

# RESOLUTIONS ADOPTED AT THE 32ND SESSION OF THE ASSEMBLY

## PROVISIONAL EDITION

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## RESOLUTIONS ADOPTED AT THE 32ND SESSION OF THE ASSEMBLY

### PROVISIONAL EDITION

#### **A32-1: Increasing the effectiveness of ICAO (measures for continuing improvement in the 1999-2001 triennium and beyond)**

*Whereas* ICAO has for over 50 years effectively and efficiently fulfilled its functions in accordance with Part II of the *Convention on International Civil Aviation* (the Chicago Convention);

*Whereas* the fundamental objectives of the Organization expressed in Article 44 of the Chicago Convention and the functions of the Council expressed in the Convention, in particular in Articles 54 and 55 remain paramount;

*Whereas* the Organization is facing new and rapidly evolving challenges of a technological, economic, social and legal nature;

*Whereas* the response to these challenges affects the safety of international civil aviation; and

*Whereas* there is a need for ICAO to meet these challenges effectively within the constraints under which the Organization operates;

*The Assembly:*

1. *Expresses appreciation* to the Council and the Secretary General for the progress made in implementing Resolution A31-2, Increasing the effectiveness of ICAO;
2. *Endorses* the decisions already taken by the Council in this regard;
3. *Directs* the Council and the Secretary General, within their respective competencies and the limits of the budget approved by the Assembly, and without weakening the Organization or having adverse effects on its functioning, to:
  - a) continue the work that will ensure that ICAO is effective in meeting the challenges of a rapidly changing aviation sector and promoting safety and security worldwide;
  - b) ensure that high priority programmes which affect the safety of the travelling public are fully funded and staffed;
  - c) ensure that the Office for Programmes Evaluation, Audit and Management Review (EAO) functions as it has been designed, *i.e.*, to improve programme management, transparency and accountability;

- d) examine ICAO programmes critically to determine priorities and contemporary validity, and eliminate or downsize those programme activities which are no longer priorities for the work of ICAO, or which could be accomplished by other organizations, or by contracting out;
  - e) streamline the Panels and consolidate their work where possible; and
  - f) focus their efforts on:
    - 1) improvement of the process of developing and adopting SARPS giving special regard to global, functional, and operational requirements;
    - 2) evaluating on a regular basis the results of technical cooperation programmes in order to identify their impact on the improvement of SARPS implementation;
4. *Directs* the Council to:
- a) continue streamlining the Assembly process by focussing on policy guidance and work programme developments, and eliminating redundancies in its agenda;
  - b) in accordance with Articles 54 and 55 of the Convention, lay greater emphasis in its work programme on policy decisions of ICAO, in such areas as the carrying out of decisions of the Assembly, administration of finances, adoption of SARPS, reports of infractions to the Assembly and preparation of Diplomatic Conferences within the framework of ICAO;
  - c) continue the evaluation of the character, working methods and procedures of ICAO, especially of its governing bodies, including a comparison with other similar UN organizations, taking the assistance of an outside body, if necessary and appropriate, for example from the Joint Inspection Unit of the United Nations;
  - d) consider whether a reduction in the number of meetings of the Council and its subsidiary bodies could realize gains in the effectiveness of Council oversight of the Organization as well as reduce the cost of servicing the Council; and
  - e) identify possible cost savings in the Secretariat.
5. *Invites* the Council and the Secretary General, within their respective jurisdictions, to:
- a) continue the work flowing from Assembly Resolution A31-2;
  - b) expand that work to encompass an examination of ways of removing impediments to greater efficiency within the Secretariat; and
  - c) examine, after identifying what, in ICAO, constitutes administrative costs and programme support costs, the scope of reducing administrative costs substantially of the regular programme budget over the next two triennial budget cycles, keeping in view the ongoing exercise in the United Nations and other agencies.

6. *Invites* the Secretary General to:

- a) consider whether it is convenient and cost-effective to implement a programme of staff awards and incentives;
- b) enhance the performance of the Regional Offices; and
- c) consider the possibility of consolidating Regional Offices and functions to improve programme delivery. This procedure should be considered in the light of new technologies and new approaches to the problems of the various regions.

7. *Invites* the Council to inform States of progress on implementation of clauses 3 through 6 of this resolution by 1 May 2000, and to provide a full report to the next ordinary Session of the Assembly.

**A32-2: Amendment of the *Convention on International Civil Aviation* regarding the authentic Chinese text**

*The Assembly of the International Civil Aviation Organization,*

*Having met* in its Thirty-second Session at Montreal on 22 September 1998,

*Having noted* that it is the general desire of Contracting States to take action to ensure that the *Convention on International Civil Aviation* done at Chicago on 7 December 1944 is available as the authentic Chinese text,

*Having considered* it necessary to amend, for the purpose aforesaid, the *Convention on International Civil Aviation* done at Chicago on the seventh day of December 1944,

1. *Approves*, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment which is to replace the present text of the final paragraph of the said Convention:

“Done at Chicago the seventh day of December 1944 in the English language. The texts of this Convention drawn up in the English, Arabic, Chinese, French, Russian and Spanish languages are of equal authenticity. These texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the Governments of all the States which may sign or adhere to this Convention. This Convention shall be open for signature at Washington, D.C.”

2. *Specifies*, pursuant to the provisions of the said Article 94(a) of the said Convention, one hundred and twenty-four (124) as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

3. *Resolves* that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, Arabic, Chinese, French, Russian and Spanish languages each of which shall be of equal authenticity embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

- a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
- b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said *Convention on International Civil Aviation*.
- c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
- d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the 124th instrument of ratification is so deposited.
- e) The Secretary General shall immediately notify all States parties to the said Convention of the date of deposit of each ratification of the Protocol.
- f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.
- g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

**A32-3:      *Ratification of the Protocol Amending the Final Clause of the Convention on International Civil Aviation***

*Whereas* the Assembly has decided to amend the Final Clause of the Convention to provide for the authentic text of the Convention in the Chinese language; and

*Whereas* the Assembly is of the opinion that it is highly desirable that the aforesaid amendment should come into force as soon as possible;

*The Assembly:*

1. *Recommends* to all Contracting States that they ratify the amendment to the Final Clause of the Convention as soon as possible; and

2. *Directs* the Secretary General to bring this resolution immediately to the attention of Contracting States with the objective mentioned above.

**A32-4: 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>
A16-4	Commercial introduction of supersonic aircraft - The problem of sonic boom	To be consolidated with Res. A31-11
A22-14	Technical and economic problems related to the introduction into commercial service of supersonic aircraft	
	Directive Clause 1 c)	To be consolidated with <b>Res. A31-11</b>
	<b>Directive Clause 1, last six lines</b>	<b>Action completed</b>
	<b>Directive Clause 3 a) 1) i)</b>	<b>Action completed</b>
	<b>Directive Clause 3 a) 1) ii)</b>	<b>To be consolidated with Res. A31-11</b>
<b>A24-2</b>	<b>Ratification of the Protocol incorporating Article 83 bis into the Convention on International Civil Aviation</b>	<b>Action completed</b>
A27-26	Arrangements to settle contributions in arrears	Superseded by A31-26
A29-17	Airworthiness of aircraft	Action completed

A29-23	Assessments to the General Fund for 1993, 1994 and 1995	Action completed
A29-29	Budgets 1993, 1994 and 1995	Action completed
A31-7	Implementation of the ICAO CNS/ATM Systems - Financial, Organizational, Co-operative and Legal aspects	Action completed
A31-8	Modernization of the Regional Air Navigation Plan Format and Amendment Processes	Action completed
A31-22	Disposition of the assets and assessment of contributions of the former Czechoslovakia	Action completed
A31-23	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	Action completed
A31-27	Approval of the accounts of the Organization for the financial years 1992, 1993 and 1994 and examination of the Audit Reports thereon	Action completed
A31-28	Approval of those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial years 1992, 1993 and 1994 and examination of the Audit Reports thereon	Action completed

**A32-5: Fiftieth Anniversary of the ICAO Air Navigation Commission**

*Whereas* 1999 will be the 50th anniversary of the first meeting of the ICAO Air Navigation Commission;

*Recognizing* that the Air Navigation Commission provides significant advice to the Council on safety matters and has made a major contribution to the reduction of the world-wide accident rate over the last fifty years;

*Recognizing* that the Secretariat, especially past and present members of the Air Navigation Bureau and the Regional Offices, provide unique and substantial support for the Air Navigation Commission; and

*Recognizing* that such a substantial contribution to the well-being of the peoples of this earth should be fully recognized;

*The Assembly:*

1. *Expresses* its appreciation to the Air Navigation Commission, and its past and present Commissioners, for the contributions made in the development of a safe and efficient international air transportation system;

2. *Notes with gratitude* the contribution of the members of the Secretariat, Air Navigation Bureau and the Regional Offices, both past and present, in the development of a safe and efficient international air transportation system; and

3. *Resolves* that the Secretary General should arrange a commemorative event celebrating the 50th anniversary of the Air Navigation Commission.

**A32-6: Safety of navigation**

*Having considered* that on August 31, 1998, an object propelled by rockets was launched by a certain Contracting State and a part of the object hit the sea in the Pacific Ocean off the coast of Sanriku in northeastern Japan;

*Having considered* that the impact area of the object was in the vicinity of the international airway A590 which is known as composing NOPAC Composite Route System, a trunk route connecting Asia and North America where some 180 flights of various countries fly every day;

*Having considered* that the launching of such an object vehicle was done in a way not compatible with the fundamental principles, standards and recommended practices of the *Convention on International Civil Aviation*; and

*Noting* that it is necessary that international aviation should be developed in a safe and orderly manner, and that the Contracting States will take appropriate measures to enhance further the safety of international civil aviation;

*The Assembly:*

1. *Urges* all Contracting States to reaffirm that air traffic safety is of paramount importance for the sound development of international civil aviation;

2. *Urges* all Contracting States to strictly comply with the provisions of the *Convention on International Civil Aviation*, its Annexes and its related procedures, in order to prevent a recurrence of such potentially hazardous activities; and

3. *Instructs* the Secretary General to immediately draw the attention of all Contracting States to this resolution.

**A32-7: Harmonization of the regulations and programmes for dealing with assistance to victims of aviation accidents and their families**

*Having considered* that, even though international air transport is the safest means of transportation, the total elimination of serious accidents cannot be guaranteed;

*Whereas* the actions of the State of Occurrence should address the most critical needs of persons affected by a civil aviation accident;

*Whereas* the policy of the International Civil Aviation Organization (ICAO) should be to ensure that the mental, physical, and spiritual well-being of victims involved in civil aviation accidents and their families are considered and accommodated by ICAO and its Contracting States;

*Whereas* it is essential that ICAO and its Contracting States recognize the importance of timely notification of family members of victims involved in civil aviation accidents; the prompt recovery and accurate identification of victims; the return of the victims' personal effects; and the dissemination of accurate information to family members;

*Recognizing* the role of Governments of nationals, who are victims of civil aviation accidents, in notifying and assisting families of the victims;

*Whereas* it is essential that support be provided to family members of victims of civil aviation accidents, wherever the accident may occur, and any lessons learned from support providers, including effective procedures and policies, be promptly disseminated to other Contracting States and ICAO to improve States' family support operations;

*Considering* that harmonization of the regulations for dealing with the needs of victims of civil aviation accidents and their families is also a humanitarian duty and an optional function of the ICAO Council contemplated in Article 55 (c) of the Chicago Convention;

*Considering* that States should provide a homogeneous solution for treatment of victims of civil aviation accidents and their families;

*Recognizing* that the air carrier involved in a civil aviation accident is often best situated to assist families in the immediate aftermath of the accident;

*Noting* that family members of victims of a civil aviation accident, irrespective of where the accident occurs or the national origin of the victims, express certain fundamental human needs and emotions; and

*Recognizing* that public attention will continue to focus on States' investigative actions, as well as the human interest aspects of a civil aviation accident;

*The Assembly:*

*Calls* on Contracting States to reaffirm their commitment to support victims of civil aviation accidents and their family members;

*Urges* Contracting States, in co-operation with ICAO and other States, to promptly review, develop, and implement regulations and programmes to support victims of civil aviation accidents and their family members;

*Urges* States that have regulations and programmes for dealing with the affairs of civil aviation accident victims and their families to make them available to ICAO for possible assistance to other States;

*Urges* the Council to develop material which could include Standards and Recommended Practices, citing the need for the establishment of regulations and programmes by Contracting States and their air carriers to support victims of civil aviation accidents and their family members; and

*Requests* that the Council report on the progress achieved to the next session of the Assembly.

**A32-8: Consolidated statement of continuing ICAO policies and practices related to environmental protection**

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

*Whereas* in Resolution A31-11 the Assembly resolved to continue to adopt at each ordinary Session a consolidated statement of continuing ICAO policies and practices related to environmental protection;

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection, up to date as these policies exist at the close of the 32nd Session of the Assembly;
2. *Requests* the Council to submit at each ordinary session of the Assembly for review a consolidated statement of continuing ICAO policies and practices related to environmental protection; and
3. *Declares* that this resolution supersedes Resolution A31-11.

**APPENDIX A**

**General policy**

*Whereas* the preamble to the *Convention on International Civil Aviation* states that “the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world...” and Article 44 of that Convention states that ICAO should “develop the principles and techniques of international air navigation and ... 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* many of the adverse environmental effects of civil aviation activity can be reduced by the application of integrated measures embracing technological improvements, appropriate operating procedures, proper organization of air traffic and the appropriate use of airport planning and land-use control mechanisms;

*Whereas* other international organizations are becoming involved in activities relating to environmental policies affecting air transport;

*Whereas* in fulfilling its role, ICAO strives to achieve a balance between the benefit accruing to the world community through civil aviation and the harm caused to the environment in certain areas through the progressive advancement of civil aviation;

*Whereas* ICAO envisages co-operation with other international organizations, as necessary, including possible participation in projects financed by the United Nations Environment Fund;

*The Assembly:*

1. *Declares* that ICAO is conscious of and will continue to take into account the adverse environmental impacts that may be related to civil aviation activity and its responsibility and that of its Contracting States to achieve maximum compatibility between the safe and orderly development of civil aviation and the quality of the environment;
2. *Requests* the Council to continue to pursue all aviation matters related to the environment and also maintain the initiative in developing policy guidance on these matters, and not leave such initiatives to other organizations;
3. *Invites* States to continue their active support for ICAO's environment-related activities on all appropriate occasions;
4. *Authorizes* the Council, if and when it deems this desirable to enter into co-operative arrangements with the United Nations Environment Programme for the execution of environmental projects financed by the United Nations Environment Fund; and
5. *Urges* States to refrain from unilateral environmental measures that would be harmful to the development of international civil aviation.

## APPENDIX B

### **Development of Standards, Recommended Practices and Procedures and/or guidance material relating to the quality of the environment**

*Whereas* the *Airport Master Planning Manual* published by ICAO states that in long-range planning for airports, including the expansion of existing airports, planners should assess their proposed plan's potential impact on the airport's environment;

*Whereas* the compatibility between the airport and its environment is one of the elements to be taken into account in long-term systems planning;

*Whereas* the problem of aircraft noise in the vicinity of many of the world's airports continues to arouse public concern and requires appropriate action;

*Whereas* the Council has adopted Annex 16, Volume I – *Aircraft Noise*, which comprises noise certification standards for future subsonic aircraft (except STOL/VTOL) and has notified Contracting States of this action;

*Whereas* the future development of aviation could increase and aggravate the problem of noise unless action is taken to alleviate the situation;

*Whereas* the environmental impact of aircraft engine emissions, while not fully understood, is a cause of concern;

*Whereas* the Council has adopted Annex 16, Volume II – *Aircraft Engine Emissions*, which comprises emissions certification standards for new aircraft engines and has notified States of this action;

*Whereas* the Council has established a Committee on Aviation Environmental Protection for the purpose of assisting in the further development of Standards, Recommended Practices and Procedures and/or guidance material on aircraft noise and aircraft engine emissions; and

*Noting* Resolution A32-14 (Appendix Q) on drawing the attention of aircraft manufacturers and operators to the 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 jet aircraft;

*The Assembly:*

1. *Requests* the Council, with the assistance and co-operation of other bodies of the Organization and of other international organizations, to continue with vigour the work related to the development of Standards, Recommended Practices and Procedures and/or guidance material dealing with the impact of aviation on the environment;

2. *Requests* the Council to ensure that its Committee on Aviation Environmental Protection (CAEP) pursues its work programme in the noise and emissions fields expeditiously in order that appropriate solutions can be developed as quickly as possible;



3. *Urges* Contracting States from regions of the world that are currently not represented or under-represented in CAEP to participate in the Committee's work; and
4. *Urges* Contracting States to adopt, where appropriate, the ICAO provisions developed pursuant to Clause 1 of this Appendix.

## APPENDIX C

### **National policy and programmes to alleviate the problems of aircraft noise**

*Whereas* the severity of the aircraft noise problem in certain areas, including many busy international airports, has given rise to measures such as the imposition of airport curfews and has provoked stringent opposition to the expansion of existing airports or construction of new airports;

*Whereas* the development of national policies and programmes for the alleviation of aircraft noise in international civil aviation could give rise to a considerable divergency in schemes;

*Whereas* ICAO has accepted full responsibility for pursuing a course aimed at achieving maximum compatibility between the safe, economically effective and orderly development of civil aviation and the quality of the environment, and is aggressively pursuing a comprehensive programme to reduce aircraft noise at its source, to promote appropriate land-use planning and to develop effective airport noise abatement strategies; and

*Noting* the fourth resolving clause of Resolution A27-11 on the possible relaxation of operating restrictions for aircraft meeting the requirements of Chapter 3 of Annex 16;

*The Assembly:*

1. *Calls upon* all ICAO Contracting States and international organizations to recognize the leading role of ICAO in dealing with the problems of aircraft noise;
2. *Invites* States to keep the Council informed of their policies and programmes to alleviate the problem of aircraft noise in international civil aviation;
3. *Requests* Contracting States to work closely together to ensure the greatest harmonization of programmes, plans and policies; and
4. *Directs* the Council to continue to give vigorous attention to the resolution of this most complex problem.

## APPENDIX D

### **Possible operating restrictions on subsonic jet aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16**

*Whereas* certification standards for subsonic jet aircraft noise levels are specified in Volume I, Chapter 2 and Chapter 3 of Annex 16;

*Whereas* environmental problems due to aircraft noise continue to exist in the neighbourhood of many international airports;

*Whereas* some States are consequently considering restrictions on the operations of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16;

*Recognizing* that the noise standards in Annex 16 were not intended to introduce operating restrictions on aircraft;

*Recognizing* that operating restrictions on existing aircraft would increase the costs of airlines and would impose a heavy economic burden, particularly on those airlines which do not have the financial resources to re-equip their fleets; and

*Considering* that resolution of problems due to aircraft noise must be based on the mutual recognition of the difficulties encountered by States and a balance among their different concerns;

*The Assembly:*

1. *Urges* States not to introduce any new operating restrictions on aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16 before considering:

- a) whether the normal attrition of existing fleets of such aircraft will provide the necessary protection of noise climates around their airports;
- b) whether the necessary protection can be achieved by regulations preventing their operators from adding such aircraft to their fleets through either purchase, or lease/charter/interchange, or alternatively by incentives to accelerate fleet modernization;
- c) whether the necessary protection can be achieved through restrictions limited to airports and runways the use of which has been identified and declared by them as generating noise problems and limited to time periods when greater noise disturbance is caused; and
- d) the implications of any restrictions for other States concerned, consulting these States and giving them reasonable notice of intention;

2. *Urges* States which, despite the considerations in Resolving Clause 1 above, decide to introduce restrictions on the operations of aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16:

- a) to frame any restrictions so that Chapter 2 compliant aircraft of an individual operator which are presently operating to their territories may be withdrawn from these operations gradually over a period of not less than 7 years;
- b) not to begin the above phase-in period for any restrictions before 1 April 1995;
- c) not to restrict before the end of the phase-in period the operations of any aircraft less than 25 years after the date of issue of its first individual certificate of airworthiness;
- d) not to restrict before the end of the phase-in period the operations of any presently existing wide-body aircraft or of any fitted with high by-pass ratio engines;
- e) to apply any restrictions consistently with the non-discrimination principle in Article 15 of the Chicago Convention so as to give foreign operators at least as favourable treatment as their own operators at the same airports; and
- f) to inform ICAO, as well as the other States concerned, of all restrictions imposed;

3. *Strongly encourages* States to continue to co-operate bilaterally, regionally and inter-regionally with a view to:

- a) alleviating the noise burden on communities around airports without imposing severe economic hardship on aircraft operators; and
- b) taking into account the problems of operators of developing countries with regard to Chapter 2 aircraft presently on their register, where they cannot be replaced before the end of the phase-in period, provided that there is proof of a purchase order or leasing contract placed for a replacement Chapter 3 compliant aircraft and the first date of delivery of the aircraft has been accepted;

4. *Urges* States, if and when any new noise certification standards are introduced which are more stringent than those in Volume I, Chapter 3 of Annex 16, not to impose any operating restrictions on Chapter 3 compliant aircraft;

5. *Urges* the Council to promote and States to develop an integrated approach to the problem of aircraft noise, including land-use planning procedures around international airports, so that any residential, industrial or other land-use that might be adversely affected by aircraft noise is minimal; and

6. Further *urges* States to assist aircraft operators in their efforts to accelerate fleet modernization and thereby prevent obstacles and permit all States to have access to lease or purchase aircraft compliant with Chapter 3, including the provision of multilateral technical assistance where appropriate.

## APPENDIX E

### **Local operating restrictions based upon aircraft noise and emissions characteristics**

*Whereas* certification Standards for subsonic jet aircraft noise and engine emissions are specified in Volumes I and II of Annex 16;

*Whereas* these Standards were not intended to introduce operating restrictions on aircraft;

*Whereas* local operating restrictions are being developed and implemented based upon noise or emissions characteristics;

*Recognizing* that these largely independent restrictions go beyond the policy framework in Appendix D to this resolution and other relevant policy guidance developed by ICAO;

*The Assembly urges* States to ensure, wherever possible, that any local operating restrictions based upon aircraft noise or engine emissions characteristics be adopted only where such action is supported by a prior assessment of all possible adverse impacts.

## APPENDIX F

### **Environmental impact of civil aviation on the upper atmosphere**

*Whereas* there are growing concerns about environmental problems in the upper atmosphere such as global warming and depletion of the ozone layer;

*Whereas* the “Agenda 21” action plan adopted by the 1992 United Nations Conference on Environment and Development calls on governments, with the co-operation of relevant United Nations bodies, to address these problems;

*Whereas* the extent to which civil aviation contributes to these problems is still being ascertained and policy-making needs to be based on information which is as complete and accurate as possible;

*Whereas*, due to the multisectoral and global nature of these problems and the many scientific disciplines involved, it is necessary for ICAO to co-operate with other international organizations in defining civil aviation’s contribution to these problems;

*Whereas* ICAO is recognized as the primary international organization responsible for providing information on civil aviation operations world-wide and developing policy guidance on possible means of minimizing any undesirable effects of international civil aviation on the environment;

*Whereas* the Kyoto Protocol adopted by the Conference of the Parties to the United Nations Framework Convention on Climate Change in December 1997 calls for developed countries to pursue limitation or reduction of greenhouse gases from “aviation bunker fuels”, working through ICAO; and

*Whereas* Appendix A to this resolution requests the Council to maintain the initiative in developing policy guidance on all aviation matters related to the environment and not leave such initiatives to other organizations;

*The Assembly:*

1. *Requests* the Council to co-operate closely with other organizations involved in the definition of environmental problems in the upper atmosphere;
2. *Welcomes* the decision by the Intergovernmental Panel on Climate Change (IPCC), at ICAO's request, to prepare a special report on Aviation and the Global Atmosphere, in collaboration with the Montreal Protocol's Scientific Assessment Panel and with ICAO involvement;
3. *Requests* the Council to co-operate closely with other organizations involved in policy-making in this field, notably with the Conference of the Parties to the United Nations Framework Convention on Climate Change;
4. *Requests* the Council, through its Committee on Aviation Environmental Protection (CAEP), to study policy options to limit or reduce the greenhouse gas emissions from civil aviation, taking into account the findings of the IPCC special report and the requirements of the Kyoto Protocol, and to report to the next ordinary session of the Assembly; and
5. *Invites* Contracting States and international organizations to keep ICAO informed of developments in this field.

## **APPENDIX G**

### **Supersonic aircraft — The problem of sonic boom**

*Whereas* since the introduction of supersonic aircraft in commercial service action has been taken to avoid creating unacceptable situations for the public due to sonic boom, such as interference with sleep and injurious effects to persons and property on land and at sea caused by the magnification of the sonic boom; and

*Whereas* the States involved in the manufacture of such supersonic aircraft, as well as other States, continue to carry out research into the physical, physiological and sociological effects of sonic boom;

*The Assembly:*

1. *Reaffirms* the importance it attaches to ensuring that no unacceptable situation for the public is created by sonic boom from supersonic aircraft in commercial service;
2. *Instructs* the Council, in the light of the available information and availing itself of the appropriate machinery, to review the Annexes and other relevant documents, so as to ensure that they take due account of the problems which the operation of supersonic aircraft may create for the public and, in particular, as regards sonic boom, to take action to achieve international agreement on measurement of the sonic boom, the definition in quantitative or qualitative terms of the expression "unacceptable situations for the public" and the establishment of the corresponding limits; and

3. *Invites* the States involved in the manufacture of supersonic aircraft to furnish ICAO in due course with proposals on the manner in which any specifications established by ICAO could be met.

## APPENDIX H

### Environmental charges and taxes

*Whereas* in recent years there has been increasing recognition by governments of the need for each economic sector to pay the full cost of the environmental damage it causes and the subject of environmental charges or taxes on air transport has been raised, for example, in the context of controlling greenhouse gas emissions;

*Whereas* ICAO policies make a distinction between a charge and a tax, in that they regard charges as levies to defray the costs of providing facilities and services for civil aviation, whereas taxes are levies to raise general national and local governmental revenues that are applied for non-aviation purposes;

*Whereas* Article 15 of the *Convention on International Civil Aviation* contains provisions regarding airport and similar charges, including the principle of non-discrimination, and ICAO has developed policy guidance for States regarding charges (*Statements by the Council to Contracting States on Charges for Airports and Air Navigation Services*, Doc 9082) including specific guidance on noise-related charges;

*Whereas* ICAO has developed separate policy guidance to States on taxation (*ICAO's Policies on Taxation in the Field of International Air Transport*, Doc 8632), which recommends *inter alia* the reciprocal exemption from all taxes levied on fuel taken on board by aircraft in connection with international air services, a policy implemented in practice through bilateral air services agreements, and also calls on States to the fullest practicable extent to reduce or eliminate taxes related to the sale or use of international air transport;

*Welcoming* the Council's adoption on 9 December 1996 of a policy statement of an interim nature in the form of a resolution, in order to make ICAO's position clear on emission-related charges and taxes, wherein the Council strongly recommends that any such levies be in the form of charges rather than taxes; and

*Noting* that the Council has received an initial report from its Committee on Aviation Environmental Protection (CAEP) on possible options regarding emission-related levies (charges or taxes) and has requested CAEP in its further work on this subject to focus on an en-route levy or a fuel levy to address global emissions, taking into account ICAO's policy regarding reciprocal exemption from taxation of aviation fuel, on an airport levy to address local emissions, and on other market-based options such as emissions trading;

*The Assembly:*

1. *Requests* the Council to:

- a) ensure that the guidance on noise-related charges contained in Doc 9082 is current and responsive to the requirements of States; and

- b) continue to pursue the question of emission-related levies with a view to reaching a conclusion prior to the next ordinary Session of the Assembly on the guidance to be given to States; and
2. *Urges* States to:
- a) follow the current guidance of the Council on both noise-related charges and emission-related levies;
  - b) refrain from unilateral action to introduce emission-related levies inconsistent with the current interim guidance prior to completion of the work referred to in clause 1 b) above; and
  - c) keep the Council informed of significant developments in this field.

**A32-9: Preventing the introduction of invasive alien species**

*Whereas* Contracting States have demonstrated a concern for the environment and have contributed to human welfare and quality of life through actions related to engine emissions, the ozone layer, aircraft noise and tobacco smoke in aircraft cabins;

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

*Whereas* the global community has increasingly recognized the ecological threat posed by the introduction of invasive alien species; and

*Whereas* international transportation, including civil air transportation, represents a potential vector for such introductions;

*The Assembly:*

1. *Requests* the ICAO Council to work with other United Nations organizations to identify approaches that ICAO might take in assisting to reduce the risk of introducing potentially invasive alien species to areas outside their natural range;
2. *Urges* all Contracting States to support efforts to reduce the risk of introducing, through civil air transportation, potentially invasive alien species to areas outside their natural range; and
3. *Requests* the ICAO Council to report on the implementation of this Resolution at the next ordinary session of the Assembly.

**A32-10: International assessment criteria and notification of status concerning year 2000 compliance**

*Whereas* Article 37 directs ICAO to adopt international standards dealing with matters concerned with the safety, regularity and efficiency of air navigation;

*Whereas* Annex 15 requires aeronautical information to be issued whenever certain changes of operational significance occur;

*Whereas* the Year 2000 computer problem may cause malfunctions of systems affecting the safety, regularity and efficiency of international civil aviation;

*Recognizing* that determination of States' Year 2000 compliance status requires the use of common assessment criteria; and

*Considering* that the notification of changes in the safety or reliability of air navigation and aerodrome services is a responsibility of each Contracting State, and that the safety regulator in each State has an essential role;

*The Assembly:*

*Urges* all Contracting States to provide to other States and airspace users by 1 July 1999, with subsequent updates as necessary, appropriate aeronautical information on the compliance status of their aeronautical services, air navigation services and aerodrome services of designated international and alternate aerodromes;

*Requests* the Secretary General to promulgate to States advice on the role of the safety regulator; and

*Directs* the Secretary General to develop and publish standard Year 2000 assessment criteria on a timely basis, in order to assist States in reporting the Year 2000 compliance status of systems potentially affecting the safety of international civil aviation, and to maintain a database of Year 2000 compliance information.

**A32-11: Establishment of an ICAO universal safety oversight audit programme**

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

*Whereas* Article 33 of the *Convention on International Civil Aviation* requires Contracting States to recognize as valid certificates of airworthiness and personnel licenses issued by another Contracting State, provided that the requirements under which such documents were issued are equal to or above the minimum standards established from time to time under the Convention;

*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* Assembly Resolution A29-13 concerning the improvement of safety oversight;

*Recalling* the objectives of the ICAO safety oversight programme, which seeks to ensure that Contracting States are adequately discharging their responsibility for safety oversight over aircraft operations, the licensing and training of personnel, and aircraft airworthiness;

*Recalling* that ultimate responsibility for safety oversight rests with Contracting States, who shall continuously review their respective safety oversight capabilities;

*Considering* the recommendations of the Directors General of Civil Aviation Conference on a Global Strategy for Safety Oversight, relating to the enhancement of the ICAO safety oversight programme, and which called for a universal safety oversight audit programme comprising regular, mandatory, systematic and harmonized safety audits to be carried out by ICAO, and for greater transparency in the release of audit results;

*Recognizing* the Assembly's decision on the disposition of cash surpluses contained in Assembly Resolution A32-24; and

*Considering* that, as recommended by the DGCA Conference, the Council of ICAO endorsed the establishment of such a universal safety oversight audit programme;

*The Assembly:*

1. *Resolves* that a universal safety oversight audit programme be established, comprising regular, mandatory, systematic and harmonized safety audits, to be carried out by ICAO; that such universal safety oversight audit programme shall apply to all Contracting States; and that greater transparency and increased disclosure be implemented in the release of audit results;

2. *Directs* the Council to bring into effect, from 1 January 1999, a universal safety oversight audit programme accordingly, including a systematic reporting and monitoring mechanism on the implementation of safety-related Standards and Recommended Practices;

3. *Urges* all Contracting States to agree to audits to be carried out upon ICAO's initiative, but always with the consent of the State to be audited, by signing a bilateral Memorandum of Understanding with the Organization, as the principle of sovereignty should be fully respected;

4. *Urges* all Contracting States to ensure that the results of the audits be used for safety-related purposes only;

5. *Directs* the Council to apply the resources made available in order to implement the ICAO universal safety oversight audit programme; and

6. *Requests* the Council to report to the next ordinary session of the Assembly on the implementation of the programme, to review its progress and the experience gained, and to present to that session proposals for funding the programme on a long-term basis.

**A32-12: Follow-up to the 1998 World-wide CNS/ATM Systems Implementation Conference**

*Considering* that the World-wide CNS/ATM Systems Implementation Conference (Rio de Janeiro, 1998) succeeded in focussing the attention of the world aviation community as never before on the primary issues of financing and management of CNS/ATM systems;

*Recognizing* that the conference made clear the needs and available resources, while recommending a plan of action to permit the safe and orderly growth of civil aviation well into the 21st Century;

*Convinced* that the key to future work within ICAO's global framework will be a spirit of co-operation by all who are involved in implementing CNS/ATM systems (as emphasized in the Declaration on Global Air Navigation Systems for the Twenty-first Century adopted by the conference);

*Aware* that increasing levels of co-operation will be necessary at the national, sub-regional and global levels to ensure transparency and interoperability between CNS/ATM systems elements (so that the goal of a seamless, global air traffic management system can be achieved);

*Considering* that, in most cases, the financing and subsequent operation of CNS/ATM systems, in particular in the developing world, can be of common benefit to lenders, borrowers, and users alike;

*Noting* that the initial follow-up actions agreed by the Council are to be channelled mainly through ICAO's regional planning process;

*Further noting* that the specific longer-term follow-up activities envisaged in the conference's Declaration focussed, *inter alia*, on the role of ICAO's planning and implementation regional groups (PIRGs) (which provide a platform for formal recognition of new air navigation facilities and services);

*The Assembly:*

1. *Encourages* Contracting States to display the spirit of co-operation enshrined in the Declaration on Global Air Navigation Systems for the Twenty-first Century adopted by the conference and to commit resources as a matter of priority when following up its recommendations;
2. *Invites* the co-operation and commitment of concerned international organizations, of users and of service providers in undertaking their follow-up actions to the conference; and
3. *Requests* the Council, as a matter of high priority within the budget adopted by the Assembly, to ensure that the necessary resources are made available to complete the follow-up work envisaged by the conference, and to support, and co-ordinate with, follow-up action taken by States and other CNS/ATM partners.

**A32-13: Support of the ICAO policy on radio frequency spectrum matters**

*Whereas* ICAO is the specialized agency of the United Nations responsible for the safety, regularity and efficiency of international civil aviation;

*Whereas* ICAO adopts international Standards and Recommended Practices (SARPs) for aeronautical communications systems and radio navigation aids;

*Whereas* ITU is the specialized agency of the United Nations regulating the use of the radio frequency spectrum;

*Whereas* the ICAO position, as approved by the Council, for ITU World Radiocommunication Conferences (WRCs) is the result of the co-ordination of international aviation requirements for radio frequency spectrum;

*Recognizing* that the development and the implementation of the CNS/ATM systems and the safety of international civil aviation could be seriously jeopardized unless aviation requirements for allocations of radio frequency spectrum are satisfied and protection of those allocations is achieved;

*Recognizing* that support from ITU member administrations is required to ensure that the ICAO position is supported by the WRC and that aviation requirements are met;

*Considering* the urgent need to increase such support due to the growing demand for spectrum and aggressive competition from commercial telecommunications services;

*Considering* the increased level of ITU WRC preparation activities associated with the biennial WRC regime;

*Considering* Recommendations 7/3, 7/5 and 7/6 of the Special Communications/Operations Divisional Meeting (1995) (SP COM/OPS/95);

*The Assembly:*

1. *Urges* Contracting States and international organizations to support firmly the ICAO position at WRCs and in regional and other international activities conducted in preparation for WRCs by the following means:

- a) undertaking to provide for aviation interests to be fully integrated in the development of their positions presented to regional telecommunications fora involved in the preparation of joint proposals to the WRC;
- b) including in their proposals to the WRC, to the extent possible, material consistent with the ICAO position;
- c) supporting the ICAO position at WRC-2000 to retain the frequency band 1 559 - 1 610 MHz for exclusive use by the Aeronautical Radionavigation Service and the Radionavigation Satellite Service;

- d) undertaking to provide aviation authorities to fully participate in the development of States' positions; and
  - e) ensuring, to the maximum extent possible, that their delegations to WRCs include representatives of their civil aviation administrations or other officials who are fully prepared to represent aviation interests;
2. *Requests* the Secretary General to bring to the attention of ITU the importance of adequate radio frequency spectrum allocation and protection for the safety of aviation; and
3. *Instructs* the Council and the Secretary General, as a matter of high priority within the budget adopted by the Assembly, to ensure that the resources necessary to support increased participation by ICAO to international and regional spectrum management activities are made available.

**A32-14: Consolidated statement of ICAO continuing 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 31st Session of the Assembly was adopted by the Assembly in Resolution A31-5, Appendices A to W inclusive;

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A31-5, Appendices A to W inclusive, and has amended the statement to reflect the decisions taken during the 32nd Session; and

*Whereas* the statement of continuing policies in Resolution A31-5 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 32nd 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 A31-5 with its Appendices A to W 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; and

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

*The Assembly resolves that:*

1. the terms “Standard” and “Recommended Practice” shall 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;
2. 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;
3. 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;
4. SARPs and PANS shall be drafted in clear, simple and concise language. Furthermore, for complex systems, SARPs shall, to the extent possible, consist mainly of broad, mature and stable provisions. For such systems, detailed technical requirements and specifications shall be appendices to Annexes or be placed in separate documents;
5. 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 can be referenced in ICAO documentation;

6. 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;

7. 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, detailed 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;

8. 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

9. 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.

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 9 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 world-wide scope**

*Whereas* the holding of world-wide 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 world-wide 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 co-ordination 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 world-wide 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<sup>1</sup>; and
2. the ICAO aviation training programme shall be governed by the following principles:
  - a) aviation training is the responsibility of Contracting States;
  - b) 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 or regularity of international air navigation; and
  - c) the Organization should not participate in the operation of training facilities but should encourage and advise the Contracting States operating 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 by the Contracting States 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:
  - a) establish programmes for 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

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**<sup>1</sup>Assistance provided by ICAO under the United Nations Development Program governed by Resolutions A16-7 and A26-16.**

possibility of drawing fully upon the resources of the various technical assistance and aid programmes; and

- b) arrange for 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 can arrange in 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 operating training centres to establish favourable conditions for attendance by nationals of other States in the area.

## APPENDIX I

### **Co-ordination 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 co-ordination 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 co-ordination 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, co-ordinate and harmonize these activities and make them available to all Contracting States.

## APPENDIX J

### **Co-ordination of aeronautical systems and sub-systems**

*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 co-ordinating 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 co-ordination 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 co-ordinating 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 sub-systems shall be closely co-ordinated 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 co-ordination 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 over-all 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 shortcomings 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 important shortcomings 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

### **Delineation of air traffic services (ATS) airspaces<sup>2</sup> in regional air navigation plans**

*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 boundaries 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 optimum efficiency and economy for both providers and users of the services;
2. 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;
3. 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;
4. 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;

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<sup>2</sup>The expression "ATS airspaces" includes flight information regions, con

and *furthermore*, declares that:

5. 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
6. 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.

### **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 co-ordination procedures in co-operation with other States concerned and with the Organization.
2. 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.
3. 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 boundaries, 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 co-ordinated 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 boundaries of search and rescue regions should, in so far as practicable, be coincident with the boundaries of corresponding flight information 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. the boundaries of search and rescue regions, whether over States' territories or over the high seas, shall be determined on the basis of technical and operational considerations, including the desirability of coincident flight information regions and search and rescue regions, with the aim of ensuring optimum efficiency with the least over-all cost;

2. 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;

3. 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;

4. 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;

5. remedies to any inadequacies in the provision of efficient search and rescue services, particularly 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:*

6. 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

7. 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 co-operation 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**

### **Co-ordination 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 co-ordination 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 co-ordination 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 co-ordination 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 co-ordinate 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; and

*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;

*The Assembly resolves that:*

1. the technical requirements for aerodromes shall be kept under review by the Organization; and
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 jet aircraft.

### 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 co-ordinate 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

### **Co-operation 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 co-operate 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 co-operation 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.

**A32-15: ICAO Global Aviation Safety Plan (GASP)**

*Whereas* the primary objective of the Organization continues to be that of promoting the safety of international civil aviation world-wide;

*Recognizing* that the world-wide rate for fatal accidents in air transport operations has been stagnant at a low level for a number of years;

*Noting* that the expected increase in the volume of international civil aviation will result in an increasing number of aircraft accidents unless the accident rate is reduced;

*Realizing* that the public's perception of aviation safety is largely based on the number of aircraft accidents rather than the accident rate;

*Recognizing* that improvements in the accident rate will require new approaches on the part of all participants in the aviation industry, including ICAO, States, aircraft manufacturers and operators;

*Recognizing* that the training and updating of human resources in the aviation system are of paramount importance to accident prevention initiatives and safety; and

*Noting* with concern that controlled flight into terrain (CFIT) continues to be a very significant cause of accidents in airline operations;

*The Assembly:*

1. *Stresses* the need for a reduction in the rate of fatal accidents in air transport operations;
2. *Reiterates* the need for full implementation of the ICAO programme for the prevention of controlled flight into terrain (CFIT) as outlined in Assembly Resolution A31-9;
3. *Endorses* the establishment of the ICAO Global Aviation Safety Plan and *urges* all Contracting States to provide the needed support for its various elements;
4. *Endorses* the concept of concentrating the safety-related activities of ICAO on those safety initiatives, planned or currently under way, that offer the best safety dividend in terms of reducing the accident rate;
5. *Instructs* ICAO to participate in the efforts by States to improve the existing safety database systems and the exchange of safety-related information, and to participate in the activities aimed at the development of a comprehensive data analysis and information dissemination network, taking into account the need to adequately protect privileged information and its sources;
6. *Encourages* the free communication of safety-related information amongst users of the aviation system, including the reporting of accident and incident data by States to the ICAO Accident/Incident Data Reporting (ADREP) system;

7. *Urges* all Contracting States to examine and, if necessary, adjust their laws, regulations, and policies to achieve the proper balance among the various elements of accident prevention efforts (*e.g.* regulation, enforcement, training, and incentives to encourage voluntary reporting) and to encourage increased voluntary reporting of events that could affect aviation safety, and *instructs* ICAO to develop appropriate policies and guidance in this respect;

8. *Urges* all Contracting States to ensure that their aircraft operators, providers of air navigation services and equipment, and maintenance organizations have the necessary procedures and policies for voluntary reporting of events that could affect aviation safety;

9. *Considers* that the enhancement of the safety oversight programme, the further development and implementation of airborne and ground-based terrain hazard warning systems (such as predictive terrain hazard warning systems in aircraft and minimum safe altitude warning systems) and the introduction of carriage requirements for airborne collision avoidance systems (ACAS) offer the best safety dividend;

10. *Encourages* the implementation of GNSS approaches as soon as possible;

11. *Encourages* States to foster regional and sub-regional safety groups, and to take measures to ensure that human resources in civil aviation obtain and maintain an appropriate level of competency; and

12. *Instructs* ICAO to provide a progress report on the ICAO Global Aviation Safety Plan to the next Assembly.

**A32-16: Proficiency in the English language for radiotelephony communications**

*Whereas* recent major accident investigations have indicated lack of proficiency and comprehension of the English language by flight crews and air traffic controllers alike as a contributing factor; and

*Whereas* to prevent such accidents, it is essential that ICAO devise ways and means to see that all the Contracting States take steps to ensure that air traffic control personnel and flight crews involved in flight operations in airspace where the use of the English language is required, are proficient in conducting and comprehending radiotelephony communications in the English language;

*The Assembly:*

*Urges* the Council to direct the Air Navigation Commission to consider this matter with a high level of priority, and complete the task of strengthening the relevant provisions of Annex 1 and Annex 10 with a view to obligating Contracting States to take steps to ensure that air traffic control personnel and flight crews involved in flight operations in airspace where the use of the English language is required, are proficient in conducting and comprehending radiotelephony communications in the English language.

**A32-17: Consolidated statement of continuing ICAO policies in the air transport field**

**Introduction**

*Whereas* it is considered desirable to consolidate Assembly Resolutions on ICAO's policies in the air transport field in order to facilitate their implementation and practical application by making their text more readily available, clearly understandable and logically organized;

*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 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; 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 32nd 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. *Requests* the Council to keep the consolidated statement of continuing ICAO policies under review and advise the Assembly as appropriate when changes are needed to the statement;
3. *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;
4. *Requests* the Council to provide for workshops, seminars and other such meetings as may be required to disseminate these policies and associated guidance to and amongst Contracting States;
5. *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;
6. *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;
7. *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;
8. *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 world-wide 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; and
9. *Declares* that this resolution supersedes Resolutions A2-9, A4-19, A7-14, A7-15, A10-32, A10-36, A12-18, A12-19, A15-5, A15-22, A16-22, A16-26, A16-27, A16-28, A16-29, A16-30, A16-31, A16-33, A16-34, A18-20, A18-21, A21-26, A21-28, A22-24, A24-12, A24-14, A26-13, A27-4, A27-15, A29-18, A31-12 and A31-13.

## **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; and

*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 between such Contracting State and any other State and between such Contracting State and an airline of another State;

*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. *Urges* Contracting States which have not yet become parties to the International Air Services Transit Agreement (IATA) to give urgent consideration to so doing;

2. *Urges* all Contracting States to register co-operative agreements and arrangements relating to international civil aviation with ICAO in accordance with Articles 81 and 83 of the Convention and the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*;

3. *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;

4. *Requests* the Council to continue to co-operate with regional and sub-regional bodies in their examination and development of measures of co-operation, 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;

5. *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 co-operation, including liberalized arrangements, with respect to commercial rights;

6. *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;

7. *Requests* the Council to review periodically the rules for registration with a view to simplifying the process of registration of aeronautical agreements and arrangements;

8. *Directs* 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

9. *Directs* 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. Co-operation 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* the realization of developmental objectives among such States is increasingly being promoted by co-operative arrangements in the form of regional economic groupings and functional co-operation 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 any developing State or 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 sub-regional 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. *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;

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

6. *Requests* the Council to give assistance, when approached, to Contracting States that take the initiative in developing co-operative 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 co-operative arrangements.

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

*Whereas* there is a need to define principles of world-wide 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 co-operate 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, 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 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) promote a full understanding of the role of ICAO in developing policy guidance on the regulation of international air transport;
  - 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; and
  - c) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the General Agreement on Trade in Services;
5. *Requests* the World Trade Organization and its Member States to accord due consideration to:
  - a) ICAO's constitutional responsibility for international air transport; and
  - b) the results of ICAO's World-wide Air Transport Conference (1994) and ICAO's continuing work on the economic regulation of international air transport; and
6. *Requests* the Council to:

- a) continue to monitor developments in trade in services which might impinge on international air transport and inform Contracting States accordingly; and
- b) promote continued effective co-operation and co-ordination 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* the Council has further established requirements for statistics of non-commercial aviation (business or general aviation);

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

*Whereas* co-operation 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 with the least possible delay;
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 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 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.

## APPENDIX D

### Facilitation

#### Section I. Development of facilitation provisions

*Whereas* Annex 9 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 the provisions of Annex 9, *Facilitation* and Annex 17, *Security* are compatible with and complementary to each other;
2. *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
3. *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 minimizing restrictions and providing the necessary services to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail is a most important element in the facilitation programme;

*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;

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 change laws and/or regulations to eliminate such differences at the earliest practicable moment;

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 take the initiative in reviewing, whenever necessary or at least once every three years, the status of implementation of Annex 9 and in indicating, to the extent practicable, the particular aspects which require further intensive work by Contracting States and their operators.

### **Section III. National and international action and co-operation 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* co-operation 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 co-operation on a regional basis among neighbouring States;

2. *Urges* Contracting States to participate in regional and sub-regional facilitation programmes of other inter-governmental 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 laws and regulations 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 co-ordinate 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 in cases where 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 co-operate intensively with their governments as regards:

- a) identification and solution of facilitation problems; and
- b) developing co-operative 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 co-operation 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* 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; and

*Whereas* the resolutions in Doc 8632, *ICAO's Policies on Taxation in the Field of International Air Transport*, supplement Article 24 of the Convention and are 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 resolutions 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* the Council has been directed to formulate recommendations for the guidance of Contracting States with regard to the principles on which providers of airport and air navigation services for international civil aviation may charge for the provision and derive other revenue therefrom, and with regard to the methods that may be employed to that effect;

*Whereas* the Council has adopted and revised as necessary, and published in Doc 9082, *Statements by the Council to Contracting States on Charges for Airports and Air Navigation Services*; and

*Whereas* pursuant to Article 15 of the Convention, Contracting States shall publish and communicate to the Organization information regarding charges imposed for airports and air navigation facilities and services;

*The Assembly:*

1. *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 Doc 9082, *Statements by the Council to Contracting States on Charges for Airports and Air Navigation Services*;

2. *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;

3. *Urges* Contracting States to make every effort to implement that part of Article 15 of the Convention providing that 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 shall be published and communicated to the Organization; and

4. *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 and airlines;

*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 using multinational air navigation facilities and services to meet the commitments they have assumed under Article 28 of the Convention;

*The Assembly:*

1. *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;
2. *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 prepare such reports; and
3. *Urges* Contracting States to co-operate actively in the recovery of costs of multinational air navigation facilities and services.

## **APPENDIX G**

### **Air carrier economics**

*Whereas* there is a continuing interest among national users, tourist and trade interests and their international organizations about the level and structure of international fares and rates;

*Whereas* the costs of operation of international air services, and appropriate yields are of great concern to the airlines of the world;

*Whereas* the objective studies by ICAO on international air transport costs, fares and rates 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) a survey on the level and availability of international air transport fares and rates; and
  - b) a study on regional differences on the level of international air transport operating costs, analyzing 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, and that other requests should be referred to the Air Transport Committee for recommendation to the Council.

### **A32-18: International co-operation 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;

*Taking into account* the resolution adopted by the United Nations General Assembly which requests that ICAO considers ways and means to enhance international co-operation to combat the smuggling of aliens, while emphasizing that such efforts should not undercut the protection provided by international law to refugees;

*Taking into account* the resolutions adopted by the United Nations General Assembly and the Economic and Social Council which request that member States establish or improve procedures to permit the ready discovery of false travel documents, that States co-operate bilaterally and on a multilateral basis to prevent the use of fraudulent documents, and that States 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 co-operation 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. *Endorses* the actions taken by the Council through the Air Transport Committee to strengthen and approve specifications for machine readable passports and other travel documents as they relate to security of such documents;
2. *Requests* the Council to study specific actions and measures for enhancing the effectiveness of controls on passport fraud, including the possible preparation of necessary SARPs and guidance material, to be implemented by Contracting States in the interests of maintaining the integrity and security of passports and other travel documents; and
3. *Calls upon* all 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.

**A32-19: Charter on the Rights and Obligations of States Relating to GNSS Services**

*Whereas* Article 44 of the *Convention on International Civil Aviation*, signed on 7 December 1944 (the “Chicago Convention”), mandates the International Civil Aviation Organization (ICAO) to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport;

*Whereas* the concept of the ICAO communications, navigation and surveillance/air traffic management (CNS/ATM) systems utilizing satellite-based technology was endorsed by States and international organizations at the ICAO Tenth Air Navigation Conference, and was approved by the 29th Session of the Assembly as the ICAO CNS/ATM systems;

*Whereas* the Global Navigation Satellite System (GNSS), as an important element of the CNS/ATM systems, is intended to provide worldwide coverage and is to be used for aircraft navigation;

*Whereas* GNSS shall be compatible with international law, including the Chicago Convention, its Annexes and the relevant rules applicable to outer space activities;

*Whereas* it is appropriate, taking into account current State practice, to establish and affirm the fundamental legal principles governing GNSS; and

*Whereas* the integrity of any legal framework for the implementation and operation of GNSS requires observance of fundamental principles, which should be established in a Charter;

*The Assembly:*

*Solemnly declares* that the following principles of this Charter on the Rights and Obligations of States Relating to GNSS Services shall apply in the implementation and operation of GNSS:

1. States recognize that in the provision and use of GNSS services, the safety of international civil aviation shall be the paramount principle.

2. Every State and aircraft of all States shall have access, on a non-discriminatory basis under uniform conditions, to the use of GNSS services, including regional augmentation systems for aeronautical use within the area of coverage of such systems.

3. a) Every State preserves its authority and responsibility to control operations of aircraft and to enforce safety and other regulations within its sovereign airspace.
- b) The implementation and operation of GNSS shall neither infringe nor impose restrictions upon States' sovereignty, authority or responsibility in the control of air navigation and the promulgation and enforcement of safety regulations. States' authority shall also be preserved in the co-ordination and control of communications and in the augmentation, as necessary, of satellite-based air navigation services.

4. Every State providing GNSS services, including signals, or under whose jurisdiction such services are provided, shall ensure the continuity, availability, integrity, accuracy and reliability of such services, including effective arrangements to minimize the operational impact of system malfunctions or failure, and to achieve expeditious service recovery. Such State shall ensure that the services are in accordance with ICAO Standards. States shall provide in due time aeronautical information on any modification of the GNSS services that may affect the provision of the services.

5. States shall co-operate to secure the highest practicable degree of uniformity in the provision and operation of GNSS services.

States shall ensure that regional or subregional arrangements are compatible with the principles and rules set out in this Charter and with the global planning and implementation process for GNSS.

6. States recognize that any charges for GNSS services shall be made in accordance with Article 15 of the Chicago Convention.

7. With a view to facilitating global planning and implementation of GNSS, States shall be guided by the principle of co-operation and mutual assistance whether on a bilateral or multilateral basis.

8. Every State shall conduct its GNSS activities with due regard for the interests of other States.

9. Nothing in this Charter shall prevent two or more States from jointly providing GNSS services.

**A32-20: Development and Elaboration of an Appropriate Long-term Legal Framework to Govern the Implementation of GNSS**

*Whereas* the Global Navigation Satellite System (GNSS), as an important element of the ICAO CNS/ATM systems, is intended to provide safety-critical services for aircraft navigation with world-wide coverage;

*Whereas* GNSS shall be compatible with international law, including the Chicago Convention, its Annexes and the relevant rules applicable to outer space activities;

*Whereas* the complex legal aspects of the implementation of CNS/ATM, including GNSS, require further work by ICAO in order to develop and build mutual confidence among States regarding CNS/ATM systems and to support the implementation of CNS/ATM systems by Contracting States;

*Whereas* the world-wide CNS/ATM systems implementation Conference in Rio de Janeiro in May 1998 recommended that a long-term legal framework for GNSS be elaborated, including the consideration of an international convention, while recognizing that regional developments may contribute to the development of such a legal framework; and

*Whereas* the recommendations adopted by the world-wide CNS/ATM systems implementation Conference in Rio de Janeiro in May 1998 as well as the recommendations formulated by the Panel of Legal and Technical Experts on GNSS (LTEP) provide important guidance for the development and implementation of a global legal framework for CNS/ATM and in particular GNSS;

*The Assembly*

*Recognizes* the importance of regional initiatives regarding the development of the legal and institutional aspects of GNSS;

*Recognizes* the urgent need for the elaboration, both at a regional and global level, of the basic legal principles that should govern the provision of GNSS;

*Recognizes* the need for an appropriate long-term legal framework to govern the implementation of GNSS;

*Recognizes* the decision of the Council on 10 June 1998 authorizing the Secretary General to establish a Study Group on Legal Aspects of CNS/ATM systems; and

*Instructs* the Council and the Secretary General, within their respective competencies, and beginning with a Secretariat Study Group, to:

- a) ensure the expeditious follow-up of the recommendations of the world-wide CNS/ATM Systems Implementation Conference, as well as those formulated by the LTEP, especially those concerning institutional issues and questions of liability; and
- b) consider the elaboration of an appropriate long-term legal framework to govern the operation of GNSS systems, including consideration of an international Convention for this purpose, and to present proposals for such a framework in time for their consideration by the next ordinary Session of the Assembly.

**A32-21: Transition to a New Policy on Technical Co-operation**

*Whereas* the ICAO Technical Co-operation Programme has been in operation since 1951 and has made invaluable contributions to international civil aviation;

*Whereas* technical co-operation has been established as a permanent priority activity of ICAO but should be further integrated with the Organization's other activities;

*Whereas* the growth and improvement of civil aviation contributes significantly to the economic development of States;

*Whereas* ICAO, through its Technical Co-operation Programme, effectively assists States in advancing their civil aviation;

*Whereas* the persistent decline of funding from the United Nations Development Programme (UNDP) continues to affect the Technical Co-operation Programme;

*Whereas*, prior to Resolution A29-20, ICAO's Technical Co-operation Programme did not have financial support from the Regular Programme in the case of budget shortfalls;

*Whereas* the advisory/regulatory role of ICAO to Contracting States should be complemented and strengthened at the country and regional levels for the effective implementation by the Technical Co-operation Bureau of ICAO SARPs and ANPs, as well as ICAO's CNS/ATM and Flight Safety Oversight Programme;

*Whereas* the 31st Session of the Assembly endorsed the new policy on technical co-operation based on the progressive implementation of the core staff concept, the progressive integration of the TCB into the organizational structure, and the establishment of the ICAO Objectives Implementation Funding Mechanism, as well as the objectives of the new policy which emphasize the global implementation of SARPs and ANPs and the development of civil aviation master plans; and

*Whereas* the implementation of the elements of the new policy on technical co-operation has already contributed and will continue to contribute to minimize staff costs and maximize the Technical Co-operation Programme and its implementation, and substantially improve the financial situation of the Technical Co-operation Bureau;

*The Assembly:*

1. *Notes* with satisfaction the progress made in the progressive implementation of the core staff and the related integration of the Technical Co-operation Bureau into the Organization's structure;
2. *Urges* the Secretary General to further promote ICAO's Technical Co-operation Bureau and its role in the implementation of ICAO's SARPs including the CNS/ATM and Flight Safety Oversight Programmes; and
3. *Encourages* Contracting States to make use of the Technical Co-operation Programme of ICAO and to contribute to the ICAO Objectives Implementation Funding Mechanism of which all funds

are mainly intended for SARPs implementation including the Flight Safety Oversight and the CNS/ATM Programmes.

4. *Approves* the following transitional measures for implementation during the 1999-2001 Triennium:
  - a) In case of a budget shortfall, the Regular Programme budget will continue to augment the support cost income earned from projects to support the Technical Co-operation Programme according to the proposal contained in the Programme Budget for the Organization for 1999, 2000 and 2001.
  - b) The Council and the Secretary General will further implement the core staff concept by attrition, restructuring and staff transfer.
  - c) The Council and the Secretary General will adopt further measures to integrate the Technical Co-operation Bureau into the Organization's structure;
5. *Directs* the Council to report to the next ordinary session of the Assembly regarding the plan for further integration and the measures taken in the meantime, and to prepare for its consideration a consolidated Resolution regarding all technical co-operation activities and programmes; and
6. *Decides* that this Resolution replaces and supersedes Resolution A31-14.

**A32-22: Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference**

*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, have a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endanger the lives of aircraft passengers and crews and undermine the confidence of the peoples of the world in the safety of international civil aviation;

*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 A31-4 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 A31-4, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 32nd 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 32nd 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 A31-4.

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## **APPENDIX A**

### **GENERAL POLICY**

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

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

*Endorsing* actions taken so far by the Council, in particular by adopting 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 the International Civil Aviation Organization 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 the International Civil Aviation Organization and its Member States;
4. *Notes* with abhorrence acts of unlawful interference aimed at the destruction in flight of civil aircraft in commercial service and the death of persons on board;
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 co-operation with one another, to suppress acts of unlawful interference and to punish the perpetrators of any such acts; and
6. *Directs* the Council to continue its work relating to measures for prevention of acts of unlawful interference.

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**APPENDIX B**

**INTERNATIONAL LEGAL INSTRUMENTS FOR THE SUPPRESSION  
OF ACTS OF UNLAWFUL INTERFERENCE  
WITH CIVIL AVIATION**

*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), as well as 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, Done at Montreal on 23 September 1971* (Montreal, 1988) and by bilateral agreements for the suppression of such acts;

*Whereas* terrorist acts aimed at the destruction of aircraft and the use of plastic explosives for such acts led to the need for ICAO to intensify, in accordance with United Nations Security Council Resolution 635 of 14 June 1989, its work on devising an international regime for the marking of plastic explosives for the purpose of detection; and

*Whereas* for the purpose of preventing such acts, the International Conference on Air Law adopted on 1 March 1991 a *Convention on the Marking of Plastic Explosives for the Purpose of Detection*;

*The Assembly:*

1. *Calls upon* 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 to the 1988 Supplementary Protocol to the Montreal Convention;
2. *Urges* all States to become parties as soon as possible to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* which was signed at Montreal on 1 March 1991;
3. *Invites* States not yet parties to the 1991 *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;
4. *Directs* the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague and Montreal Conventions and 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;
5. *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;
6. *Calls upon* Contracting States to intensify their efforts to suppress acts of unlawful seizure of aircraft or other unlawful acts against the security of civil aviation by concluding appropriate agreements for the suppression of such acts which would provide for extradition or submission of the case to competent authorities for the purpose of prosecution of those who commit them; and
7. *Calls upon* Contracting States to continue to assist in the investigation of such acts and in the apprehension and prosecution of those responsible.

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## **APPENDIX C**

### **ACTION BY STATES**

- a) *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 for the extradition of persons making criminal attacks on international civil aviation.

b) *Information to be submitted to the Council*

*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.

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## **APPENDIX D**

### **TECHNICAL SECURITY MEASURES**

*Whereas* the safety of the peoples of the world who benefit from international civil aviation 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 international 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 safety of persons and property at airports serving international civil aviation requires continued vigilance, development and implementation of positive safeguarding actions by the International Civil Aviation Organization and all States to prevent and suppress unlawful acts of violence at such airports; and

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

*The Assembly:*

1. *Urges* the Council to continue to attach high priority to the adoption of effective measures for the prevention of acts of unlawful interference and to keep up to date the provisions of Annex 17 to the Chicago Convention to this end;
2. *Urges* the Council to study, as a high priority, issues relating to the security control of transit passengers and the detection of explosive devices;
3. *Requests* the Council to appoint the International Explosives Technical Commission (IETC) to complete, as a matter of high priority, studies into methods of detecting explosives or explosive materials, especially into the marking of those explosives of concern, other than plastic explosives, whose detection would be aided by the use of marking agents, with a view to the evolution, if needed, of an appropriate comprehensive legal regime;
4. *Urges* all States on an individual basis and in co-operation with other States to take all possible measures for the suppression of acts of violence at airports serving international civil aviation including such preventive measures as are required or recommended under Annex 17 to the *Convention on International Civil Aviation*;
5. *Calls upon* Contracting States to intensify their efforts for the implementation of existing Standards, Recommended Practices, and Procedures relating to aviation security, to monitor such implementation, and to take all necessary steps to prevent acts of unlawful interference against international civil aviation;
6. *Further calls* on Contracting States, while respecting their sovereignty, to substantially enhance co-operation and co-ordination between them in order to improve such implementation;
7. *Invites* Contracting States to exchange, as they consider appropriate, information through ICAO, or directly where desirable, related to increasing physical security controls in the plans and designs of existing and new airports, the design of aircraft to make the placement of explosives more difficult and research and development on weapons and explosive detection, as well as to undertake joint efforts in the development and refinement of promising concepts in detection of weapons and explosives;
8. *Urges* member States to expedite research and development on detection of explosives, security equipment and to continue to encourage research and development into improved and economic means of detecting all the marking agents specified in the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, and to continue to exchange such information;

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

- a) the subject of aviation security continues to be given adequate attention, with priority commensurate with the current threat to the security of international civil aviation, particularly by keeping up to date and developing, as necessary, appropriate Standards, Recommended Practices, Procedures and guidance material;
- 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 Standardized Training Packages (STPs) for use by States continues to be developed; and
- e) ICAO assumes the co-ordination role, in collaboration with aviation security Mechanism donor States, of the regional/sub-regional training facilities to ensure training standards are maintained and sound levels of co-operation are achieved.

10. *Urges* Contracting States to ensure that facilities are made available at their airports for the inspection/screening of passengers and their cabin and checked baggage on international air transport services;

11. *Urges* Contracting States which have not already done so to implement the Standards, Recommended Practices and Procedures on aviation security measures, and to give appropriate attention to the guidance material contained in the ICAO *Security Manual*; and

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

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**APPENDIX E**

**ACTION OF STATES WITH RESPECT  
TO UNLAWFUL SEIZURE OF AIRCRAFT  
IN PROGRESS**

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

*Whereas* the Council has adopted Standards and Recommended Practices on aviation security in accordance with ICAO policy;

*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. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo and The Hague Conventions;
2. *Recommends* that States take into account the above considerations in the development of their policies and contingency plans for dealing with acts of unlawful seizure;
3. *Urges* each Contracting State to provide, as it may find practicable, such measures of assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigational aids, air traffic services and permission to land, as may be necessitated by the circumstances;
4. *Urges* each Contracting State to take measures, as it may find practicable, 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; and
5. *Recognizes* the importance of consultations, wherever practicable, between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft.

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**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 including the means of detecting explosives because of 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 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 financial, technical and material assistance to States with regard to aviation security, 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. *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 Mechanism for financial, technical and material assistance to States with regard to aviation security;

4. *Urges* all Contracting States to take into account the availability of ICAO approved regional/sub-regional aviation security training facilities for the purpose of enhancing training standards; and

5. *Urges* the international community to consider increasing technical, financial and material assistance to States in need of such assistance in order to be able to benefit from the achievement of the aims and objectives of the *Convention on the Marking of Plastic Explosives*, in particular through the technical co-operation programmes of ICAO.

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**APPENDIX G**

**ACTION BY THE COUNCIL WITH RESPECT TO  
MULTILATERAL AND BILATERAL CO-OPERATION  
IN DIFFERENT REGIONS OF THE WORLD**

*Whereas* the rights and obligations of States under the international conventions on aviation security and under the Standards and Recommended Practices adopted by the Council of ICAO on aviation security could be complemented and reinforced in bilateral co-operation between States;

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

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

*Whereas* Annex 17 to the *Convention of International Civil Aviation* contains a recommendation that each Contracting State should include in its bilateral agreements on air transport a clause related to aviation security;

*The Assembly:*

1. *Notes* with satisfaction the strong support of States for the model clause on aviation security, elaborated by the Council and attached to the Council Resolution of 25 June 1986;
2. *Notes* the wide acceptance by States of the model agreement on aviation security for bilateral or regional co-operation adopted by the Council on 30 June 1989;
3. *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;
4. *Recommends* that Contracting States take into account the model agreement adopted by the Council on 30 June 1989; and
5. *Recommends* that the Council continue to:
  - gather the results of States' experience in co-operation to suppress acts of unlawful interference with international civil aviation;
  - analyze the existing situation in the fight against acts of unlawful interference with international civil aviation in different regions of the world; and
  - prepare recommendations for strengthening measures to suppress such acts of unlawful interference.

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## APPENDIX H

### CO-OPERATION WITH INTERNATIONAL ORGANIZATIONS IN THE FIELD OF AVIATION SECURITY

*The Assembly:*

1. *Invites* the International Criminal Police Organization (ICPO/INTERPOL), the Universal Postal Union (UPU), the International Air Transport Association (IATA), Airports Council International (ACI), and the International Federation of Air Line Pilots' Associations (IFALPA) to continue their co-operation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference.

#### **A32-23: MANPADS Export Control**

*Whereas* the proliferation of man-portable air defense systems (MANPADS) presents a significant terrorist threat to civil aviation; and

*Whereas* reducing the threat posed by terrorist and other unauthorized use of MANPADS requires concerted efforts and responsible policies on the part of all governments;

*The Assembly:*

1. *Calls upon* all Contracting States to reduce the threat posed to civil aviation by terrorist and other unauthorized use of man-portable air defense systems (MANPADS); and

2. *Requests* all Contracting States to implement responsible export control policies.

**A32-24: Budgets 1999, 2000 and 2001**

**A. PROGRAMME BUDGET 1999-2000-2001**

*The Assembly notes that:*

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates (indicative for the AOSC figures) for each of the financial years 1999, 2000 and 2001;

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

*Recognizing* that the Administrative and Operational Services Costs (AOSC) of the Technical Co-operation Programme are mainly financed by income from implementation of projects assigned to ICAO for execution by external funding sources such as the United Nations Development Programme, Governments 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 1999, 2000 and 2001 represent indicative budget estimates only:

<b>TECHNICAL CO-OPERATION PROGRAMME</b>		
<b>1999</b>	<b>2000</b>	<b>2001</b>
4 190 000	4 206 000	4 370 000

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

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

*The Assembly resolves:*

1. 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 over-all requirements shall not at any time exceed the funds placed at the disposal of the Organization for this purpose.

2. that for the financial years 1999, 2000 and 2001, 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>REGULAR PROGRAMME</b>			
	<b>1999</b>	<b>2000</b>	<b>2001</b>
I. General Policy and Direction	785 000	804 000	1 313 000
II. Air Navigation	7 674 000	7 575 000	7 655 000
III. Air Transport	4 623 000	4 523 000	4 590 000
IV. Legal	726 000	691 000	702 000
V. Regional and Other Programmes	17 755 000	18 482 000	18 926 000
VI. Administrative Support	20 129 000	20 703 000	21 135 000
VII. Finance, External Relations/ Public Information and Programmes Evaluation, Audit and Management Review	<u>3 050 000</u>	<u>3 105 000</u>	<u>3 062 000</u>
TOTAL	54 742 000	55 883 000	57 383 000
Reduction Factors:			
Vacancy Rates	(3 486 000)	(3 536 000)	(3 622 000)
Meetings	(130 000)	(66 000)	(104 000)
TOTAL	<u>51 126 000</u>	<u>52 281 000</u>	<u>53 657 000</u>
IX. Universal Safety Oversight Audit Programme to be funded by cash surplus	<u>1 452 000</u>	<u>1 484 000</u>	<u>1 517 000</u>
TOTAL AUTHORIZED APPROPRIATION	<u>52 578 000</u>	<u>53 765 000</u>	<u>55 174 000</u>

3. that the separate annual Total Authorized Appropriation in Clause (2) above be financed as follows, in accordance with the Financial Regulations:

	<b>1999</b>	<b>2000</b>	<b>2001</b>
a) by Assessments on Contracting States in accordance with Resolution on the Scale of Assessments	47 440 000	48 580 000	49 940 000
b) by Miscellaneous Income	3 686 000	3 701 000	3 717 000
c) by Cash Surplus	<u>1 452 000</u>	<u>1 484 000</u>	<u>1 517 000</u>
TOTAL	<u>52 578 000</u>	<u>53 765 000</u>	<u>55 174 000</u>

## B. DISPOSITION OF CASH SURPLUS

*The Assembly notes that:*

1. Financial Regulation 6.2 provides that any balance of cash surplus available at the end of the year prior to the year in which the Assembly is held shall be disposed of in the manner to be decided by the Assembly; and
2. on 1 January 1998 the amount of cash surplus available for distribution was \$ 10 514 525.

*The Assembly resolves that:*

1. the Organization, from the balance of cash surplus, dispose of the amount of \$ 1 076 000 as credits to Contracting States in respect of the incentive scheme on 1 January 1999 in accordance with Assembly Resolution A26-23;
2. the Organization allocate the amount of \$ 1 452 000, \$ 1 484 000 and \$ 1 517 000 to the Universal Safety Oversight Audit Programme on 1 January 1999, 1 January 2000 and 1 January 2001 respectively;
3. the Organization dispose as credits to Contracting States \$ 2 985 525 on 1 January 1999;
4. the Organization, subject to the determination of the adequacy of the level of the Working Capital Fund by Council in the year 2000, dispose of the balance of \$ 2.0 million on 1 January 2001 either as credits to Contracting States or as credits toward assessed advances to the Working Capital Fund in accordance with Assembly Resolution 38.4/1;
5. the cash surplus under Clauses 3 and 4 above be distributed to those Contracting States that have paid their contributions for the financial years for which the surpluses had been determined. However, Contracting States that entered into agreements, or have existing agreements, shall have their share of cash surplus credited to them in accordance with Assembly Resolution 38.1/1; and
6. credits to Contracting States be applied in the usual order, first to any advances due to the Working Capital Fund, second to any contributions in arrears beginning with the earliest, and third to current year contributions.

**A32-25: 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**

*The Assembly:*

1. *Notes that:*

- a) Financial Regulations 6.9 and 7.4 provide that the Council shall, if the Assembly is not in session, determine the contributions and advances 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 States which became members of the International Civil Aviation Organization after the 31st Session of the Assembly, and assessable, as indicated below;

2. *Confirms* the action of the Council in assessing the contributions and advances of the following States at the percentage rates indicated, such assessment rates to apply for each Contracting State from the assessable date indicated, as follows:

<b>Name of New Contracting State</b>	<b>Date of Membership</b>	<b>Date from which assessable</b>	<b>Assessment Rate 1995, 1996, 1997, 1998</b>
Palau	3 November 1995	1 December 1995	0.06% for 1995-1998
Samoa	21 December 1996	1 January 1997	0.06% for 1997-1998

**A32-26: Assessments to the General Fund for 1999, 2000 and 2001**

*The Assembly resolves* that the amounts to be assessed on Contracting States for 1999, 2000 and 2001 pursuant to Article 61, Chapter XII of the Convention, shall be determined in accordance with the scales set out below:

	<b>1999</b>	<b>2000</b>	<b>2001</b>
Afghanistan/Afganistán/Àô ãáí è ñðàí	.06%	.06%	.06%
Albania/Albanie/Àěááí è ÿ	.06	.06	.06
Algeria/Algérie/Argelia/Àěæèð	.08	.08	.08
Angola/Áí ãî èà	.06	.06	.06
Antigua and Barbuda/Antigua-et-Barbuda/ Antigua y Barbuda/Áí òè ãóà è Áàðáóää	.06	.06	.06

	1999	2000	2001
Argentina/Argentine/Àðãáí òèí à	.51	.58	.65
Armenia/Arménie/Àðì áí èÿ	.06	.06	.06
Australia/Australie/Àâñòðàèèÿ	1.67	1.65	1.64
Austria/Autriche/Àâñòðèÿ	.75	.75	.74
Azerbaijan/Azerbaïdjan/Azerbaiyán/Äçâðáàéäæàí	.06	.06	.06
Bahamas/Áããàì ñèèà Í ñòðí àà	.06	.06	.06
Bahrain/Bahreïn/Bahrein/Áàððáéí	.06	.06	.06
Bangladesh/Ááí àèàããø	.06	.06	.06
Barbados/Barbade/Áàðáàáí ñ	.06	.06	.06
Belarus/Bélarus/Belarus/Áãèàðóñü	.06	.06	.06
Belgium/Belgique/Bélgica/Áãèüàèÿ	.89	.88	.88
Belize/Belice/Áãèèç	.06	.06	.06
Benin/Bénin/Ááí èí	.06	.06	.06
Bhutan/Bhoutan/Bhutan/Áóðàí	.06	.06	.06
Bolivia/Bolivie/Áí èèàèÿ	.06	.06	.06
Bosnia and Herzegovina/Bosnie-Herzégovine/ Bosnia y Herzegovina/Áí ñí èÿ è Áãðòááí àèí à	.06	.06	.06
Botswana/Áí òñàáí à	.06	.06	.06
Brazil/Brésil/Brasil/Áðàçèèèÿ	1.51	1.50	1.49
Brunei Darussalam/Brunéi Darussalam/Áðóí áé-Äððóññàèè	.06	.06	.06
Bulgaria/Bulgarie/Áí èãàðèÿ	.06	.06	.06
Burkina Faso/Áóðèèí à-Ôàñí	.06	.06	.06
Burundi/Áóðóí äè	.06	.06	.06
Cambodia/Cambodge/Camboya/Êàí áí äæà	.06	.06	.06
Cameroon/Cameroun/Camerún/Êàí áðóí	.06	.06	.06
Canada/Canadá/Êàí ààà	2.46	2.44	2.43
Cape Verde/Cap-Vert/Cabo Verde/Êàáí -Áãðãã	.06	.06	.06
Central African Republic/République centrafricaine/ República Centrafricana/ Ôáí òðàèüí í àð ðèèàí ñèàÿ Ðãñí óáèèèà	.06	.06	.06
Chad/Tchad/×àä	.06	.06	.06
Chile/Chili/×èèè	.23	.22	.22
China/Chine/Êèòàè	.99	1.09	1.14
Colombia/Colombie/Êí èóí àèÿ	.15	.15	.14
Comoros/Comores/Comoras/Êí ñ ñèèèà Í ñòðí àà	.06	.06	.06
Congo/Êí í ãí	.06	.06	.06
Cook Islands/Iles Cook/Islas Cook/Í ñòðí àà Êóéà	.06	.06	.06
Costa Rica/Êí ñòà-Ðèèà	.06	.06	.06

	1999	2000	2001
Côte d'Ivoire/Éî ò-ä'Èâ óàð	.06	.06	.06
Croatia/Croatie/Croacia/Ôî ðâàððè ÿ	.06	.06	.06
Cuba/Éóáà	.06	.06	.06
Cyprus/Chypre/Chipre/Éèĩ ð	.06	.06	.06
Czech Republic/République tchèque/República Checa/ ×åø ñèàÿ Ðãñĩ óáèèèà	.10	.10	.10
Democratic People's Republic of Korea/République populaire démocratique de Corée/República Popular Democrática de Corea/ Éî ðáéñèàÿ Í àðĩ àĩ í -Äâî î êðàððè-âñèàÿ Ðãñĩ óáèèèà	.06	.06	.06
Democratic Republic of the Congo/République démocratique du Congo/República Democrática del Congo/ Äâî î êðàððè-âñèàÿ Ðãñĩ óáèèèà Éî í ãĩ	.06	.06	.06
Denmark/Danemark/Dinamarca/Äâí è ÿ	.54	.53	.53
Djibouti/Äæè á óðè	.06	.06	.06
Dominican Republic/République dominicaine/ República Dominicana/Äî î è í èèàĩ ñèàÿ Ðãñĩ óáèèèà	.06	.06	.06
Ecuador/Équateur/Ýèâââĩ ð	.06	.06	.06
Egypt/Égypte/Egipto/Äâè í àð	.16	.16	.16
El Salvador/Ñäèüâââĩ ð	.06	.06	.06
Equatorial Guinea/Guinée équatoriale/ Guinea Ecuatorial/Ýèââòĩ ðè àèüí àÿ Äâè í àÿ	.06	.06	.06
Eritrea/Érythrée/Ýðè ððâÿ	.06	.06	.06
Estonia/Estonie/Ýñòĩ í è ÿ	.06	.06	.06
Ethiopia/Éthiopie/Etiopía/Ýð è îĩ è ÿ	.06	.06	.06
Fiji/Fidji/Ôèäæè	.06	.06	.06
Finland/Finlande/Finlandia/Ôè í èÿí àè ÿ	.48	.47	.47
France/Francia/Ôðáí öè ÿ	5.41	5.36	5.34
Gabon/Gabón/Äâáí í	.06	.06	.06
Gambia/Gambie/Äâí áè ÿ	.06	.06	.06
Georgia/Géorgie/Äðóçè ÿ	.06	.06	.06
Germany/Allemagne/Alemania/Äâðĩ àĩ è ÿ	7.87	7.80	7.76
Ghana/Äâí à	.06	.06	.06
Greece/Grèce/Grecia/Äðâðè ÿ	.34	.34	.34
Grenada/Grenade/Granada/Äðáí àâà	.06	.06	.06
Guatemala/Äâàðâĩ àèà	.06	.06	.06
Guinea/Guinée/Äâè í àÿ	.06	.06	.06
Guinea-Bissau/Guinée-Bissau/Äâè í àÿ-Äè ñàó	.06	.06	.06

	1999	2000	2001
Guyana/Āāéàí à	.06	.06	.06
Haiti/Haïti/Haití/Āāèèè	.06	.06	.06
Honduras/Āí í áóðāñ	.06	.06	.06
Hungary/Hongrie/Hungría/Āāí āðèÿ	.12	.12	.12
Iceland/Islande/Islandia/Ēñèàí äèÿ	.06	.06	.06
India/Inde/Ēí äèÿ	.40	.40	.40
Indonesia/Indonésie/Ēí äí áçèÿ	.42	.41	.41
Iran, Islamic Republic of/Iran, République islamique d'/ Irán, República Islámica del/Ēðáí , Ēñèàí ñèäÿ Đāñí óáèèèà	.16	.16	.16
Iraq/Ēðàè	.06	.06	.06
Ireland/Irlande/Irlanda/Ēðèàí äèÿ	.22	.21	.21
Israel/Israël/Ēçðàèèü	.44	.44	.44
Italy/Italie/Italia/Ēðàèèÿ	4.10	4.07	4.05
Jamaica/Jamaïque/β ì àéèà	.06	.06	.06
Japan/Japon/Japón/β ì í í èÿ	15.37	15.33	15.27
Jordan/Jordanie/Jordania/Ēî ðāàí èÿ	.09	.09	.09
Kazakhstan/Kazajstán/Ēàçàðñòàí	.06	.06	.06
Kenya/Ēáí èÿ	.06	.06	.06
Kiribati/Ēèðèáàðè	.06	.06	.06
Kuwait/Koweït/Ēóââéð	.18	.18	.18
Kyrgyzstan/Kirghizistan/Kirguistán/Ēû ðāû çñòàí	.06	.06	.06
Lao People's Democratic Republic/République démocratique populaire lao/República Democrática Popular Lao/ Ēàí ññèäÿ Í àðí äí í -Āāí í èðàðè -āñèäÿ Đāñí óáèèèà	.06	.06	.06
Latvia/Lettonie/Letonia/Ēðàðèÿ	.06	.06	.06
Lebanon/Liban/Líbano/Ēèâàí	.06	.06	.06
Lesotho/Ēāñ ôí	.06	.06	.06
Liberia/Libéria/Ēèááðèÿ	.06	.06	.06
Libyan Arab Jamahiriya/Jamahiriya arabe libyenne/ Jamahiriya Árabe Libia/Ēèâèéñèäÿ Āðāáñèäÿ Āæàí àðèðèÿ	.09	.09	.08
Lithuania/Lituanie/Lituania/Ēèðàà	.06	.06	.06
Luxembourg/Luxemburgo/Ēþ èñàí áóðā	.06	.06	.06
Madagascar/Ē àààāñèàð	.06	.06	.06
Malawi/Ē èèâè	.06	.06	.06

	1999	2000	2001
Malaysia/Malaisie/Malasia/Ì àèéçèÿ	.42	.47	.47
Maldives/Maldivas/Ì àëüäèâû	.06	.06	.06
Mali/Malí/Ì àèè	.06	.06	.06
Malta/Malte/Ì àëüðà	.06	.06	.06
Marshall Islands/Iles Marshall/Islas Marshall/ Ì àðø àëëí âû Í ñòðí âà	.06	.06	.06
Mauritania/Mauritanie/Ì àâðèðàí èÿ	.06	.06	.06
Mauritius/Maurice/Mauricio/Ì àâðèèèé	.06	.06	.06
Mexico/Mexique/México/Ì àêñèèà	.80	.84	.84
Micronesia, Federated States of/Micronésie, États fédérés de/ Micronesia, Estados Federados de/ Ôääãðàðèâí ú à Ø ðàòú Ì èèðí í àçèè	.06	.06	.06
Monaco/Mónaco/Ì í í àêî	.06	.06	.06
Mongolia/Mongolie/Ì í í ãí èèÿ	.06	.06	.06
Morocco/Maroc/Marruecos/Ì àðí êêî	.09	.09	.09
Mozambique/Ì í çàí áèè	.06	.06	.06
Myanmar/Ì üÿí ì à	.06	.06	.06
Namibia/Namibie/Ì àì è á èÿ	.06	.06	.06
Nauru/Ì àóðó	.06	.06	.06
Nepal/Népal/Ì âí àè	.06	.06	.06
Netherlands, Kingdom of the/Pays-Bas, Royaume des/ Países Bajos, Reino de los/Ì èããðèàí äí â, Êî ðí èããñòâí	1.98	1.96	1.95
New Zealand/Nouvelle-Zélande/Nueva Zelandia/Ì í àây Çãèàí àèÿ	.38	.38	.38
Nicaragua/Ì èèàððãóà	.06	.06	.06
Niger/Níger/Ì è äãð	.06	.06	.06
Nigeria/Nigéria/Ì è äãðèÿ	.06	.06	.06
Norway/Norvège/Noruega/Ì í ðãããèÿ	.49	.49	.49
Oman/Omán/Ì ì àí	.08	.08	.08
Pakistan/Pakistán/Ì àèèñòàí	.18	.18	.18
Palau/Palaos/Ì àèàó	.06	.06	.06
Panama/Panamá/Ì àí àì à	.06	.06	.06
Papua New Guinea/Papouasie-Nouvelle-Guinée/ Papua Nueva Guinea/Ì äí óà-Í í àây Ãâèí âÿ	.06	.06	.06
Paraguay/Ì àðãããàé	.06	.06	.06
Peru/Pérou/Perú/Ì àðó	.10	.10	.10

	1999	2000	2001
Philippines/Filipinas/Óèèèì ì èí û	.25	.24	.24
Poland/Pologne/Polonia/Ï î ëüø à	.19	.19	.19
Portugal/Ï î ðòóääèèÿ	.39	.39	.39
Qatar/Êàðàð	.06	.06	.06
Republic of Korea/République de Corée/República de Corea/ Đãñî óáèèèà Êî ðây	1.50	1.65	1.81
Republic of Moldova/République de Moldova/ República de Moldova/Đãñî óáèèèà Ï î ëäî àà	.06	.06	.06
Romania/Roumanie/Rumania/Đòî ù í èÿ	.08	.07	.07
Russian Federation/Fédération de Russie/Federación de Rusia/ Đî ññè é ñèây Ôäääðàèèÿ	1.18	1.17	1.17
Rwanda/Đóái äà	.06	.06	.06
Saint Lucia/Sainte-Lucie/Santa Lucía/Ñái ò-Ëþ ñèÿ	.06	.06	.06
Saint Vincent and the Grenadines/Saint-Vincent-et-les Grenadines/ San Vicente y las Granadinas/Ñái ò-Âèí ñái ò è ãĐái àäèí û	.06	.06	.06
Samoa/Ñài í à	.06	.06	.06
San Marino/Saint-Marin/Ñái -Ï àðèí í	.06	.06	.06
Sao Tome and Principe/Sao Tomé-et-Principe/ Santo Tomé y Príncipe/Ñái -Òì ì à è Ï ðèí ñèì è	.06	.06	.06
Saudi Arabia/Arabie saoudite/Arabia Saudita/Ñàóái ânèây Àðààèÿ	.64	.64	.63
Senegal/Sénégal/Ñái áääè	.06	.06	.06
Seychelles/Ñáéø äëüñèè à Í ñòðî àà	.06	.06	.06
Sierra Leone/Sierra Leona/Ñüãððà-Ëái í á	.06	.06	.06
Singapore/Singapour/Singapur/Ñèí àài óð	.98	1.01	1.00
Slovakia/Slovaquie/Eslovaquia/Ñëí ààèèÿ	.06	.06	.06
Slovenia/Slovénie/Eslovenia/Ñëí àái èÿ	.06	.06	.06
Solomon Islands/Iles Salomon/Islas Salomón/Ñî ëî ì í í î âû Í ñòðî àà	.06	.06	.06
Somalia/Somalie/Ñî ì àèè	.06	.06	.06
South Africa/Afrique du Sud/Sudáfrica/Ð æíây Àò ðèèà	.45	.45	.45
Spain/Espagne/España/Ë ñî àí èÿ	2.07	2.05	2.04
Sri Lanka/Ø ðè-Ëái èà	.06	.06	.06
Sudan/Soudan/Sudán/Ñóái	.06	.06	.06
Suriname/Ñóðèí àì	.06	.06	.06
Swaziland/Swazilandia/Ñâàçèèái ä	.06	.06	.06
Sweden/Suède/Suecia/Ø áâèèÿ	.83	.82	.82

	1999	2000	2001
Switzerland/Suisse/Suiza/Ø ááéöàðèÿ	1.23	1.22	1.21
Syrian Arab Republic/République arabe syrienne/ Republica Árabe Siria/Ñèðééñèàÿ Àðááñèàÿ Ðãñĩ óáéèèà	.08	.08	.08
Tajikistan/Tadjikistan/Tayikistán/Òàãæèèèñòàí	.06	.06	.06
Thailand/Thaïlande/Tailandia/Òàèèèáí ä	.54	.54	.54
The former Yugoslav Republic of Macedonia/L'ex-République yougoslave de Macédonie/La ex República Yugoslava de Macedonia/Áú âð àÿ þ ãñ ñèàñèàÿ Ðãñĩ óáéèèà Ì àèááí í èÿ	.06	.06	.06
Togo/Òĩ ãĩ	.06	.06	.06
Tonga/Òĩ í ãà	.06	.06	.06
Trinidad and Tobago/Trinité-et-Tobago/ Trinidad y Tabago/Òðèí èààà è Òĩ áááĩ	.06	.06	.06
Tunisia/Tunisie/Túnez/Óóí è ñ	.06	.06	.06
Turkey/Turquie/Turquía/Óóðöèÿ	.44	.44	.43
Turkmenistan/Turkménistan/Turkmenistán/Óóðèì áí è ñòàí	.06	.06	.06
Uganda/Ouganda/Óãáí àà	.06	.06	.06
Ukraine/Ucrania/Óèðàèí à	.16	.16	.16
United Arab Emirates/Émirats arabes unis/ Emiratos Árabes Unidos/Í áúáäèí áí í û à Àðááñèèà Ýí èðàòù	.28	.28	.28
United Kingdom/Royaume-Uni/Reino Unido/ Ñĩ áàèí áí í í à Êì ðí èããñòãĩ	5.60	5.55	5.53
United Republic of Tanzania/République-Unie de Tanzanie/ Republica Unida de Tanzania/ Í áúáäèí áí í àÿ Ðãñĩ óáéèèà Òàí çàí èÿ	.06	.06	.06
United States/États-Unis/Estados Unidos/ Ñĩ áàèí áí í û à Ø òàòù Àì áðèèèè	25.00	25.00	25.00
Uruguay/Óðóããáé	.06	.06	.06
Uzbekistan/Ouzbékistan/Uzbekistán/Óçáãèèèñòàí	.06	.06	.06
Vanuatu/Áãí óàòó	.06	.06	.06
Venezuela/Áãí ãñóÿèà	.18	.18	.18
Viet Nam/Áúãòí àì	.06	.06	.06
Yemen/Yémen/É àì áí	.06	.06	.06
Zambia/Zambie/Çàí áéÿ	.06	.06	.06
Zimbabwe/Çèì áàááá	.06	.06	.06
	<u>100.00</u>	<u>100.00</u>	<u>100.00</u>

**A32-27: 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 A31-26;

*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. effective 1 January 1999, for a three-year trial basis, 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;

2. effective 1 January 1999, for a three-year trial basis, payments from Contracting States with arrears of three full years or more will be retained in a separate account to finance expenditure on 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;

3. 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

4. this Resolution supersedes Resolving Clauses 2 and 4 of Assembly Resolution A31-26.

**A32-28: Working Capital Fund**

*The Assembly notes that:*

1. in accordance with Resolution A31-25 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;
2. 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 serious cash flow difficulties;
3. the relatively long budgetary cycle of ICAO, namely 3 years, has a bearing on the determination of a prudent level for the Working Capital Fund and borrowing authority, as only the Assembly can levy assessments on Contracting States;
4. 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. The difficult financial experience of the past few years has shown that the Organization should have sufficient funds in the Working Capital Fund to cover two months' expenditures;
5. while it would appear that cash crises could be avoided by careful management of expenditure on the work programme, monthly outgoings of cash cannot be reduced in the short term below the amount needed to pay the permanent staff;
6. experience showed that ICAO could not rely on contributions being paid even by the end of the year to which they related;
7. as long as the cash flow remains uncertain, ICAO would need the Working Capital Fund as a source on which it could draw to meet its unavoidable cash commitments;
8. ICAO's only other potential source of funds, excluding commercial borrowing, is the AOSC surplus. But its amount is uncertain, it belongs to the Technical Co-operation Programme (TCP), and TCP might need it to avoid having to call on the Regular Programme for supplementary financing. Objections by certain States to ICAO utilizing the borrowing authority means that this avenue may not be a reliable emergency mechanism;
9. the financial position at this time does not indicate the need to assess Contracting States for cash deficits caused by contributions in arrears; and
10. due to the delays experienced in receipt of current and prior years contributions in recent years and the magnitude of contributions in arrears, the Council shall determine by November 2000 the necessity of increasing in the year 2001 the level of the Working Capital Fund from \$ 6.0 million to \$ 8.0 million.

*The Assembly resolves that:*

1. the level of the Working Capital Fund be maintained at \$ 6.0 million for the years 1999 and 2000;
2. the Council shall examine by November 2000, the necessity for an increase in the level of the Working Capital Fund from \$ 6.0 million to \$ 8.0 million effective 1 January 2001 and determine if such an increase is warranted;
3. providing that Council determines that it is warranted, the level of the Working Capital Fund shall be established at \$ 8.0 million for the year 2001, subject to increases resulting from advances paid by new States becoming members of the Organization after approval of the 1999 scale of assessments;
4. the increased level of the Working Capital Fund be attained as follows:
  - a) the amount of assessed advance to the Working Capital Fund of each Member State on 1 January 2001 shall be determined on the basis of the scale of assessments for the General Fund for the year 2000; and
  - b) Contracting States shall have credited toward such assessed advances under a) above the amounts of their individual equities in the Working Capital Fund as of 31 December 2000, and where applicable, their share of refunds from surplus recommended for distribution in accordance with Resolution 36.1/1, and shall pay the balance in connection with their 2001 General Fund assessments;
5. 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;
6. the Council shall report to the next ordinary session of the Assembly:
  - a) on the adequacy of the level of the Working Capital Fund in the light of experience during 1998, 1999, 2000 and part of 2001;
  - b) 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;
  - c) on the appropriateness of the level of the borrowing authority; and
7. Resolution A31-25 is no longer effective and is hereby superseded.

*The Assembly urges that:*

1. all Contracting States pay their assessments at the beginning of the year in which they fall due in order to lessen the need for the Organization to draw on the Working Capital Fund and resort to external borrowing; and
2. States in arrears meet their obligations to the Organization as promptly as possible, as called for by Resolution A21-10.

**A32-29: Amendment of the Financial Regulations**

*Whereas* the Council has noted the need, as far as practicable, to establish a target date for completing each programme element and task in the budgetary process;

*Whereas* the Council has noted the difficulties in executing the full work programme which stem from restrictions contained in the Financial Regulations on the use of funds; and

*Whereas* the Council has recommended the Assembly to extend the use of excess miscellaneous income so that it can be applied to new and unforeseen projects related to aviation safety and/or to enhancement of the efficient delivery of ICAO programmes;

*The Assembly resolves that:*

1. the amendments to the Financial Regulations 4.4 and 5.6, effective 1 May 1998 and 25 June 1998 respectively, as set forth below, are confirmed;

**Article IV  
The Budget**

4.4 The Secretary General's Programme Budget comprising the work programme and budget estimates shall be divided into Major Programmes, Programmes, Sub-programmes and programme elements with priority shown against each programme element. Each programme element in the Programme Budget shall, as far as practicable, contain the target date of completion of the task or tasks.

...

**Article V  
Appropriations**

5.6 The Secretary General up to 10 per cent per appropriation for each Major Programme and, above this percentage, the Council, irrespective of its authority under

Regulation 5.10 to effect transfers between Major Programmes, may determine that any unobligated balance of appropriations in any financial year during the period between normal triennial sessions of the Assembly be carried over to the following year. The total of obligated and carried over appropriations shall not exceed the Total Authorized Appropriation plus amounts carried over from the previous year. Any balance of unobligated appropriations shall be cancelled.

2. Financial Regulation 5.2 c) be amended, effective 1 January 1998, for a three-year trial basis, as set forth below; and

#### **Article V Appropriations**

5.2 . . .

- c) irrespective of a) and b) above, up to the amount by which, for one or more financial years not yet submitted to the Assembly, actual miscellaneous income exceeds the amount of miscellaneous income taken into account by the Assembly in approving the appropriations for that year or those years to finance:
  - i) expenditure directly related to the source of such additional miscellaneous income; and
  - ii) expenditure on new and unforeseen projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes.

3. the Council shall report on its experience regarding Financial Regulation 5.2 to the next ordinary session of the Assembly.

#### **A32-30: Approval of the accounts of the Organization for the financial years 1995, 1996 and 1997 and examination of the Audit Reports thereon**

*Whereas* the accounts of the Organization for the financial years 1995, 1996 and 1997 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 1995 and the comments by the Council and 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 1996 and the comments by the Council and 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 1997 and the comments by the Council and the Secretary General in response to the recommendations in the Audit Report;
4. *Approves* the audited accounts for the financial year 1995;
5. *Approves* the audited accounts for the financial year 1996; and
6. *Approves* the audited accounts for the financial year 1997.

**A32-31: Approval of those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial years 1995, 1996 and 1997 and examination of the Audit Reports thereon**

*Whereas* those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency and the External 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, for the financial years 1995, 1996 and 1997 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 for submission to the Administrator of the United Nations Development Programme; and

*Whereas* the financial regulations of the United Nations Development Programme provide that audits of the annual accounts showing the consolidated financial position of the UNDP account and supporting schedules with audit certificate from the United Nations Board of Auditors and their report, if any, shall be submitted to the Governing Council by the Administrator of the UNDP;

*The Assembly:*

1. *Notes* the Report of the External Auditor on those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 1995, the comments of the Council regarding the Administrative and Operational Services Cost (AOSC) Fund 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 those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 1996, the comments of the Council regarding the Administrative and Operational Services Cost (AOSC) Fund 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 those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 1997, the comments of the Council regarding the Administrative and Operational Services Cost (AOSC) Fund and the comments by the Secretary General in response to the recommendations in the Audit Report;
4. *Approves* those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 1995;
5. *Approves* those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 1996;
6. *Approves* those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 1997; and
7. *Directs* that the financial statements and the Audit Reports be transmitted to the Administrator of the United Nations Development Programme for submission to the Governing Council of the UNDP.