.06	0.06	0.06
Ireland	0.35	0.36	0.35
Israel	0.52	0.52	0.51
Italy	3.60	3.57	3.56
Jamaica	0.06	0.06	0.06
Japan	14.57	14.46	14.39
Jordan	0.06	0.06	0.06
Kazakhstan	0.06	0.06	0.06
Kenya	0.06	0.06	0.06
Kiribati	0.06	0.06	0.06
Kuwait	0.18	0.18	0.18
Kyrgyzstan	0.06	0.06	0.06
Lao People's Democratic Republic	0.06	0.06	0.06
Latvia	0.06	0.06	0.06
Lebanon	0.06	0.06	0.06
Lesotho	0.06	0.06	0.06
Liberia	0.06	0.06	0.06
Libyan Arab Jamahiriya	0.09	0.09	0.09
Lithuania	0.06	0.06	0.06
Luxembourg	0.31	0.35	0.34
Madagascar	0.06	0.06	0.06

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Malawi	0.06	0.06	0.06
Malaysia	0.51	0.50	0.50
Maldives	0.06	0.06	0.06
Mali	0.06	0.06	0.06
Malta	0.06	0.06	0.06
Marshall Islands	0.06	0.06	0.06
Mauritania	0.06	0.06	0.06
Mauritius	0.07	0.06	0.06
Mexico	1.01	1.11	1.22
Micronesia, Federated States of	0.06	0.06	0.06
Monaco	0.06	0.06	0.06
Mongolia	0.06	0.06	0.06
Morocco	0.08	0.08	0.08
Mozambique	0.06	0.06	0.06
Myanmar	0.06	0.06	0.06
Namibia	0.06	0.06	0.06
Nauru	0.06	0.06	0.06
Nepal	0.06	0.06	0.06
Netherlands, Kingdom of the	1.88	1.87	1.86
New Zealand	0.34	0.34	0.34
Nicaragua	0.06	0.06	0.06
Niger	0.06	0.06	0.06
Nigeria	0.06	0.06	0.06
Norway	0.53	0.53	0.53
Oman	0.09	0.09	0.09

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Pakistan	0.14	0.14	0.14
Palau	0.06	0.06	0.06
Panama	0.06	0.06	0.06
Papua New Guinea	0.06	0.06	0.06
Paraguay	0.06	0.06	0.06
Peru	0.09	0.09	0.09
Philippines	0.18	0.18	0.18
Poland	0.36	0.36	0.35
Portugal	0.42	0.42	0.42
Qatar	0.13	0.13	0.13
Republic of Korea	2.43	2.41	2.40
Republic of Moldova	0.06	0.06	0.06
Romania	0.06	0.06	0.06
Russian Federation	0.62	0.61	0.61
Rwanda	0.06	0.06	0.06
Saint Kitts and Nevis	0.06	0.06	0.06
Saint Lucia	0.06	0.06	0.06
Saint Vincent and the Grenadines	0.06	0.06	0.06
Samoa	0.06	0.06	0.06
San Marino	0.06	0.06	0.06
Sao Tome and Principe	0.06	0.06	0.06
Saudi Arabia	0.68	0.70	0.69
Senegal	0.06	0.06	0.06
Serbia and Montenegro	0.06	0.06	0.06
Seychelles	0.06	0.06	0.06

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Sierra Leone	0.06	0.06	0.06
Singapore	1.25	1.26	1.25
Slovakia	0.06	0.06	0.06
Slovenia	0.06	0.06	0.06
Solomon Islands	0.06	0.06	0.06
Somalia	0.06	0.06	0.06
South Africa	0.43	0.43	0.43
Spain	2.08	2.07	2.06
Sri Lanka	0.07	0.07	0.07
Sudan	0.06	0.06	0.06
Suriname	0.06	0.06	0.06
Swaziland	0.06	0.06	0.06
Sweden	0.76	0.76	0.75
Switzerland	1.13	1.13	1.12
Syrian Arab Republic	0.06	0.06	0.06
Tajikistan	0.06	0.06	0.06
Thailand	0.58	0.57	0.57
The former Yugoslav Republic of Macedonia	0.06	0.06	0.06
Togo	0.06	0.06	0.06
Tonga	0.06	0.06	0.06
Trinidad and Tobago	0.06	0.06	0.06
Tunisia	0.06	0.06	0.06
Turkey	0.40	0.40	0.40
Turkmenistan	0.06	0.06	0.06
Uganda	0.06	0.06	0.06

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Ukraine	0.06	0.06	0.06
United Arab Emirates	0.43	0.50	0.53
United Kingdom	5.64	5.60	5.57
United Republic of Tanzania	0.06	0.06	0.06
United States	25.00	25.00	25.00
Uruguay	0.06	0.06	0.06
Uzbekistan	0.06	0.06	0.06
Vanuatu	0.06	0.06	0.06
Venezuela	0.14	0.14	0.14
Viet Nam	0.06	0.06	0.06
Yemen	0.06	0.06	0.06
Zambia	0.06	0.06	0.06
Zimbabwe	<u>0.06</u>	<u>0.06</u>	<u>0.06</u>
	<u>100.00</u>	<u>100.00</u>	<u>100.00</u>

**A35-25: Amendment to the Financial Regulations**

*Whereas* the Council has reported to the Assembly on its experience in applying Financial Regulations 6.5 and 6.7; and

*Whereas* the Council has noted the need to revise Financial Regulations 6.5 and 6.7 for the sake of clarity.

*The Assembly:*

1. *Resolves* that the amendments set out below are confirmed:

**Financial Regulation 6.5**

6.5 Except as otherwise provided in these Regulations or where the Assembly otherwise determines:

- a) contributions, payments under terms of agreements for settlement of arrears, and advances to the Working Capital Fund, shall be considered as due and payable in full upon the expiry of thirty days from the date that the notification from the Secretary General is dispatched under Regulations 6.4 b) and 7.4 b), or as of the first day of the financial year to which they relate, whichever is the later; and

- b) as of 1 January of the following financial year, any unpaid balance of such contributions, payments under terms of agreements for settlement of arrears, and advances to the Working Capital Fund, shall be considered to be one year in arrears.

### **Financial Regulation 6.7**

6.7 Payments by Contracting States, including those of Contracting States with agreements for settlement of arrears, shall be credited first to advances due to the Working Capital Fund and any balance applied against outstanding amounts relating to agreements and contributions, beginning with the earliest.

### **A35-26: Discharge by Contracting States of financial obligations to the Organization and action to be taken in case of their failure to do so**

*Whereas* Article 62 of the *Convention on International Civil Aviation* provides that the Assembly may suspend the voting power in the Assembly and in the Council of any Contracting State that fails to discharge, within a reasonable period, its financial obligations to the Organization;

*The Assembly:*

*Considering* that Article 6.5 of the *ICAO Financial Regulations* provides that contributions from Contracting States shall be considered due and payable in full as of the first day of the financial year to which they relate;

*Noting* that in recent years the accumulation of contributions in arrears has increased considerably and has constituted, together with the delays in payment of current year contributions, an obstacle to the implementation of the work programme and created serious cash flow difficulties;

*Urges* that all Contracting States in arrears make suitable arrangements for liquidating their arrears;

*Urges* all Contracting States and in particular, the States elected to the Council, to take all necessary measures to pay their contributions on time;

*Resolves that, with effect from 1 January 2005:*

1. all Contracting States should recognize the necessity to pay their contributions at the beginning of the year in which they fall due, in order to avoid the need for the Organization to draw on the Working Capital Fund to make good the shortfall;
2. the Secretary General be directed to dispatch to all Contracting States, at least three times in the year, schedules showing the current amounts due for the current year and up to 31 December of the previous year;
3. the Council be authorized to discuss and conclude arrangements with Contracting States, whose contributions are in arrears for three or more years, for the settlement of accumulated arrears to the Organization, any such settlements or arrangements to be reported to the next session of the Assembly;

4. all Contracting States which are three years or more in arrears in the payment of their contributions should:

- a) effect without delay payment of the amounts outstanding with respect to advances to the Working Capital Fund, the current year contribution, and partial settlement of their arrears in the amount of no less than \$ 2 000, such minimum amount to be increased proportionately in cases of States which are assessed at more than the minimum contribution of the ICAO scale;
- b) conclude within six months of the date of the payment referred to in sub-paragraph a) above, if they have not already done so, an agreement with the Organization for the settlement of the balance of their arrears, such agreement to provide for the payment annually, in full, of their current contributions and the balance of the arrears in instalments over a period of no more than ten years, which period may, at the discretion of the Council, be extended, to a maximum of twenty years in respect of special cases i.e. those Contracting States that are classified as Least Developed Countries by the United Nations;

5. the Council should further intensify the current policy of inviting Contracting States in arrears to make settlement proposals for the liquidation of long outstanding arrears of contributions in accordance with the provisions of Resolving Clause 4 above, taking full account of the economic position of the States concerned including the possibility of accepting other currencies in accordance with the provisions of Article 6.6 of the Financial Regulations, to the extent that the Secretary General can use these currencies;

6. the voting power in the Assembly and the Council be suspended for those Contracting States in arrears for an amount equal to or in excess of the total assessments for the three preceding financial years and of those Contracting States not in compliance with agreements entered into in accordance with Resolving Clause 4 b) above, such suspension to be revoked immediately upon the settlement of outstanding amounts due under agreements; and

7. the voting power of a Contracting State suspended under Resolving Clause 6 may also be restored by action of the Assembly or the Council provided:

- a) it has already concluded with the Council an agreement that provides for the settlement of its outstanding obligations and for the payment of current contributions and has complied with the terms of that agreement; or
- b) the Assembly is satisfied that the State's willingness to reach an equitable settlement of its financial obligations to the Organization has been demonstrated;

8. any State whose voting power has been suspended by the Assembly under Article 62 of the Convention may have it restored by the Council under the conditions stipulated in Resolving Clause 7 a) above, provided that a willingness on its part to reach an equitable settlement of its financial obligations to the Organization has been demonstrated;

9. the following additional measures be applied to those Contracting States whose voting rights have been suspended under Article 62 of the Convention:

- a) lose eligibility to host meetings, conferences, workshops and seminars which are funded, in whole or in part, by the Regular Programme;

- b) receive only the same free documentation as that provided to non-Contracting States, including those available in electronic media, and any other documents that are essential for safety, regularity or efficiency of international air navigation;
- c) Nationals or Representatives lose eligibility for nomination to elected offices;
- d) for purposes of recruitment to posts in the Secretariat, if all other circumstances are equal, candidates from States in arrears would be considered as having the status of candidates from a State that has already achieved the desired level of representation (under equal geographical representation principles), even if it has not achieved that level; and
- e) lose the right to participate in the ICAO Familiarization course;

10. only those States that have no outstanding annual assessed contributions except for the current year's assessment will be eligible for election to the Council, Committees, and bodies; and

11. this Resolution supersedes Assembly Resolutions A21-10 and A31-26.

**A35-27: Incentives for the settlement of long-outstanding arrears**

*The Assembly,*

*Recalling* the concern expressed by previous Assemblies at the increase in the contributions in arrears;

*Reiterating* the necessity of all Contracting States to pay their contributions on the date on which they fall due;

*Noting* that a number of States have had their voting power suspended in the Assembly and the Council in accordance with Assembly Resolution A35-26;

*Reaffirming* the extreme importance of participation by all States in the activities of the Organization;

*Noting* that the cash surplus had traditionally been distributed to those Contracting States that have paid their contributions for the financial years for which the surpluses had been determined; and

*Wishing* to encourage States to liquidate their arrears and at the same time provide incentives for doing so;

*Resolves that:*

1. the distribution of cash surpluses be restricted to Contracting States that, at the date of the distribution of the surpluses, have paid their contributions for the financial years for which the surpluses had been determined and that the entitlement to the surpluses be terminated for States which have outstanding contributions for the years concerned, except for those States with agreements and which have complied with the terms of their agreements;

2. Contracting States with arrears of three full years or more and which either have existing agreements or enter into agreements for settlement of long outstanding arrears, and which have complied with

the terms of their agreements, shall have their share of cash surplus distributed even though they have not paid the assessments for the financial years for which the surpluses had been determined;

3. with effect from 1 January 2005, only that portion of a payment from a Contracting State that is in excess of the sum of the three preceding years' assessments and all instalments due under agreements entered into under Resolving Clause 4 of Assembly Resolution A35-26 shall be retained in a separate account to finance expenditure on aviation security activities, and new and unforeseen projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes, such action to be under the control of the Council and reported to the next ordinary session of the Assembly;

4. the Council be requested to closely monitor the question of outstanding contributions, the effects of the incentive schemes on payment of arrears by States, and report to the next ordinary session of the Assembly on the results of their efforts including other measures to be considered; and

5. this Resolution supersedes Assembly Resolution A33-27.

**A35-28: Working Capital Fund**

*The Assembly:*

1. *Notes that:*

- a) in accordance with Resolution A33-28, the Council has reported upon, and the Assembly has considered, the adequacy of the level of the Working Capital Fund and the related borrowing authority;
- b) in recent years, the accumulation of contributions in arrears has constituted, together with the delays in payment of current year contributions, a growing obstacle to the implementation of the work programme while creating financial uncertainty;
- c) the relatively long budgetary cycle of ICAO, namely three years, has a bearing on the determination of the prudent level of the Working Capital Fund and borrowing authority, as only the Assembly can levy assessments on Contracting States;
- d) given the number of permanent staff in ICAO, there is an irreducible minimum which the Organization has to pay out each month to meet the staff costs. This amount is not amenable to short term reduction through adjusting the work programme, since permanent staff remain in post and have to be paid in any event;
- e) on average, by September of each year, the cumulative receipt of assessments was short of estimated disbursement by an average of 17.7 per cent;
- f) based on past trends, the average annual cash flow shortfall accumulated by the end of September and November could range between \$ 7.5 million and \$ 11.3 million;
- g) experience has shown that payments are not made at the beginning of the year when contributions are due and that ICAO cannot rely on contributions being paid even by the end of the year to which they relate and that such unacceptable avoidance of their

financial obligations under the Convention by some Contracting States is leading to a grave financial crisis within the Organization that could impact all Contracting States;

- h) as long as the cash flow remains uncertain, ICAO would need the Working Capital Fund as a buffer on which it could draw to meet its unavoidable cash commitments; and
- i) the Council reviewed the level of the Working Capital Fund in November 2003 and determined that the need for the increase in the level from \$ 6.0 million to \$ 8.0 million was not urgent and immediate for the year 2004.

2. *Resolves that:*

- a) the level of the Working Capital Fund remain at \$ 6.0 million;
- b) the Council shall review the level of the Working Capital Fund each year, and no later than November 2004, 2005, 2006 and 2007, to determine if an increase is urgently needed during that year or for the following year;
- c) if the Council determines that it is warranted, the level of the Working Capital Fund shall be established at a level no higher than \$ 8.0 million, subject to increases resulting from advances paid by new States becoming members of the Organization after approval of the scales. Such adjustment to the Working Capital Fund will be based on the scales of assessment in effect for the year for which the increase in the level of the Working Capital Fund is approved;
- d) the Secretary General be authorized, with the prior approval of the Finance Committee of the Council, to finance regular and supplementary appropriations that cannot be financed from the General Fund and the Working Capital Fund, by borrowing externally amounts needed to meet immediate obligations of the Organization, and that the Secretary General be required to repay such amounts as rapidly as possible; the outstanding total of such indebtedness of the Organization at no time to exceed \$ 3.0 million during the triennium;
- e) the Council shall report to the next ordinary session of the Assembly:
  - i) on the adequacy of the level of the Working Capital Fund in the light of experience during 2004, 2005 and 2006;
  - ii) whether the financial position of the General Fund and the Working Capital Fund would indicate the need for assessing Contracting States for cash deficits caused by arrears of contributions;
  - iii) on the appropriateness of the level of the borrowing authority; and
- f) Resolution A33-28 is no longer effective and is hereby superseded.

3. *Urges:*

- a) all Contracting States to pay their assessments as early as possible in the year in which they fall due in order to lessen the likelihood of the Organization having to draw on the Working Capital Fund and resort to external borrowing; and
- b) the Contracting States in arrears to meet their obligations to the Organization as promptly as possible, as called for by Resolution A35-26.

**A35-29: Approval of the accounts of the Organization for the financial years 2001, 2002 and 2003 and examination of the Audit Reports thereon**

*Whereas* the accounts of the Organization for the financial years 2001, 2002 and 2003 and the Audit Reports thereon, submitted by the Auditor General of Canada - a member of the Joint Panel of External Auditors of the United Nations and Specialized Agencies - as the External Auditor of ICAO, have been submitted to the Assembly after being circulated to Contracting States;

*Whereas* the Council has examined the Audit Reports and submitted them to the Assembly for its review; and

*Whereas* in accordance with Chapter VIII Article 49 (f) of the Convention, expenditures have been reviewed;

*The Assembly:*

1. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2001 and the comments by the Secretary General in response to the recommendations in the Audit Report;
2. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2002 and the comments by the Secretary General in response to the recommendations in the Audit Report;
3. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2003 with related comments by the Secretary General in response to the recommendations in the Audit Report, and the report on the status of the implementation of the External Auditor's prior years' recommendations;
4. *Urges* the Secretary General to take the necessary action, as deemed appropriate, to the recommendations made by the External Auditor;
5. *Approves* the audited accounts for the financial year 2001;
6. *Approves* the audited accounts for the financial year 2002; and
7. *Approves* the audited accounts for the financial year 2003.

**A35-30: Approval of those accounts with respect to the United Nations Development Programme activities administered by ICAO as Executing Agency for the financial years 2001, 2002 and 2003 and examination of the Audit Reports on the financial statements of the Organization which also cover the United Nations Development Programme accounts**

*Whereas* those accounts showing the status of funds allocated to ICAO by the Administrator of the United Nations Development Programme and administered by ICAO as Executing Agency for the financial years 2001, 2002 and 2003 as well as the Audit Reports on the financial statements of the Organization which also cover the United Nations Development Programme accounts submitted by the Auditor General of Canada, a member of the Panel of External Auditors of the United Nations and Specialized Agencies, as the External Auditor of ICAO have been submitted to the Assembly after being circulated to Contracting States;

*Whereas* the Council has examined the Audit Reports and submitted them to the Assembly for review and for submission to the Administrator of the United Nations Development Programme; and

*Whereas* the Financial Regulations and Rules of the United Nations Development Programme provide that Organizations of the United Nations system entrusted with the execution or implementation of UNDP Programme activities shall transmit to the Administrator for submission to the Executive Board accounts showing the status of funds allocated to them by the Administrator and that such accounts shall bear audit certificates from the External Auditors of the Organizations and shall be accompanied by their reports.

*The Assembly:*

1. *Notes* the Report of the External Auditor on the financial statements of the Organization, which also covers those accounts relating to the United Nations Development Programme administered by ICAO as Executing Agency, for the financial year 2001 and the comments by the Secretary General in response to the recommendations in the Audit Report;

2. *Notes* the Report of the External Auditor on the financial statements of the Organization, which also covers those accounts relating to the United Nations Development Programme administered by ICAO as Executing Agency, for the financial year 2002 and the comments by the Secretary General in response to the recommendations in the Audit Report;

3. *Notes* the Report of the External Auditor on the financial statements of the Organization, which also covers those accounts relating to the United Nations Development Programme administered by ICAO as Executing Agency, for the financial year 2003 and the comments by the Secretary General in response to the recommendations in the Audit Report;

4. *Urges* the Secretary General to take the necessary action, as deemed appropriate, to the recommendations made by the External Auditor;

5. *Approves* those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 2001;

6. *Approves* those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 2002;

7. *Approves* those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 2003; and

8. *Directs* that the financial statements of the Organization, which also include accounts of the United Nations Development Programme administered by ICAO, and the Audit Reports be transmitted to the Administrator of the United Nations Development Programme for submission to the Executive Board.

**A35-31: Appointment of the External Auditor**

*The Assembly:*

1. *Notes* that:

- a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization;
- b) the Council approved the extension of the appointment of Mrs. Sheila Fraser, the Auditor General of Canada and a member of the Joint Panel of External Auditors of the United Nations and Specialized Agencies, as ICAO's External Auditor for the accounts of the financial years 2000 to 2004, in accordance with Financial Regulation 13.1; and
- c) the Council reviewed the nominations submitted by Contracting States in 2004 and approved the appointment of Mrs. Sheila Fraser, the Auditor General of Canada, as ICAO's External Auditor for the accounts of the financial years 2005, 2006 and 2007; and therefore

2. *Expresses* its sincere appreciation to Mrs. Sheila Fraser for the high quality of her service to the Organization as its External Auditor (2000 - 2003) and for her effective and cooperative assistance during that period to the officials and organs of ICAO; and

3. *Confirms:*

- a) the action taken by the Council in appointing Mrs. Sheila Fraser, the Auditor General of Canada, as ICAO's External Auditor for the accounts of the financial years 2000 to 2004; and
- b) the action taken by the Council in appointing Mrs. Sheila Fraser, the Auditor General of Canada, as ICAO's External Auditor for the accounts of the financial years 2005, 2006 and 2007; and

4. *Declares* that this resolution supersedes Resolutions A29-34 and A33-22.

**A35-32: Information and Communication Technology (ICT) Fund**

*The Assembly,*

*Recalling that:*

1. improvements to information and communication systems of the Organization are important means to improve the efficiency and effectiveness of the Organization set forth in Assembly Resolutions A31-2 and A32-1;
2. the current accounting system is over 30 years old and improvements are necessary to meet the information requirements of Contracting States for the Regular and Technical Cooperation Programmes;
3. programme budget estimates do not include significant investments in information and communication technology; and
4. under Assembly Resolution A33-24, an Information and Communication Technology (ICT) Fund was established to fund the modernization of financial systems, the enhancement of ICAO websites and consolidation of file servers;

*Notes* the Report on the ICT Fund and the progress made on the three projects and the expenditure incurred thereon to date.

*The Assembly,*

*Notes that:*

1. the \$ 2.5 million allocated to-date would be insufficient to fund the modernization of the financial and related systems;
2. the preliminary estimated cost of implementing a modern integrated and related systems amounts to approximately \$ 8 million;
3. another \$ 500,000 could be required to maintain and enhance the development of the ICAO website.

*The Assembly,*

*Resolves:*

1. to authorize the transfer of an amount of \$ 2 million from the accumulated funds of the Administrative and Operations Services Fund of the Technical Co-operation Programme to the ICT Fund to fund part of the cost of modernizing the financial and related systems;
2. to authorize the Council to transfer from the Incentive for Settlement of Long-Outstanding Arrears Account to the ICT Fund such amounts as are available and are

deemed appropriate to fund the modernization of the financial and other related systems after carefully examining its estimated costs and taking into account the needs of the Organization.

*The Assembly,*

*Requests:*

1. States to make voluntary contributions in cash or in kind for the modernization of the financial and related systems and the further development of the ICAO websites;
2. the Council to monitor progress achieved through the use of the ICT Fund and report at the next ordinary session of the Assembly on the use of the ICT Fund;
3. the External Auditor to pay particular attention to the appropriate use of the funds allocated to the modernization of financial and related systems in the course of her audit.

**- END -**