

RESOLUTIONS ADOPTED AT THE 33RD SESSION OF THE ASSEMBLY

PROVISIONAL EDITION

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RESOLUTIONS ADOPTED AT THE 33RD SESSION OF THE ASSEMBLY

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A33-1: Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation

Witnessing the abhorrent terrorist acts which occurred in the United States on 11 September 2001 resulting in the loss of numerous innocent lives, human suffering and great destruction;

Expressing its deepest sympathy to the United States, to the more than seventy other States worldwide which lost nationals and to the families of the victims of such unprecedented criminal acts;

Recognizing that such terrorist acts are not only contrary to elementary considerations of humanity but constitute also use of civil aircraft for an armed attack on civilized society and are incompatible with international law;

Recognizing that the new type of threat posed by terrorist organizations requires new concerted efforts and policies of cooperation on the part of States;

Recalling its Resolutions A22-5, A27-9 and A32-22 on acts of unlawful interference and terrorism aimed at the destruction of civil aircraft in flight;

Recalling United Nations General Assembly Resolution 55/158 on *measures to eliminate international terrorism* and United Nations Security Council Resolutions 1368 and 1373 on *condemning and combatting international terrorism*;

The Assembly:

1. *Strongly condemns* these terrorist acts as contrary to elementary considerations of humanity, norms of conduct of society and as violations of international law;

Solemnly

2. *Declares* that such acts of using civil aircraft as weapons of destruction are contrary to the letter and spirit of the *Convention on International Civil Aviation*, in particular its preamble and Articles 4 and 44, and that such acts and other terrorist acts involving civil aviation or civil aviation facilities constitute grave offences in violation of international law;

3. *Urges* all Contracting States to ensure, in accordance with Article 4 of the Convention, that civil aviation is not used for any purpose inconsistent with the aims of the *Convention on International Civil Aviation*, and to hold accountable and punish severely those who misuse civil aircraft as weapons of destruction, including those responsible for planning and organizing such acts or for aiding, supporting or harbouring the perpetrators;

4. *Urges* all Contracting States to strengthen cooperation in order to assist in the investigation of such acts and in the apprehension and prosecution of those responsible and to ensure that those who participated in these terrorist acts, whatever the nature of their participation, find no safe haven anywhere;

5. *Urges* all Contracting States to intensify their efforts in order to achieve the full implementation and enforcement of the multilateral conventions on aviation security, as well as of the ICAO Standards and Recommended Practices and Procedures (SARPs) relating to aviation security, to monitor such implementation, and to take within their territories appropriate additional security measures commensurate to the level of threat in order to prevent and eradicate terrorist acts involving civil aviation;

6. *Urges* all Contracting States to make contributions in the form of financial or human resources to ICAO's AVSEC mechanism to support and strengthen the combat against terrorism and unlawful interference in civil aviation; *calls on* Contracting States to agree on special funding for urgent action by ICAO in the field of aviation security referred to in paragraph 7 below; and *directs* the Council to develop proposals and take appropriate decisions for a more stable funding of ICAO action in the field of aviation security, including appropriate remedial action;

7. *Directs* the Council and the Secretary General to act urgently to address the new and emerging threats to civil aviation, in particular to review the adequacy of the existing aviation security conventions; to review the ICAO aviation security programme, including a review of Annex 17 and other related Annexes to the Convention; to consider the establishment of an ICAO Universal Security Oversight Audit Programme relating to, *inter alia*, airport security arrangements and civil aviation security programmes; and to consider any other action which it may consider useful or necessary, including technical cooperation; and

8. *Directs* the Council to convene, at the earliest date, if possible, in the year 2001, an international high-level, ministerial conference on aviation security in Montreal with the objectives of preventing, combatting and eradicating acts of terrorism involving civil aviation; of strengthening ICAO's role in the adoption of SARPs in the field of security and the audit of their implementation; and of ensuring the necessary financial means as referred to in paragraph 6 above.

A33-2: 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, as well as acts aimed at using the aircraft as a weapon of destruction, have a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endanger the lives of persons on board and on the ground and undermine the confidence of the peoples of the world in the safety of international civil aviation;

Whereas 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 A32-22 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 A32-22, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 33rd 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 33rd 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 A32-22.

APPENDIX A

General policy

Whereas acts of unlawful interference against 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 including any misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;

5. *Calls upon* all Contracting States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures individually and in cooperation with one another, to suppress acts of unlawful interference and to punish the perpetrators of any such acts; and

6. *Directs* the Council to continue its work relating to measures for prevention of acts of unlawful interference.

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), by the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, (Montreal, 1988) as well as by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montreal, 1991) and by bilateral agreements for the suppression of such acts;

The Assembly:

1. *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* (Montreal, 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, 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.

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.

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 commensurate with the current threat to the security of international civil aviation and to keep up to date the provisions of Annex 17 to the Chicago Convention to this end;

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

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

4. *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;

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

6. *Requests* the Council to ensure, with respect to the technical aspects of aviation security, that:
- a) the provisions of Annex 17 and Annex 9 – *Facilitation* are compatible with and complementary to each other provided the effectiveness of security measures is not compromised;
 - b) when considered necessary, the agenda of ICAO meetings include items dealing with aviation security which are relevant to the subject of such meetings;
 - c) regional aviation security seminars are convened by ICAO after consultation with or at the request of States concerned;
 - d) the ICAO Training Programme for Aviation Security comprising Aviation Security Training Packages (ASTPs) for use by States continues to be developed; and
 - e) ICAO assumes the coordination role, in collaboration with aviation security Mechanism donor States, of the aviation security training centres (ASTCs) to ensure training standards are maintained and sound levels of cooperation are achieved.

7. *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

8. *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.

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* Contracting States to provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigational aids, air traffic services and permission to land;
4. *Urges* Contracting States to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life; and
5. *Recognizes* the importance of consultations between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft as well as notification by the State where the aircraft has landed to the States of assumed or stated destination.
6. *Urges* Contracting States to cooperate for the purpose of providing a joint response in connection with an act of unlawful interference, as well as utilizing, if necessary, the experience and capabilities of the State of the operator of an aircraft, the State of manufacture and the State of registration which has been subjected to an act of unlawful interference while taking measures in their territory to free the passengers and crew members of that aircraft.

APPENDIX F

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

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

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

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

The Assembly:

1. *Invites* developed countries to give assistance to the countries which are not able to implement programmes of suggested technical measures for the protection of aircraft on the ground and, in particular, in the processing of passengers, their cabin and checked baggage, cargo, mail, courier and express parcels;
2. *Invites* Contracting States to bear in mind the possibility offered by the Mechanism for effective implementation of Standards and Recommended Practices (SARPs) contained in Annex 17, the United

Nations Development Programme and the Technical Co-operation among Developing Countries to meet their technical assistance requirements arising from the need to protect international civil aviation;

3. *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 effective implementation of Standards and Recommended Practices (SARPs) contained in Annex 17;

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

5. *Urges* the international community to consider increasing assistance to States and enhance cooperation amongst them, in order to be able to benefit from the achievement of the aims and objectives of the *Convention on the Marking of Plastic Explosives*, in particular through the International Explosives Technical Commission (IETC).

APPENDIX G

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

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

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

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 cooperation 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;

5. *Recommends* that the Council continue to:

- gather the results of States' experience in cooperation to suppress acts of unlawful interference with international civil aviation;
- analyse 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.

APPENDIX H

Cooperation 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 cooperation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference.

A33-3: Increasing the effectiveness of ICAO (to face new challenges)

Whereas the present situation created by the tragic events of 11 September 2001 imposes on ICAO the need to respond quickly and without delay to the new threats and demands in order to ensure that it makes an effective contribution to the safety, security and efficiency of flights worldwide;

Whereas ICAO has bodies of experts that deal continuously with the issues of safety and security, advising and working close to the Council;

Whereas this Organization has in the Council a resident deliberative body elected representing all regions of the world, a fact that enhances further its legitimacy;

Whereas the ICAO Council is a political body with internationally recognized legitimacy to deal with international civil aviation matters; and

Whereas Contracting States could exercise their sovereignty in the light of the Council's authority through a mechanism that can permit them to request a review of newly introduced SARPs;

The Assembly:

Directs the Council to seek ways to shorten the process for the approval and adoption of SARPs considered of key importance for the safety and security of civil aviation, whenever deemed necessary.

A33-4: Adoption of national legislation on certain offences committed on board civil aircraft (unruly/disruptive passengers)

The Assembly:

Recognizing that, under the Preamble and Article 44 of the *Convention on International Civil Aviation*, one of the aims and objectives of the Organization is to foster the planning and development of international air transport so as to meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

Noting the increase of the number and gravity of reported incidents involving unruly or disruptive passengers on board civil aircraft;

Considering the implications of these incidents for the safety of the aircraft and the passengers and crew on board these aircraft;

Mindful of the fact that the existing international law as well as national law and regulations in many States are not fully adequate to deal effectively with this problem;

Recognizing the special environment of aircraft in flight and inherent risks connected therewith, as well as the need to adopt adequate measures of national law for the purpose of enabling States to prosecute criminal acts and offences constituting unruly or disruptive behaviour on board aircraft;

Encouraging the adoption of national legal rules enabling States to exercise jurisdiction in appropriate cases to prosecute criminal acts and offences constituting unruly or disruptive behaviour on board aircraft registered in other States;

Therefore:

Urges all Contracting States to enact as soon as possible national law and regulations to deal effectively with the problem of unruly or disruptive passengers, incorporating so far as practical the provisions set out in the Appendix to this Resolution; and

Calls on all Contracting States to submit to their competent authorities for consideration of prosecution all persons whom they have a reasonable ground to consider as having committed any of the offences set out in the national laws and regulations so enacted, and for which they have jurisdiction in accordance with these laws and regulations.

APPENDIX

Model Legislation on Certain Offences Committed on Board Civil Aircraft

Section 1: Assault and Other Acts of Interference against a Crew Member on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- (1) assault, intimidation or threat, whether physical or verbal, against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;
- (2) refusal to follow a lawful instruction given by the aircraft commander, or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board.

Section 2: Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board a Civil Aircraft

- (1) Any person who commits on board a civil aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.
- (2) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:
 - (a) assault, intimidation or threat, whether physical or verbal, against another person;
 - (b) intentionally causing damage to, or destruction of, property;
 - (c) consuming alcoholic beverages or drugs resulting in intoxication.

Section 3: Other Offences Committed on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- (1) smoking in a lavatory, or smoking elsewhere in a manner likely to endanger the safety of the aircraft;
- (2) tampering with a smoke detector or any other safety-related device on board the aircraft;
- (3) operating a portable electronic device when such act is prohibited.

Section 4: Jurisdiction

1. The jurisdiction of (*Name of State*) shall extend to any offence under Sections 1, 2, or 3 of this Act if the act constituting the offence took place on board:
 - (1) any civil aircraft registered in (*Name of State*); or
 - (2) any civil aircraft leased with or without crew to an operator whose principal place of business is in (*Name of State*) or, if the operator does not have a principal place of business, whose permanent residence is in (*Name of State*); or
 - (3) any civil aircraft on or over the territory of (*Name of State*); or
 - (4) any other civil aircraft in flight outside (*Name of State*), if
 - (a) the next landing of the aircraft is in (*Name of State*); and
 - (b) the aircraft commander has delivered the suspected offender to the competent authorities of (*Name of State*), with the request that the authorities prosecute the suspected offender and with the affirmation that no similar request has been or will be made by the commander or the operator to any other State.
2. The term “in flight” as used in this section means the period from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.

A33-5: Confirmation of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations

Whereas the *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organization* was adopted on 21 March 1986 by a conference convened by the General Assembly of the United Nations;

Whereas Article 83 of said Convention provides that it is subject to ratification by States and to acts of formal confirmation by international organizations;

Whereas the Convention was signed on behalf of ICAO by the President of the Council on 29 June 1987;

Whereas by Resolution 53/100 (*United Nations Decade of International Law*) the General Assembly of the United Nations, *inter alia*, encouraged States to consider ratifying or acceding to the Convention, international organizations that have signed the Convention to deposit on act of formal confirmation, and other organizations entitled to do so to accede to it at an early date; and

Whereas this Assembly considers that the Convention would provide additional clarity and certainty as to the legal regime to govern treaty relationships between ICAO and States or between ICAO and other international organizations parties to the Convention, and would therefore enhance the functioning of the Organization;

The Assembly:

1. *Decides* that ICAO should formally confirm the *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations* (1986);
2. *Authorizes* the President of the Council to sign an act of formal confirmation of the said Convention for deposit on behalf of ICAO; and
3. *Urges* States which have not yet done so to ratify the Convention so that it would enter into force as soon as possible.

A33-6: 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.

Resolution	Subject	No longer in force because
A31-18	Amendment of the Financial Regulations (Amendment to Articles VI and VII)	Action completed
A31-19	Amendment of the Financial Regulations (Amendment to Article V)	Action completed
A31-21	Assessments to the General Fund for 1996, 1997 and 1998	Action completed
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	Action completed
A31-24	Budgets 1996, 1997 and 1998	Action completed
A32-5	Fiftieth Anniversary of the ICAO Air Navigation Commission	Action completed
A32-10	International assessment criteria and notification of status concerning Year 2000 compliance	Action completed
A32-30	Approval of the accounts of the Organization for the financial years 1995, 1996 and 1997 and examination of the Audit Reports thereon	Action completed

Resolution	Subject	No longer in force because
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	Action completed
A33-7:	Consolidated statement of continuing ICAO policies and practices related to environmental protection	

Whereas in Resolution A32-8 the Assembly resolved to continue to adopt at each ordinary Session a consolidated statement of continuing ICAO policies and practices related to environmental protection;

Whereas Resolution A32-8 consists of an introductory text and a number of Appendices concerning specific but inter-related subjects;

Considering the need to incorporate new ICAO policies and guidance material regarding aircraft noise and to respond to other developments in this field since the 32nd Session of the Assembly, notably the concept of a “balanced approach” to noise management (Appendix C), guidance on the process and criteria to use when considering possible new local operating restrictions (Appendix E) and guidance on land-use planning and management (a new Appendix F); and

Considering the need also to reflect developments that have taken place since the 32nd Session of the Assembly in the field of aircraft engine emissions, including an improved understanding of their impact and of possible means of limiting or reducing greenhouse gases from aviation (Appendices H and I);

The Assembly:

1. *Resolves* that the Appendices attached to this Resolution and listed below 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 33rd Session of the Assembly:

- Appendix A — General
- Appendix B — Development of Standards, Recommended Practices and Procedures and/or guidance material relating to the quality of the environment
- Appendix C — Policies and programmes based on a “balanced approach” to aircraft noise management
- Appendix D — Phase-out of subsonic jet aircraft which exceed the noise levels in Volume I of Annex 16
- Appendix E — Local noise-related operating restrictions at airports
- Appendix F — Land-use planning and management
- Appendix G — Supersonic aircraft — The problem of sonic boom
- Appendix H — Environmental impact of civil aviation on the atmosphere
- Appendix I — Market-based measures regarding aircraft engine emissions

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 A32-8.

APPENDIX A

General

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, land-use planning and management and market-based measures;

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; and

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 civil 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. *Encourages* the Council, if and when it deems this desirable to pursue 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 problem of aircraft noise in the vicinity of many of the world's airports, which continues to arouse public concern and limit airport infrastructure development, requires appropriate action;

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

Whereas noise-related charges are in use at some airports and long-standing ICAO policy guidance exists on this subject (*ICAO's Policies on Charges for Airports and Air Navigation Services*, Doc 9082);

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 future development of aviation could increase and aggravate the problems of both aircraft noise and aircraft engine emissions unless action is taken to alleviate the situation;

Whereas the Council has established a Committee on Aviation Environmental Protection (CAEP) 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 A33-14 (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. *Welcomes* the adoption by the Council in June 2001 of the new, more stringent aircraft noise standard for inclusion in Annex 16, Volume I, Chapter 4;

2. *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;

3. *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;

4. *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

5. *Urges* Contracting States to follow, where appropriate, the ICAO provisions developed pursuant to Clause 2 of this Appendix.

APPENDIX C

Policies and programmes based on a “balanced approach” to aircraft noise management

Whereas a goal of ICAO is to promote the highest practicable degree of consistency in international civil aviation, including environmental regulations;

Whereas the uncoordinated development of national and regional policies and programmes for the alleviation of aircraft noise could hinder the role of civil aviation in economic development;

Whereas the severity of the aircraft noise problem at many airports has given rise to measures which limit aircraft operations and has provoked vigorous opposition to the expansion of existing airports or construction of new airports;

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 actively pursuing the concept of a “balanced approach” for the reduction of aircraft noise and ICAO guidance on how States might apply such an approach;

Whereas the balanced approach to noise management developed by ICAO consists of identifying the noise problem at an airport and then analyzing the various measures available to reduce noise through the exploration of four principal elements, namely reduction at source, land-use planning and management, noise abatement operational procedures and operating restrictions, with the goal of addressing the noise problem in the most cost-effective manner;

Whereas the assessment of present and future impact of aviation noise is an essential tool for the development of policy by ICAO and its Contracting States;

Whereas the process for implementation and decisions between elements of the balanced approach is for Contracting States and it is ultimately the responsibility of individual States to develop appropriate solutions to the noise problems at their airports, with due regard to ICAO rules and policies;

Recognizing that in developing ICAO guidance on application of the balanced approach to noise management, a degree of flexibility is required in order to accommodate local, national and regional differences;

Recognizing that solutions to noise problems need to be tailored to the specific characteristics of the airport concerned, which calls for an airport-by-airport approach, and that similar solutions could be applied if similar noise problems are identified at airports;

Recognizing that measures to address noise may have significant cost implications for operators and other stakeholders, particularly those from developing countries;

Recognizing that States have relevant legal obligations, existing agreements, current laws and established policies which may influence their implementation of the ICAO “balanced approach”;

Recognizing that some States may also have wider policies on noise management; and

Considering that the improvements in the noise climate achieved at many airports through the replacement of Chapter 2 compliant aircraft (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) by quieter aircraft should be safeguarded by taking account of the sustainability of future growth and should not be eroded by incompatible urban encroachment around airports;

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. *Urges* States to:

- a) adopt a balanced approach to noise management, taking full account of ICAO guidance, relevant legal obligations, existing agreements, current laws and established policies, when addressing noise problems at their international airports;
- b) institute or oversee a transparent process when considering measures to alleviate noise, including:
 - 1) assessment of the noise problem at the airport concerned based on objective, measurable criteria and other relevant factors;
 - 2) evaluation of the likely costs and benefits of the various measures available and, based on that evaluation, selection of measures with the goal to achieve maximum environmental benefit most cost-effectively; and
 - 3) provision for dissemination of the evaluation results, for consultation with stakeholders and for dispute resolution;

3. *Encourages* States to:

- a) promote and support studies, research and technology programmes aimed at reducing noise at source or by other means;
- b) apply land-use planning and management policies to limit the encroachment of incompatible development into noise-sensitive areas and mitigation measures for areas affected by noise, consistent with Appendix F to this Resolution;
- c) apply noise abatement operational procedures, to the extent possible without affecting safety; and
- d) not apply operating restrictions as a first resort but only after consideration of the benefits to be gained from other elements of the balanced approach and in a manner which is consistent with Appendix E to this Resolution;

4. *Requests* States to:

- a) work closely together to ensure the harmonization of programmes, plans and policies to the extent possible;
- b) ensure that the application of any measures to alleviate noise are consistent with the non-discrimination principle in Article 15 of the Chicago Convention; and
- c) take into consideration the particular economic conditions of developing countries;

5. *Invites* States to keep the Council informed of their policies and programmes to alleviate the problem of aircraft noise in international civil aviation;

6. *Requests* the Council to assess continuously the evolution of the impact of aircraft noise and to develop the necessary ICAO guidance to assist States in implementing the concept of the balanced approach to noise management, and to report back to the next regular Session of the Assembly, particularly with regard to:

- a) the principal elements of the balanced approach and the relationship between them;
- b) the analytical and methodological tools that might be needed to assess and compare the elements; and
- c) local noise-related operating restrictions at airports; and

7. *Calls upon* States to provide appropriate support for this work on ICAO guidance.

APPENDIX D

Phase-out of subsonic jet aircraft which exceed the noise levels in Volume I of Annex 16

Whereas certification standards for subsonic jet aircraft noise levels are specified in Volume I of Annex 16;

Whereas for the purpose of this Appendix, a phase-out is defined as withdrawal of a noise-based category of aircraft from international operations at all airports in one or more States;

Whereas the Committee on Aviation Environmental Protection has concluded that a general phase-out of Chapter 3 aircraft operations by all the countries which imposed a phase-out on operations of Chapter 2 aircraft is not supported on cost-benefit grounds;

Whereas some States have implemented or initiated phase-outs of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16, or are considering so doing;

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

Recognizing that operating restrictions on existing aircraft may increase the costs of airlines and could impose a heavy economic burden, particularly on aircraft operators which may not have the financial resources to re-equip their fleets, such as those from developing countries; 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 phase-outs of 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 phase out 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 restrict before the end of the above period the operations of any aircraft less than 25 years after the date of issue of its first individual certificate of airworthiness;
- c) not to restrict before the end of the period the operations of any presently existing wide-body aircraft or of any fitted with engines that have a by-pass ratio higher than 2 to 1; and
- d) 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-out 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 not to introduce measures to phase-out aircraft which comply, through original certification or recertification, with the noise certification standards in Volume I, Chapters 3 or 4 of Annex 16;

5. *Urges* States not to impose any operating restrictions on Chapter 3 compliant aircraft, except as part of the balanced approach to noise management developed by ICAO and in accordance with Appendices C and E to this Resolution; and

6. *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 noise-related operating restrictions at airports

Whereas certification standards for subsonic jet aircraft noise are specified in Volume I of Annex 16;

Whereas for the purposes of this Appendix an operating restriction is defined as any noise-related action that limits or reduces an aircraft's access to an airport;

Whereas Appendix C to this Resolution calls for States to adopt a balanced approach to noise management when addressing noise problems at their international airports;

Whereas the scope for further reductions in noise at source is limited in that past improvements in noise reduction technology are being gradually assimilated into the fleet but no significant breakthroughs in technology are anticipated in the foreseeable future;

Whereas at many airports, land-use planning and management and noise abatement operational procedures are already being used and other noise mitigation measures are in place, although urban encroachment continues in certain cases;

Whereas the phase-out 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 (as provided for in Appendix D to this Resolution) will be fully implemented in some States by April 2002 and, assuming continued growth in aviation activity, without further action the number of people exposed to aircraft noise at some airports in those States may increase after that date;

Whereas the Council in June 1999 specifically requested the Committee on Aviation Environmental Protection to explore in a worldwide context the issue of possible operating restrictions on Chapter 3 aircraft;

Whereas there are significant regional differences in the extent to which aircraft noise is expected to be a problem over the next two decades and some States have consequently been considering placing operating restrictions on certain aircraft which comply with the noise certification standards in Volume I, Chapter 3 of Annex 16;

Whereas if operating restrictions on Chapter 3 aircraft are introduced at certain airports, this should be based on the balanced approach and relevant ICAO guidance and should be tailored to the specific requirements of the airport concerned;

Whereas these restrictions could have a significant economic impact on fleet investments of aircraft operators from States other than those in which the restrictions are imposed;

Recognizing that these restrictions go beyond the policy established in Appendix D to this Resolution and other relevant policy guidance developed by ICAO;

Recognizing that ICAO places no obligation on States to impose operating restrictions on Chapter 3 aircraft;

Recognizing that the noise standards in Annex 16 were not intended to introduce operating restrictions on aircraft and, specifically, that the newly adopted standard contained in Annex 16, Volume I, Chapter 4 is based on the understanding that it is for certification purposes only; and

Recognizing in particular that States have legal obligations, laws, existing arrangements and established policies which may govern the management of noise problems at their airports and could affect the implementation of this Appendix;

The Assembly:

1. *Urges* States to ensure, wherever possible, that any operating restrictions be adopted only where such action is supported by a prior assessment of anticipated benefits and of possible adverse impacts;

2. *Urges* States not to introduce any operating restrictions at any airport on aircraft which comply with Volume I, Chapter 3 of Annex 16 before:

- a) completing the phase-out of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16, at the airport concerned; and
- b) fully assessing available measures to address the noise problem at the airport concerned in accordance with the balanced approach described in Appendix C;

3. *Urges* States which, despite the considerations in Resolving Clause 2 above, permit the introduction of restrictions at an airport on the operations of aircraft which comply, either through original certification or recertification, with Volume I, Chapter 3 of Annex 16:

- a) to base such restrictions on the noise performance of the aircraft, as determined by the certification procedure conducted consistent with Annex 16, Volume I;
- b) to tailor such restrictions to the noise problem of the airport concerned in accordance with the balanced approach;
- c) to limit such restrictions to those of a partial nature wherever possible, rather than the complete withdrawal of operations at an airport;
- d) to take into account possible consequences for air transport services for which there are no suitable alternatives (for example, long-haul services);
- e) to consider the special circumstances of operators from developing countries, in order to avoid undue economic hardship for such operators, by granting exemptions;
- f) to introduce such restrictions gradually over time, where possible, in order to take into account the economic impact on operators of the affected aircraft;
- g) to give operators a reasonable period of advance notice;
- h) to take account of the economic and environmental impact on civil aviation in the near term of recent events; and
- i) to inform ICAO, as well as the other States concerned, of all such restrictions imposed; and

4. Further *urges* States not to permit the introduction of any operating restrictions aimed at the withdrawal of aircraft that comply, through either original certification or recertification, with the noise standards in Volume I, Chapter 4 of Annex 16.

APPENDIX F

Land-use planning and management

Whereas land-use planning and management is one of the four principal elements of the balanced approach to noise management;

Whereas the number of people affected by aircraft noise is dependent on the way in which the use of land surrounding an airport is planned and managed, and in particular the extent to which residential development and other noise-sensitive activities are controlled;

Whereas activity may increase significantly at most airports and there is a risk that future growth may be constrained by inappropriate land-use near airports;

Whereas the phase-out of subsonic jet 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 has succeeded at many airports in reducing the size of the noise contours depicting the areas where people are exposed to unacceptable noise levels as well as in reducing the total number of people exposed to noise;

Considering it essential that these improvements should be preserved to the greatest extent practicable for the benefit of local communities;

Whereas it is also expected that the newly adopted standard contained in Annex 16, Volume I, Chapter 4 will increase the opportunities for operators to replace aircraft in their fleets by quieter aircraft;

Recognizing that while land-use management includes planning activities that may primarily be the responsibility of local authorities, it nevertheless affects airport capacity, which in turn has implications for civil aviation; and

Whereas guidance material on appropriate land-use planning and noise mitigation measures is included in the Airport Planning Manual, Part 2 - Land Use and Environmental Control (Doc 9184), which is currently being updated and expanded;

The Assembly:

1. *Urges* States that have phased out operations of Chapter 2 aircraft at their airports as provided for in Appendix D to this Resolution, whilst preserving the benefits for local communities to the greatest extent practicable to avoid inappropriate land-use or encroachment whenever possible in areas where reductions in noise levels have been achieved;

2. *Urges* States to ensure that the potential reductions in noise levels to be gained from the introduction of quieter aircraft, particularly those complying with the new Chapter 4 standard, are also not avoidably compromised by inappropriate land-use or encroachment;

3. *Urges* States, where the opportunity still exists to minimize aircraft noise problems through preventive measures, to:

- a) locate new airports at an appropriate place, such as away from noise-sensitive areas;

- b) take the appropriate measures so that land-use planning is taken fully into account at the initial stage of any new airport or of development at an existing airport;
 - c) define zones around airports associated with different noise levels taking into account population levels and growth as well as forecasts of traffic growth and establish criteria for the appropriate use of such land, taking account of ICAO guidance;
 - d) enact legislation, establish guidance or other appropriate means to achieve compliance with those criteria for land-use; and
 - e) ensure that reader-friendly information on aircraft operations and their environmental effects is available to communities near airports; and
4. *Requests* the Council to:
- a) ensure that the guidance on land use in Doc 9184 is current and responsive to the requirements of States; and
 - b) consider what steps might be taken to promote land-use management, particularly in those parts of the world where the opportunity may exist to avoid aircraft noise problems in the future.

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 impact of civil aviation on the atmosphere

Whereas there are growing concerns about environmental problems in the 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 most comprehensive assessment so far of aviation’s contribution to these problems is contained in the special report on *Aviation and the Global Atmosphere*, which was prepared at ICAO’s request by the Intergovernmental Panel on Climate Change (IPCC) in collaboration with the Scientific Assessment Panel to the Montreal Protocol on Substances that Deplete the Ozone Layer and was published in 1999, and which reports *inter alia* that:

- aircraft emit gases and particles which alter the atmospheric concentration of greenhouse gases, trigger the formation of condensation trails and may increase cirrus cloudiness, all of which contribute to climate change;
- aircraft are estimated to contribute about 3.5 per cent of the total radiative forcing (a measure of change in climate) by all human activities and this percentage, which excludes the effects of possible changes in cirrus clouds, is projected to grow; and
- although improvements in aircraft and engine technology and the efficiency of the air traffic system will bring environmental benefits, they will not fully offset the effects of the increased emissions resulting from the projected growth in aviation;

Whereas the IPCC special report recognizes that the effects of some types of aircraft emissions are well understood, reveals that the effects of others are not, and identifies a number of key areas of scientific uncertainty that limit the ability to project aviation impacts on climate and ozone;

Whereas the ultimate objective of the United Nations Framework Convention on Climate Change (UNFCCC) is to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

Whereas the Kyoto Protocol, which was adopted by the Conference of the Parties to the UNFCCC in December 1997 and has yet to enter into force, calls for developed countries to pursue limitation or reduction of greenhouse gases from “aviation bunker fuels”, working through ICAO (Article 2.2);

Whereas the Kyoto Protocol treats international and domestic emissions from the aviation sector differently, in that developed countries are called on to pursue the limitation or reduction of greenhouse gases from international aviation working through ICAO (Article 2.2 of the Protocol), while domestic aviation

emissions are included in national targets for developed countries that call for an overall reduction in total emissions from all sources of 5.2 per cent for the period 2008-2012 (compared with 1990 levels and based on six specific greenhouse gases) and the potential advantages of harmonizing treatment of domestic and international aviation emissions have been noted; and

Whereas the ICAO Council has been exploring policy options to limit or reduce the greenhouse gas emissions from civil aviation, particularly in response to Assembly Resolution A32-8, Appendix F, and work is in progress on technology and standards, on operational measures to reduce fuel consumption and hence emissions and on market-based measures (see Appendix I), and regular reports have been provided to the Conference of the Parties to the UNFCCC;

The Assembly:

1. *Expresses its appreciation* to the Intergovernmental Panel on Climate Change (IPCC) and to the Montreal Protocol's Scientific Assessment Panel for the special report on *Aviation and the Global Atmosphere*;

2. *Urges* States to promote scientific research aimed at addressing the uncertainties identified in this IPCC special report;

3. *Requests* the Council:

- a) to continue to co-operate closely with the IPCC and other organizations involved in the definition of aviation's contribution to environmental problems in the atmosphere, and with organizations involved in policy-making in this field, notably with the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC);
- b) to continue to study policy options to limit or reduce the environmental impact of aircraft engine emissions and to develop concrete proposals and provide advice as soon as possible to the Conference of the Parties of the UNFCCC, placing special emphasis on the use of technical solutions while continuing its consideration of market-based measures, and taking into account potential implications for developing as well as developed countries; and
- c) to promote the use of operational measures as a means of limiting or reducing the environmental impact of aircraft engine emissions; and

4. *Invites* Contracting States and international organizations to keep ICAO informed of developments in this field.

APPENDIX I

Market-based measures regarding aircraft engine emissions

Whereas Appendix H of this Resolution sets the general context in which policy options including market-based measures are considered as a means of limiting or reducing the environmental impact of aircraft engine emissions;

Whereas market-based measures are policy tools that are designed to achieve environmental goals at a lower cost and in a more flexible manner than traditional regulatory measures;

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 market-based measures for protecting the environment, including charges or taxes on air transport, an emissions trading system or voluntary measures, has been raised, for example, in the context of controlling greenhouse gas emissions;

Whereas Principle 16 of the Rio Declaration on Environment and Development (1992) states that “National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment”;

Whereas the Kyoto Protocol treats international and domestic emissions from the aviation sector differently, the potential advantages of harmonizing treatment of the two categories of emissions have been noted and it has been acknowledged that some States or groups of States are already taking action to design options for reducing emissions from domestic sectors, including domestic aviation emissions;

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

Whereas ICAO has developed 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;

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 (*ICAO’s Policies on Charges for Airports and Air Navigation Services*, Doc 9082) including specific guidance on noise-related charges;

Whereas the ICAO Council has adopted on 9 December 1996 a policy statement of an interim nature on emission-related charges and taxes in the form of a resolution wherein the Council strongly recommends that any such levies be in the form of charges rather than taxes, and that the funds collected should be applied in the first instance to mitigating the environmental impact of aircraft engine emissions;

Whereas such charges should be based on the costs of mitigating the environmental impact of aircraft engine emissions to the extent that such costs can be properly identified and directly attributed to air transport;

Noting that the Council has received a report from its Committee on Aviation Environmental Protection (CAEP) on possible options regarding the use of market-based measures to limit or reduce aircraft engine emissions, initially focussing on carbon dioxide, and that further work is planned;

Noting that analyses conducted by CAEP have shown that an open emissions-trading system¹ was a cost effective measure to limit or reduce carbon dioxide emitted by civil aviation in the long-term;

Noting that in the short-term voluntary measures² could serve as a first step towards future actions to further reduce emissions; and

Recognizing that further studies and further guidance are needed for the use of levies in the short-term;

The Assembly:

1. *Requests* the Council to continue to develop guidance for States on the application of market-based measures aimed at reducing or limiting the environmental impact of aircraft engine emissions, particularly with respect to mitigating the impact of aviation on climate change; and to develop concrete proposals and provide advice as soon as possible to the Conference of the Parties to the UNFCCC;

2. *Encourages* States and the Council, taking into account the interests of all parties concerned, to evaluate the costs and benefits of the various measures with the goal of addressing aircraft engine emissions in the most cost-effective manner and to adopt actions consistent with the framework outlined below, with States striving to take action in a consistent manner to both domestic and international aviation emissions:

a) Voluntary measures

- 1) *Encourages* short term action by States and other parties involved to limit or reduce international aviation emissions, in particular through voluntary measures; and
- 2) *Urges* the Council to facilitate actions by developing guidelines (e.g., for quantifying, monitoring and verifying emission reductions or actions) for such measures, including a template voluntary agreement, as appropriate, and to work to ensure that those taking early action would benefit from such actions and would not subsequently be penalized for so doing;

b) Emission-related levies

- 1) *Recognizes* the continuing validity of Council's Resolution of 9 December 1996 regarding emission-related levies;
- 2) *Urges* States to follow the current guidance contained therein;
- 3) *Urges* States to refrain from unilateral action to introduce emission-related levies inconsistent with the current guidance; and

¹ A system whereby the total amount of emissions would be capped and allowances in the form of permits to emit carbon dioxide could be bought and sold to meet emission reduction objectives.

² A mechanism under which industry and governments agree to a target and/or to a set of actions to reduce emissions.

- 4) *Urges* the Council to carry out further studies and develop further guidance on the subject;
- c) Emissions trading
- 1) *Endorses* the development of an open emissions trading system for international aviation; and
 - 2) *Requests* the Council to develop as a matter of priority the guidelines for open emissions trading for international aviation focussing on establishing the structural and legal basis for aviation's participation in an open trading system, and including key elements such as reporting, monitoring, and compliance, while providing flexibility to the maximum extent possible consistent with the UNFCCC process.

A33-8: Continuation and expansion of the ICAO Universal Safety Oversight Audit Programme

Whereas the ICAO Universal Safety Oversight Audit Programme (USOAP) has been successful in meeting the mandate given by Resolution A32-11;

Whereas the primary objective of ICAO continues to be that of ensuring the safety of international civil aviation;

Whereas promoting the implementation of international standards contributes to this objective;

Recalling the responsibility of Contracting States for safety oversight;

Recalling that the 32nd ordinary session of the Assembly resolved that a universal safety oversight audit programme be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

Recalling that Assembly Resolution 32-11 requested the Council to present proposals for the funding of the programme on a long-term basis;

Recognizing that the implementation of the USOAP had been instrumental in the identification of safety concerns and in providing recommendations for their resolution;

Recognizing that the continuation and expansion of the USOAP is essential to ensure the adequate implementation of safety-related Standards and Recommended Practices;

The Assembly:

1. *Expresses* its appreciation to the Secretary General on the successful implementation of the ICAO Universal Safety Oversight Audit Programme;

2. *Requests* the Secretary General to continue the USOAP and to complete the remaining audits relating to Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft* and Annex 8 — *Airworthiness of Aircraft*, as soon as practicable;

3. *Requests* the Secretary General to complete the validation of the implementation of the action plans through the conduct of follow-up missions or other means, as applicable;

4. *Requests* the Secretary General to adopt a more flexible approach in the implementation of the Programme on a long-term basis, including the strengthening of the Regional Offices;

5. *Requests* the Secretary General to re-structure the safety oversight audit reports to reflect the critical elements of a safety oversight system, as presented in ICAO Doc 9734 — *Safety Oversight Manual, Part A - The Establishment and Management of a State's Safety Oversight System*;

6. *Requests* the Secretary General to undertake a study on the establishment of an independent quality assurance mechanism to monitor and assess Programme quality and report to the Council;

7. *Resolves* that the ICAO Universal Safety Oversight Audit Programme be expanded to Annex 11 — *Air Traffic Services* and Annex 14 — *Aerodromes* as of 2004;

8. *Instructs* the Secretary General to undertake a study regarding the expansion of the Programme to other safety-related fields, and in particular on the conduct of audits of the core elements of Annex 13 — *Aircraft Accident and Incident Investigation*, as soon as possible, without significantly increasing the cost of the expansion;

9. *Requests* the Council to ensure the long-term financial sustainability of the USOAP, phasing in all of its activities into the Regular Programme Budget, in due course;

10. *Requests* the Secretary General to continue to develop safety oversight-related guidance material to be used by Contracting States as reference manuals;

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

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

A33-9: Resolving deficiencies identified by the Universal Safety Oversight Audit Programme and encouraging quality assurance for technical cooperation projects

Whereas the ICAO Universal Safety Oversight Audit Programme (USOAP) has been successful in meeting the mandate given by Resolution A32-11;

Whereas the primary objective of ICAO continues to be that of ensuring the safety of international civil aviation;

Whereas promoting the implementation of international standards contributes to this objective;

Whereas the findings of the audits conducted under USOAP have indicated that several States experience difficulties in the implementation of ICAO SARPs and the critical elements of a State's safety oversight system;

Whereas the audit findings have also indicated that several of the States experiencing problems require assistance to overcome the safety concerns identified by the audits;

Recalling that Assembly Resolution A29-13 called on all States able to do so to provide requesting States with technical cooperation in the form of financial and technical resources to enable those States to carry out their responsibilities for safety oversight of air carrier operations;

Recalling that the 29th Session of the Assembly reaffirmed that Contracting States are responsible both for safety oversight of air carriers based in their territory and for safety oversight of aircraft on their national registries;

Recognizing that some States do not have the available resources, financial or human, to resolve their deficiencies without assistance;

Recognizing that the Technical Co-operation Bureau (TCB) can provide the required assistance to States in need;

Recognizing that ICAO can provide valuable assistance to States and international organizations in organizing bilateral and multilateral cooperative agreements to remedy deficiencies;

Recognizing that States which plan to carry out remedial projects with the assistance of third parties, would like to have an independent quality assurance over the project activities in order to achieve a high probability of success;

Recognizing that ICAO has developed the required expertise and experience to provide a quality assurance function; and

Recognizing that, where assistance is to be provided to States by parties other than TCB, ICAO can play a significant role by providing a quality assurance function;

The Assembly:

1. *Requests* the Secretary General to ensure that all the expertise of the Organization be used, to the extent possible within budgetary constraints, to provide assistance to States in need. This would include, but not be limited to:

- a) the provision of appropriate information and guidance on possible financial and technical sources of assistance;
- b) the fostering, in particular at the Regional Office level, of the implementation of ICAO SARPs, with whatever assistance is appropriate;
- c) the utilization of the operational and technical expertise resident in ICAO to conduct seminars on safety oversight;
- d) the continuation of the development of material to be used in the training of officials within the framework of TRAINAIR; and
- e) the development of guidance material to rectify deficiencies that would be acceptable to all Contracting States;

2. *Urges* the Secretary General to ensure that ICAO provides, when requested, reasonable assistance within available resources, to help States to obtain the necessary financial resources to fund assistance projects by Contracting States, industry organizations or independent consultants;

3. *Requests* the Secretary General to support, foster and facilitate the use of bilateral and multilateral agreements for projects between States and international or regional organizations;

4. *Requests* the Secretary General to ensure that the Technical Co-operation Bureau utilizes, to the extent possible, contributions to their projects of useful material, such as manuals and other training material, and human resources to facilitate completion of a project;

5. *Requests* the Secretary General to develop the concept of a Quality Assurance Function with regard to large-scale ICAO technical cooperation projects provided to States and to all technical cooperation projects related to deficiencies identified by USOAP audits;

6. *Requests* the Secretary General to consider that the Quality Assurance Function be carried out by an independent competent Office of ICAO;

7. *Requests* the Secretary General to make available the Quality Assurance Function to States with regard to safety oversight-related implementation projects performed by parties other than ICAO, on request of States on a reimbursement basis; and

8. *Requests* the Secretary General to solicit information from States that have successfully resolved major deficiencies and publish the results, so that other Contracting States may benefit from each other's experience.

A33-10: Establishment of an International Financial Facility for Aviation Safety (IFFAS)

Whereas under Article 44 of the Chicago Convention the aims and objectives of ICAO *inter alia* are to foster planning and development of international air transport so as to ensure the safe and orderly growth of international civil aviation, meet the needs of the people of the world for safe, regular and economical air transport, and promote safety of flight in international air navigation;

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

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

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

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

Whereas the 31st Session of the Assembly requested the Council to study a proposal submitted by a group of States for the establishment of an international aeronautical monetary fund to finance investments in airports and air navigation services infrastructure under conditions that would be more flexible and less onerous than the conditions usually applicable in financial markets;

Considering the study conducted in the present triennium on an International Financial Facility for Aviation Safety (IFFAS) and a survey of Contracting States on the results of this study, which demonstrated *inter alia* the existence of a real need for funding which may not, in many cases, be available from established sources and the strong support of Contracting States for the establishment of an IFFAS;

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

The Assembly:

1. *Expresses appreciation* to the Council and the Secretary General for the progress made in studying and developing an International Financial Facility for Aviation Safety (IFFAS);

2. *Endorses* the concept of an IFFAS with:

- a) the objective of financing safety-related projects for which States cannot otherwise provide or obtain the necessary financial resources, with the principal area of application being safety-related deficiencies identified through the ICAO Universal Safety Oversight Audit Programme (USOAP) as an element of the Global Aviation Safety Plan (GASP); and
- b) application of the following principles with regard to development, establishment and operation:
 - 1) voluntary participation by States;
 - 2) eligibility for benefits by a State dependent on contributions or other participation by that State;
 - 3) definition of a framework of common guidelines and operating rules at the global level to ensure consistency, with flexibility for implementation left to the discretion and initiative of regional groups of States;
 - 4) complete independence from ICAO's Programme Budget; and
 - 5) provision of any administrative or other services by ICAO only upon request of participating States and on a cost-recovery basis.

3. *Requests* the Council to pursue the establishment of an IFFAS as a matter of priority early in the 2002-2004 triennium, having regard to the applicable laws of Contracting States and on the basis of:

- a) an administrative charter or memorandum for signature by participating parties;
- b) a structure including:
 - 1) a governing body incorporating adequate representation from amongst the States and other contributing parties; and
 - 2) staffing to support this body and to cover daily executive and administrative functions;
- c) a management strategy developed on the principles of, and in conformity with, the existing ICAO legal regime;
- d) a transparent and simple management mechanism with special attention paid to:
 - 1) clear administrative guidelines;
 - 2) clear guidance as to how overall financial requirements are to be estimated and budgeted for each year;
 - 3) clear criteria and procedures for the granting of loans and conducting any other financial transactions, including: consistency with ICAO Standards and Recommended Practices, Procedures for Air Navigation Services, Air Navigation Plans and ICAO's policies on

charges and taxes; accounting system requirements; presentation of business cases; and prioritization of projects;

- 4) safeguards to ensure the proper, effective and efficient application of funds;
 - 5) measures to assure quality control and to assess effectiveness and efficiency at all levels; and
 - 6) provisions for the auditing of accounts; and
- e) initial implementation within the 2002-2004 triennium;

4. *Requests* the Council to remain available to advise Member States with respect to proposals for financing their voluntary contributions to the IFFAS and to ensure that such proposals are in conformity with the Chicago Convention and ICAO policies;

5. *Encourages* Contracting States to consider:

- a) voluntary contributions to finance the preparatory work in development of the IFFAS;
- b) voluntary participation in the IFFAS; and
- c) to the extent their national policy permits, contribution of capital to the IFFAS by crediting any amount of their share of any distributable surplus from the ICAO Programme Budget to the IFFAS account which will be held in trust by ICAO;

6. *Encourages* international organizations (private and public) having association with international aviation, airlines, airports, providers of air navigation services, manufacturers of airframes, engines and avionics, other members of the aerospace industry, and civil society, to make voluntary contributions to the IFFAS; and

7. *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding IFFAS activities, including performance assessment and audited financial statements.

A33-11: A global design code for aircraft

Whereas Article 33 of the Convention requires recognition by States of certificates of airworthiness issues by States of registry provided that the requirements under which they were issued are equal to or above the minimum standards established pursuant to the Convention;

Whereas the ICAO Council in 1972 agreed that the international airworthiness Standards adopted by the Council are recognized as being the complete international code necessary to bring into force and effect the rights and obligations which arise under Article 33 of the Convention;

Whereas the ICAO Council further agreed that national codes of airworthiness containing the full scope and extent of detail considered necessary by individual States are required as the basis for the certification by individual States of airworthiness of each aircraft;

Recognizing that the cost of repetitive certifications imposed on aircraft manufacturers and operators to meet the requirements of many different national aviation authorities could be significantly reduced by avoiding such duplications;

Recognizing that the joint efforts of the United States Federal Aviation Administration and the European Joint Aviation Authorities has brought together many of the major States of design in an effort to establish a globally harmonized design code and to study the feasibility of a harmonized aircraft certification process;

The Assembly:

1. *Endorses* the effort to establish a globally harmonized design code and to study the feasibility of a harmonized aircraft certification process;

2. *Urges* all States of design and other Contracting States to participate in the international harmonization projects as initiated by FAA/JAA;

3. *Urges* the Secretary General to ensure ICAO participation in the harmonization projects to the extent practicable; and

4. *Requests* the Secretary General to bring this resolution to the attention of all Contracting States.

A33-12: Harmonization of drug and alcohol testing programmes

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

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

Whereas appreciation is expressed to the Council and the Secretary General for the progress made regarding the elimination of substance abuse by personnel in safety related occupations in aviation;

Whereas there is still a need to achieve a consistent policy on the implementation by national authorities of regulations regarding the prevention and enforcement on the abuse of alcohol and drugs by personnel in safety related occupations in aviation;

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;

The Assembly:

1. *Directs* the Council to review existing guidance for improvements aimed at helping States to develop consistent prevention and testing programmes.
2. *Directs* the Council to study the issues and to develop the necessary ICAO provisions to achieve consistency among the substance testing programmes of Contracting States and enforcement by Contracting States on the abuse of alcohol and drugs by certain safety-sensitive personnel.
3. *Encourages* Contracting States to foster consistency with respect to their prevention and testing programmes.

A33-13: Use of cross-polar routes

Whereas a new air route structure over the North Pole, linking the North American continent with South East Asia and the Pacific region, has been established within the framework of ICAO;

Whereas the establishment of this structure was the result of the combined efforts made by Canada, China, Finland, Germany, Iceland, Japan, Mongolia, Norway, the Russian Federation and the United States who demonstrated an unprecedented spirit of international cooperation in resolving this most complex task;

Whereas this structure became operational on 1 February 2001, with the announcement of the Russian Aviation Authorities about the implementation of the cross-polar airways system traversing the waters of the Arctic Ocean;

Whereas the implementation of this airways structure using cross-polar routes is an event of exceptional significance as it allows for substantially reduced flight time between destinations in North America and South East Asia and the Pacific region;

Whereas the use of cross-polar routes shall be open for aircraft of all Contracting States in accordance with the provisions of the *Convention on International Civil Aviation*;

Whereas the use of cross-polar routes holds considerable ecological benefits with regard to environmental protection, and significant economical advantages for passengers and airlines;

Whereas the analysis and forecast of traffic density growth on cross-polar airways indicate that it is necessary to take timely measures to further enhance the operational characteristics of the cross-polar routes;

Whereas meeting the requirements for enhancing the operational characteristics of the cross-polar airways entails significant financial and material expenditures for ensuring the proper level of safety;

The Assembly:

1. *Declares* that, in order to reap the maximum benefits from the implementation of cross-polar routes, it is necessary for the States providing air traffic services within the framework of the new international airways structure using cross-polar routes to endeavour to achieve the utmost extent of coordinated planning to increase the capacity of that structure;

2. *Requests* the Council to take appropriate measures to mobilize the resources of States, international organizations and financial institutions so as to ensure the dynamic development of the new international airways structure using cross-polar routes; and

3. *Requests* the Council, as a priority, to monitor the development of the new international airways structure using cross-polar routes, and if necessary, to elaborate recommendations relating to the operation and development of that structure.

A33-14: 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 32nd Session of the Assembly was adopted by the Assembly in Resolution A32-14, 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 A32-14, Appendices A to W inclusive, and has amended the statement to reflect the decisions taken during the 33rd Session; and

Whereas the statement of continuing policies in Resolution A32-14 is hereby superseded;

The Assembly:

1. *Resolves* that:

- a) the Appendices attached to this resolution constitute the consolidated statement of continuing air navigation policies and associated practices of the Organization as they exist at the close of the 33rd 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 A32-14 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;

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

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

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

The Assembly resolves that:

1. SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, *inter alia*, to provide a sound basis for regional planning and the provision of facilities and services;

2. subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to enable the Contracting States to maintain stability in their national regulations. To this end amendments shall be limited to those significant to safety, regularity and efficiency, and editorial amendments shall be made only if essential;

3. SARPs and PANS shall be drafted in clear, simple and concise language. For complex aeronautical systems, SARPs shall consist mainly of broad, mature and stable provisions specifying system-level, functional and performance requirements. For such systems, any necessary detailed technical specifications shall be appendices to Annexes or be placed in separate documents;

4. in the development of SARPs, procedures and guidance material, ICAO should utilize, to the maximum extent appropriate and subject to the adequacy of a verification and validation process, the work

of other recognized standards-making organizations. Where deemed appropriate by the Council, material developed by these other standards-making organizations should be referenced in ICAO documentation;

5. to the extent consistent with the requirements of safety and regularity, Standards specifying the provision of facilities and services shall reflect a proper balance between the operational requirements for such facilities and services and the economic implications of providing them;

6. Contracting States shall be consulted on proposals for the amendment of SARPs and PANS before the Council acts on them, except when the Council may deem urgent action to be necessary. Furthermore, subject to the adequacy of the verification and validation process, 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;

7. the applicability dates of amendments to SARPs and PANS shall be so established as to allow the Contracting States sufficient time for their implementation; and

8. unless exceptional circumstances dictate otherwise, the applicability dates of amendments to Annexes and PANS shall be so established as to avoid the need for Contracting States to amend their national regulations more often than twice per calendar year. In the application of the foregoing, whenever practicable, any one Annex or PANS document shall not be amended more frequently than once per calendar year.

Associated practices

1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system-level, functional and performance requirements.

2. Contracting States should comment fully and in detail on the proposals for amendment of SARPs and PANS or at least should express their agreement or disagreement on their substance. They should be allowed at least three months for this purpose. Furthermore, Contracting States should receive at least thirty days of notification of the intended approval or adoption of detailed material on which they are not consulted.

3. Contracting States should be allowed a full three months for notifying disapproval of adopted SARPs amendments; in establishing a date for notifying disapproval the Council should take into account the time needed for transmission of the adopted amendments and for receipt of notifications from States.

4. In the application of the provision in Resolving Clause 8 above, the Council should ensure that, whenever practicable, the interval between successive common applicability dates of amendments to Annexes and PANS is at least six months.

APPENDIX B

Air navigation meetings of worldwide scope

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

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

The Assembly resolves that:

1. meetings, convened by the Council, in which all Contracting States may participate on an equal basis shall be the principal means of progressing the resolution of problems of worldwide import, including the development of amendments to the Annexes and other basic documents in the air navigation field;

2. such meetings shall be convened only when justified by the number and importance of the problems to be dealt with and when there is the likelihood of constructive action on them; meetings convened on this basis may also be requested to conduct exploratory discussions on matters not mature for definite action;

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

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

Associated practices

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

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

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

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

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

three months in the case of the main supporting documentation; other documentation should be dispatched as soon as possible.

APPENDIX C

Panels of the Air Navigation Commission (ANC)

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

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

The Assembly resolves that:

1. panels of the Air Navigation Commission shall be established when it is necessary to advance the solution of specialized technical problems which cannot be solved adequately or expeditiously by the Air Navigation Commission through other established facilities;

2. the terms of reference and the work programmes of panels shall be clear and concise and the panels shall be required to adhere to them; and

3. the progress of panels of the Air Navigation Commission shall be reviewed periodically and panels shall be terminated as soon as the task assigned to them has been accomplished. A panel shall be allowed to continue in existence for more than four years only if its continuation is considered justified by the Air Navigation Commission.

Associated practice

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

APPENDIX D

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

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

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

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

The Assembly resolves that:

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

Associated practices

1. In encouraging and assisting Contracting States in the application of SARPs and PANS the Council should make use of all existing means including the resources of the Headquarters, the ICAO Regional Offices and the United Nations Development Programme.
2. Contracting States should continue, and where necessary should intensify, their efforts to apply at their operating installations practices and procedures that are in accordance with the current SARPs and PANS. In this regard, the Contracting States should consider the practicability of modifying the internal processes by which they give effect to the provisions of SARPs and PANS, if such modifications would expedite or simplify the processes or make them more effective.
3. The Council should urge Contracting States to notify the Organization of any differences that exist between their national regulations and practices and the provisions of SARPs as well as the date or dates by which they will comply with the SARPs. The notifications of differences from SARPs received should be promptly issued in supplements to the relevant Annexes. Contracting States should also be requested to publish in their AIPs any significant differences from the SARPs and PANS.
4. In the monitoring of the differences from SARPs and PANS, the Council should request reports from Contracting States that have not or have incompletely reported to the Organization the implementation of SARPs. Furthermore, the Council should also request Contracting States that have not published in their AIPs information on the implementation of SARPs and PANS to publish it.

APPENDIX E

ICAO technical manuals and circulars

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

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

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

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

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

Associated practices

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

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

APPENDIX F

Units of measurement

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

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

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

The Assembly resolves that:

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

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

APPENDIX G

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

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

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

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

The Assembly resolves that:

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

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

APPENDIX H

Aviation training

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

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

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

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

The Assembly resolves that:

1. Contracting States shall be encouraged and assisted in the maintenance of high standards of training of aviation personnel and particularly those employed in the provision and operation of services and facilities for international air navigation. To this end, as a part of its regular work programme, the Organization shall carry out a continuing training programme which is referred to as the ICAO aviation training programme¹; 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 possibility of drawing fully upon the resources of the various technical assistance and aid programmes; and

¹ Assistance provided by ICAO under the United Nations Development Programme and other programmes is governed by Resolutions A16-7 and A26-16.

- 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

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

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

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

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

Associated practices

1. The Council should give due attention to the timely establishment of the operational requirements of international civil aviation in the fields of CNS/ATM and aerodrome services.

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

APPENDIX J

Coordination of aeronautical systems and subsystems

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

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

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

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

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

APPENDIX K

Formulation of Regional Plans including Regional Supplementary Procedures

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

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

The Assembly resolves that:

1. Regional Plans shall be revised when it becomes apparent that they are no longer consistent with current and foreseen requirements of international civil aviation;
2. when the nature of a required change permits, the associated amendment of the Regional Plan shall be undertaken by correspondence between the Organization and the Contracting States and international organizations concerned; and

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

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

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

Associated practices

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

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

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

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

APPENDIX L

Regional air navigation (RAN) meetings

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

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

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

The Assembly resolves that:

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

Associated practices

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

APPENDIX M

Implementation of Regional Plans

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

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

Whereas any serious 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) airspaces¹ 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;

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

¹ The expression "ATS airspaces" includes flight information regions, control areas and control zones.

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 coordination procedures in cooperation with other States concerned and with the Organization.

2. The Council should encourage States providing air traffic services over the high seas to enter, as far as is practicable, into agreements with appropriate States providing air traffic services in adjacent airspaces, so that, in the event the required air traffic services over the high seas cannot be provided, contingency plans, which may require temporary modifications of ATS airspace 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 coordinated measures which may be recommended from time to time pursuant to the Convention;

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

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

Whereas Annex 12 to the Convention recommends that 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 overall 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 cooperation with other States and the Organization, seek the most efficient delineation of search and rescue regions and consider, as necessary, pooling available resources or establishing jointly a single search and rescue organization to be responsible for the provision of search and rescue services within areas extending over the territories of two or more States or over the high seas.

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

APPENDIX P

Coordination of civil and military air traffic

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

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

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

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

The Assembly resolves that:

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

Associated practices

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

APPENDIX Q

The provision of adequate aerodromes

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

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

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

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

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

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

The Assembly resolves that:

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

Associated practices

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

APPENDIX R

Ground and flight testing of radio navigation aids

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

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

The Assembly resolves that:

1. pending the possible availability of greatly improved ground testing facilities, radio navigation aids shall be checked through regular flight testing; and

2. to minimize the need for periodic flight testing, improvements should be made to radio navigation ground equipment, including associated ground testing and monitoring facilities, which would provide the same level of assurance of performance as flight testing.

Associated practices

1. Pending the possible development of greatly improved ground testing facilities, Contracting States should establish their own flight test units, establish joint units with other States or conclude agreements to have flight tests performed on their behalf with States or agencies that have suitable facilities.

2. The Council should continue its efforts to coordinate arrangements by Contracting States for the regular flight testing of their radio navigation aids.

3. The Council should investigate, in consultation with Contracting States that are engaged in the development and manufacture of radio navigation systems, all possible means of improving ground testing facilities so as to minimize the need for periodic flight testing.

4. The Council should circulate to Contracting States information concerning significant developments respecting improvements to radio navigation ground equipment, including associated ground testing and monitoring facilities, to the extent that those developments will serve to minimize the need for flight testing.

APPENDIX S

Adequate conditions of employment for aviation ground personnel

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

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

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

APPENDIX T

Participation by States in the technical work of ICAO

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

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

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

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

Associated practices

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

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

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

APPENDIX U

The Headquarters' and Regional Offices' technical Secretariat

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

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

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

The Assembly resolves that:

1. the resources of the Headquarters' and Regional Offices' technical Secretariat shall be effectively deployed to provide optimum assistance to the Contracting States in their problems relating to the implementation of Regional Plans, SARPs, PANS and SUPPs; and
2. the members of the Headquarters' and Regional Offices' technical Secretariat shall be enabled to maintain their technical proficiency and to keep adequately informed on the latest technical developments.

Associated practices

1. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to carry out frequent visits of adequate duration when such visits are necessary or are requested by Contracting States to assist them with their implementation problems.
2. To the maximum practicable extent, temporary assignment of specialized personnel from one Regional Office to another and from Headquarters to the Regional Offices should take place when temporary reinforcement in the Regional Offices is required.
3. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to keep adequately up to date in their particular fields by, *inter alia*, attendance at selected technical meetings, visits to research and development organizations and witnessing trial applications and evaluation of new equipment and techniques. However, such visits should not be allowed to take priority over the primary function of the Secretariat to serve the Organization and its several deliberative bodies. Furthermore, the travelling on such visits should be integrated as far as possible with travel necessary to the performance of other ICAO duties.

APPENDIX V

Cooperation among Contracting States in investigations of certain aircraft accidents

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

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

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

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

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

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

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

Associated practices

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

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

3. Contracting States should be encouraged to assess their needs and capabilities in the field of aircraft accident investigation and prevention with a view to developing training curricula for basic accident investigation and prevention courses. The use of regional training centres for such courses should be fully explored as well as the incorporation of the TRAINAIR methodology which provides for internationally standardized training.

APPENDIX W

Flight safety and human factors

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

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

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

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

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

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

The Assembly resolves that:

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

APPENDIX X

The provision of air traffic services

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

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

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

The Assembly resolves that:

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

Associated practice

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

A33-15: Consolidated statement of continuing ICAO policies and practices related to communications, navigation and surveillance/air traffic management (CNS/ATM) systems

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

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies and practices related to CNS/ATM, up to date as these policies exist at the close of the 33rd Session of the Assembly;
2. *Resolves* to continue to adopt at each ordinary session of the Assembly, for which a Technical Commission is established, a consolidated statement of continuing ICAO policies and practices related to CNS/ATM; and
3. *Declares* that this resolution supersedes A31-6.

APPENDIX A

General Policy

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

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

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

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

The Assembly:

1. *Resolves* that nothing should deprive a Contracting State from its right to benefit from the ICAO CNS/ATM systems or cause discrimination between provider and user States;
2. *Resolves* that States' sovereignty and borders should not be affected by the ICAO CNS/ATM systems implementation;
3. *Urges* that provisions and guidance material relating to all aspects of the ICAO CNS/ATM systems should be sought and developed through the convening of adequate meetings, conferences, panels and workshops with the participation of Contracting States; and
4. *Urges* that the proposed provisions covering all aspects of the ICAO CNS/ATM systems be presented to all Contracting States well in advance to give them enough opportunity to prepare themselves as far as practicable.

APPENDIX B

Harmonization of the implementation of the ICAO CNS/ATM systems

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

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

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

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

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

Noting with satisfaction the trials and demonstrations programmes and the progress being achieved by all regions with regard to these systems;

Believing that the contribution of all regions would guarantee a better evaluation of the trials and would favour the evolution of the ICAO CNS/ATM systems;

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

Noting that for an early realization of benefits to users and for globally coordinated and harmonious CNS/ATM systems implementation certain States will require technical and financial assistance and

recognizing the statement concerning the central role ICAO shall play in coordinating technical cooperation arrangements as well as in facilitating the provision of assistance to States with regard to the technical, financial, managerial, legal and cooperative aspects of implementation;

The Assembly:

1. *Calls upon* States, in a position to do so, to spare no effort in cooperating and facilitating the execution of the research, development, trials and demonstrations (RDT&D) programme in close cooperation with States with limited resources;

2. *Invites* the cooperation of the international organizations concerned, users and service providers for the execution of the above-mentioned programme in favour of States with limited resources;

3. *Requests* the Council, as a matter of high priority within the budget adopted by the Assembly, to ensure that adequate resources are made available to the ICAO Regional Offices, particularly those which are accredited to the developing States, taking into account the increased support they will be called upon to provide to the regional planning and implementation groups, which are the main bodies for the regional planning of the transition to the ICAO CNS/ATM systems;

4. *Further requests* the Council to continue to urge States, international organizations and financial institutions to mobilize resources in order to assist States requiring technical cooperation in the planning and implementation of the ICAO CNS/ATM systems; and

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

A33-16: ICAO Global Aviation Safety Plan (GASP)

Reaffirming that the primary objective of the Organization continues to be to improve the safety of international civil aviation worldwide;

Recognizing that the worldwide 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, in particular proactive and risk analysis based approaches, on the part of all participants in the aviation industry, including ICAO, States, aircraft manufacturers and operators;

Recognizing that the human element in the aviation system is of paramount importance to accident prevention initiatives and aviation safety; and

Noting with concern that controlled flight into terrain (CFIT) and approach and landing type accidents remain as significant accidents in airline operations;

The Assembly:

1. *Stresses* the need for a reduction in the number and rate of fatal accidents in air transport operations;

2. *Urges* Contracting States to adopt the GASP objectives to reduce aircraft accidents and to reduce the worldwide accident rate;

3. *Urges* Contracting States to apply the political will to take the remedial action identified by USOAP audits, to correct the deficiencies identified in the regional planning process and related activities, and to promulgate the necessary regulations to implement the safety systems developed under the GASP umbrella;

4. *Reiterates* the need for implementation of the ICAO prevention of controlled flight into terrain (CFIT) and approach and landing accident reduction (ALAR) programmes;

5. *Urges* all Contracting States to provide the needed support for the various elements of the ICAO Global Aviation Safety Plan;

6. *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;

7. *Requests* the Council and Secretary General to ensure that all safety-related items that fall under the GASP umbrella are fully funded in the ICAO budget, including safety-related tasks performed by the Regional Offices;

8. *Instructs* the Council and Secretary General to participate in efforts by States to improve existing safety database systems and the exchange of safety-related information, and to participate in 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;

9. *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;

10. *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;

11. *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;

12. *Requests* the Council to develop a programme to encourage States to implement approach procedures with vertical guidance (APV) utilizing such inputs as GNSS or DME/DME, in accordance with ICAO provisions.

13. *Encourages* States to foster regional safety groups;

14. *Encourages* States to foster the creation of international advisory groups of experts, or other initiatives where appropriate, on aviation safety and assistance to:

- a) bring together the efforts, experience and the resources of interested countries, international and regional organizations, aviation manufacturers and operators, financial and other funding institutions and of ICAO;
- b) study the aviation safety issues of a subgroup of member States;
- c) develop a civil aviation safety management framework and recommendations for improving safety and providing assistance; and

15. *Instructs* the Secretary General to distribute the GASP document on a regular basis through a State letter and on the ICAO public Web site.

16. *Instructs* the Council to provide a progress report on the ICAO Global Aviation Safety Plan to future sessions of the Assembly.

A33-17: Non-disclosure of certain accident and incident records

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

Whereas it is essential that cognizance be taken that it is not the purpose of the investigation of accidents and incidents to apportion blame or liability;

Recognizing that it is essential that all relevant information be made available to the accident investigators to facilitate the establishment of the causes of accidents and incidents in order to enable preventative action to be taken;

Recognizing that the prevention of accidents is essential to safeguard the continued confidence in air transport;

Recognizing that public attention will continue to focus on States' investigative actions, including calls for access to accident and incident records;

Recognizing that the protection of certain accident and incident records from inappropriate use is essential to ensure the continued availability of all relevant information to accident investigators in future investigations;

Recognizing that the measures taken so far to ensure the protection of certain accident and incident records may not be sufficient, and *noting* that a consideration by ICAO of the legal aspects involved is warranted;

The Assembly:

1. *Urges* Contracting States to examine and if necessary adjust their laws, regulations and policies to protect certain accident and incident records in compliance with paragraph 5.12 of Annex 13, in order to mitigate impediments to accident and incident investigations;
2. *Instructs* the Council to give further consideration to the legal aspects of the subject of protection of certain accident and incident records; and
3. *Instructs* the Secretary General to develop appropriate guidance material related to laws and regulations to protect certain accident and incident records.
4. *Instructs* the Council to further examine the current provisions of Annex 13 with an objective of strengthening those provisions related to the protection of and limiting access to authorized persons and parties to privileged information gathered during accident and incident investigations and in the preparation and publication of accident reports.

A33-18: 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 threat to biological diversity posed by invasive alien species;

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

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

The Assembly:

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

2. *Requests* the ICAO Council to continue to work with the appropriate concerned 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;
3. *Requests* the ICAO Council to report on the implementation of this Resolution at the next ordinary session of the Assembly; and
4. *Declares* that this resolution supercedes Resolution A32-9.

A33-19: Consolidated statement of continuing ICAO policies in the air transport field

Introduction

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

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

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

Whereas the Organization prepares guidance, studies and statistics on the development of air transport for Contracting States on a continuing basis and this should be 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 33rd Session of the Assembly:

- Appendix A — Economic regulation
- Appendix B — Statistics
- Appendix C — Forecasting and economic planning
- Appendix D — Facilitation
- Appendix E — Taxation

Appendix F — Airports and air navigation services

Appendix G — Air carrier economics

Appendix H — Air mail

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

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

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

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

6. *Requests* the Council to convene Conferences or Divisional meetings, in which all Contracting States may participate, as the principal means of progressing the resolution of issues of worldwide importance in the air transport field, when such meetings are justified by the number and importance of the issues to be dealt with and where there is the likelihood of constructive action upon them;

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

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

9. *Declares* that this resolution supersedes Resolutions A32-17 and A32-18.

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 (IASTA) strengthens the operation of international scheduled services and facilitates the achievement of that objective for the Contracting States who are already parties to it;

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

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

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

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

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

The Assembly:

1. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport and in facilitating safeguarded liberalization;

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

3. *Urges* all Contracting States to register cooperative agreements and arrangements relating to international civil aviation with ICAO in accordance with Article 83 of the Convention and the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*;

4. *Urges* Contracting States to keep the Council fully informed of important problems arising from the application of bilateral agreements and of any developments achieved or contemplated which tend toward the objective of multilateralism in the exchange of commercial rights;

5. *Requests* the Council to continue to cooperate with regional and subregional bodies in their examination and development of measures of cooperation, including liberalized arrangements, and the results of these measures, in order to see whether similar or other measures should at the appropriate time be recommended to Contracting States for application on a wider basis;

6. *Requests* the Council to continue the comparative and analytical study of the policies and practices of Contracting States and airlines concerning commercial rights and the provisions of air services agreements and to inform all Contracting States of any new developments in international cooperation, including liberalized arrangements, with respect to commercial rights;

7. *Requests* the Council to keep under review the machinery for the establishment of international tariffs as well as the rules and conditions associated with international tariffs;

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

9. *Requests* the Secretary General to remind Contracting States of the importance of registration without undue delay of aeronautical agreements and arrangements and to provide such assistance to Contracting States as they may require in registering their aeronautical agreements and arrangements with the Council; and

10. *Requests* the President of the Council and the Secretary General to promote universal adherence to and implementation of the International Air Services Transit Agreement (IASTA) and to ask Contracting States to inform the Secretariat of their intentions with respect to adherence to the agreement.

Section II. Cooperation in regulatory arrangements

Whereas certain economic, financial and operational constraints unilaterally introduced at the national level affect the stability of, and tend to create unfair discriminatory trading practices in, international air transport and might be incompatible with the basic principles of the Convention and the orderly and harmonious development of international air transport;

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

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

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

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

The Assembly:

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

2. *Urges* Contracting States to accept such designations and allow such airlines to exercise the route rights and other air transport rights of 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 subregional economic groupings as a valid basis for the designation by one developing State or States of an airline of another developing State or States within the same regional economic grouping where such airline is substantially owned and effectively controlled by such other developing State or States or its or their nationals;

4. *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 subregional 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 cooperative arrangements for the joint ownership and operation of international air services, directly among themselves or whose airlines develop such arrangements, and promptly circulate to States information concerning such cooperative arrangements.

Section III. Computer reservation systems

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

The Assembly:

1. *Urges* Contracting States:

- a) to follow the revised *ICAO Code of Conduct for the Regulation and Operation of Computer Reservation Systems* adopted by the Council on 25 June 1996;

- b) to use as appropriate the Model Clauses, approved by the Council on the same date, to strengthen and complement the Code; and
 - c) to cooperate at the bilateral, regional and inter-regional levels with a view to reducing difficulties connected with the introduction and operation of computer reservation systems in various parts of the world; and
2. *Requests* the Council to revise the ICAO CRS Code when required.

Section IV. Trade in services

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

The Assembly:

1. *Reaffirms* the need for ICAO to continue to explore future regulatory arrangements and develop recommendations and proposals to meet the challenges facing international air transport, responding to the internal and external changes affecting it;
2. *Recognizes* that such arrangements should be based on the general goal of gradual, progressive, orderly and safeguarded change towards market access, and the interests of all Contracting States in ensuring their effective and sustained participation in international air transport;
3. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport;
4. *Urges* Contracting States which participate in trade negotiations, agreements and arrangements relating to international air transport to:
 - a) ensure internal coordination in their national administrations and in particular the direct involvement of aeronautical authorities and the aviation industry in the negotiations;
 - b) ensure that their representatives are fully aware of the provisions of the Chicago Convention, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements;
 - c) take into account their rights and obligations vis-à-vis those ICAO Member States which are not members of the World Trade Organization;
 - d) examine carefully the implications of any proposed inclusion of an additional air transport service or activity in the GATS bearing in mind, in particular, the close linkage between economic, environmental, safety and security aspects of international air transport;

- e) promote a full understanding of the role of ICAO in developing policy guidance on the regulation of international air transport; and
- f) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the GATS;

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

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

6. *Requests* the Council to:

- a) pursue in a proactive manner developments in trade in services which might impinge on international air transport and inform Contracting States accordingly; and
- b) promote continued effective cooperation and coordination among ICAO, the World Trade Organization, and other intergovernmental and non-governmental organizations dealing with trade in services.

Section V. Elaboration of policy guidance

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

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

The Assembly:

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

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

APPENDIX B

Statistics

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

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

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

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

The Assembly:

1. *Urges* Contracting States to make every effort to provide the statistics required 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 cooperation with other international organizations active in the collection and distribution of aviation statistics; and
- b) make arrangements, on an appropriate basis, for assistance to be given upon request to Contracting States by personnel of the Secretariat for the improvement of their civil aviation statistics and their statistical reporting to the Organization.

APPENDIX C

Forecasting and economic planning

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

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

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

The Assembly:

1. *Requests* the Council to prepare and maintain, as necessary, long-term and medium-term forecasts of future trends and developments in civil aviation of both a general and a specific kind, including, where possible, regional as well as global data, and to make these available to Contracting States;

2. *Requests* the Council to develop methodologies and procedures for the preparation of forecasts, the analysis of cost-benefit or cost-effectiveness, and the development of business cases, to meet the needs of the regional air navigation planning groups and, as required, other systems or environmental planning bodies of the Organization; and

3. *Requests* the Council to make arrangements to collect and develop material on current forecasting methods both for the purposes described in clauses 1 and 2 and for dissemination to Contracting States from time to time as guidance in their own forecasting and economic planning.

APPENDIX D

Facilitation

Section I. Development of facilitation provisions

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

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

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

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

The Assembly:

1. *Requests* the Council to ensure that Annex 9, *Facilitation* is current and addresses to the contemporary requirements of Contracting States with respect to administration of border controls;

2. *Requests* the Council to ensure that the provisions of Annex 9, *Facilitation* and Annex 17, *Security* are compatible with and complementary to each other;

3. *Requests* the Council to ensure that its specifications and guidance material in Doc 9303, *Machine Readable Travel Documents*, remain up to date in the light of technological advances, and to continue to explore technological solutions aimed at improving clearance procedures; and

4. *Requests* the Council to ensure that Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals* is current and responsive to the requirements of Contracting States.

Section II. Implementation of Annex 9

Whereas implementation of the Standards and Recommended Practices in Annex 9 aimed at improving procedures at border-control points to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail is 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 modify their policies in order 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 review, whenever necessary or at least once every three years, the status of implementation of Annex 9 and indicate those aspects which require intensified implementation efforts by Contracting States.

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

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

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

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

Whereas the United Nations General Assembly and the Economic and Social Council have requested member States to establish or improve procedures to permit the ready discovery of false travel documents,

to cooperate bilaterally and on a multilateral basis to prevent the use of fraudulent documents, and to take measures to provide penalties for the production and distribution of false travel documents and the misuse of international commercial aviation; and

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

The Assembly:

1. *Urges* Contracting States to intensify their efforts to safeguard the security and integrity of their passports, to protect their passports against passport fraud, and to assist one another in these matters; and

2. *Requests* the Council to continue the work being undertaken to enhance the effectiveness of controls on passport fraud, including the possible preparation of necessary SARPs and guidance material, to assist Contracting States in maintaining the integrity and security of their passports and other travel documents.

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

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

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

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

The Assembly:

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

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

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

- a) regularly calling the attention of all interested departments of its government to the need for:
 - 1) making the national regulations and practices conform to the provisions and intent of Annex 9; and

- 2) working out satisfactory solutions for day-to-day problems in the facilitation field; and
 - b) taking the initiative in any follow-up action required;
4. *Urges* Contracting States to encourage the study of facilitation problems by their national and other facilitation committees, and to coordinate the findings of their committees on facilitation problems with those of other Contracting States with which they have air links;
 5. *Urges* neighbouring and bordering States to consult one another about common problems that they may have in the facilitation field 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 cooperate intensively with their governments as regards:
 - a) identification and solution of facilitation problems; and
 - b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration and other threats to national interests;
 7. *Urges* Contracting States to call upon international operators and their associations, to participate to the extent possible in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of passenger and cargo traffic at international terminals; and
 8. *Urges* States and operators, in cooperation with interested international organizations, to make all possible efforts to speed the handling and clearance of air cargo.

APPENDIX E

Taxation

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

Whereas the matter of aircraft engine emission-related levies is addressed in Assembly Resolution A33-7, *Consolidated statement of continuing ICAO policies and practices related to environmental protection*;

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

The Assembly:

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

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

APPENDIX F

Airports and air navigation services

Section I. Charging policy

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

Whereas the matter of aircraft engine emission-related levies is addressed in Assembly Resolution A33-7, *Consolidated statement of continuing ICAO policies and practices related to environmental protection*;

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

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

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

The Assembly:

1. *Urges* Contracting States to ensure that Article 15 of the Convention is fully respected;

2. *Urges* Contracting States to base the recovery of the costs of the airports and air navigation services they provide or share in providing for international civil aviation on the principles set forth in Article 15 of the Convention and additionally in Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services* regardless of the organizational structure under which the airports and air navigation services are operated;

3. *Urges* Contracting States to ensure that airport and air navigation services charges only be applied towards defraying the costs of providing facilities and services for civil aviation;

4. *Urges* Contracting States to make every effort pursuant to Article 15 of the Convention to publish and communicate to the Organization any charges that may be imposed or permitted to be imposed by a Contracting State for the use of air navigation facilities and airports by the aircraft of any other Contracting State; and

5. *Requests* the Council to ensure that the guidance and advice contained in Doc 9082 is current and responsive to the requirements of Contracting States.

Section II. Economics and management

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

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

Whereas a balance should be maintained between the respective financial interests of providers of airports and air navigation services 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 assigning the operation of airports and air navigation services to autonomous entities and using multinational air navigation facilities and services to meet the commitments they have assumed under Article 28 of the Convention;

The Assembly:

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

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

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

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

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

APPENDIX G

Air carrier economics

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

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

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

The Assembly:

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

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

APPENDIX H

Air mail

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

The Assembly:

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

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

A33-20: Coordinated approach in providing assistance in the field of aviation war risk insurance

Whereas Article 44 of the *Convention on International Civil Aviation* refers to the objective of ensuring safe, regular, efficient and economical air transport;

Whereas the tragic events of 11 September 2001 have affected the operations of airline operators around the world;

Whereas insurance coverage for airline operators and for other service providers in the area of war risk insurance is presently no longer fully available on the global insurance markets;

Whereas by State letter dated 21 September 2001, ICAO has appealed to all its Contracting States to take such measures as necessary to ensure that aviation and air transport services are not disrupted and to support the airline operators and, as required, the other parties, by providing a commitment to cover the risks left open by the above developments, until such time as the insurance markets stabilize;

Whereas many Contracting States around the world have acted upon this appeal and have provided assistance to the airline operators and the other parties;

Whereas the measure adopted by Contracting States in providing assistance to the airline operators and the other parties are mostly short-term measures which differ from one another;

Whereas therefore it is desirable to develop a coordinated approach in the short- and medium-term providing assistance to airline operators and the other parties in the field of aviation war risk insurance;

The Assembly:

1. *Urges* Contracting States to work together to develop a more enduring and coordinated approach to the important problem of providing assistance to airline operators and to other service providers in the field of aviation war risk insurance;

2. *Directs* the Council to urgently establish a Special Group to consider the issues referred to in the preceding paragraph and to report back to the Council with recommendations as soon as possible; and

3. *Invites* the Council and the Secretary General to take any other measures considered necessary or desirable.

A33-21: Update of the new policy on technical co-operation

Whereas transitional measures towards a new technical cooperation policy have been applied and A32-21 directed the Council to prepare for its consideration a consolidated Resolution regarding all technical cooperation activities and programmes;

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

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

Whereas UNDP funding is directed to other development sectors (education, health, government reforms, etc.), and its financial contribution to civil aviation activities has decreased to a level where it represents less than 5 per cent of the ICAO Technical Co-operation Programme;

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

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

Whereas there is a need for remedial follow-up action of the ICAO Universal Safety Oversight Audit Programme (USOAP) on an urgent basis for providing remedial support functions in addressing the identified deficiencies and shortcomings;

Whereas initial funding provided to the Technical Co-operation Programme from extra-budgetary resources has begun to assist in carrying out flight safety follow-up and remedial activities with States;

The Assembly:

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

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

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

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

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

6. *Resolves* that ICAO should develop a concept for quality assurance as a function which could be offered by ICAO for supervision of projects being carried out by States, and on a costs recovery basis;

7. *Confirms* Council Decision (160/13), which states that the integration into the Regular Programme Budget of the 15 staff members working in Finance and Personnel Branches and currently funded by the Administrative and Operational Services Cost (AOSC) Budget should proceed in a progressive way with some staff absorbed in the 2002-2004 triennium and others during the following triennium;

8. *Encourages* the Council and the Secretary General to adopt a structure and implementation mechanism for the Technical Co-operation Bureau that would use commercially oriented practices to allow fruitful partnerships with funding partners and recipient States;

9. *Appeals* to UNDP to give priority to the development of the air transport sub-sector in developing countries and requests the President, the Secretary General and the Secretariat to intensify their contacts with UNDP to increase its contribution to ICAO's Technical Co-operation projects.

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

11. *Approves* that, 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 2002, 2003 and 2004;

12. *Directs* the Council to report to the next ordinary session of the Assembly regarding the plan and the measures taken to implement this Resolution and to prepare for its consideration a consolidated Resolution regarding all technical cooperation activities and programmes; and

13. *Decides* that this Resolution replaces and supersedes Resolution A32-21.

A33-22: Arrangements for the external audit of Financial Years 2000 and 2001 Accounts

The Assembly:

1. *Notes* that:
 - a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization; and
 - b) the Council approved the appointment, as an interim measure, of Mrs. Sheila Fraser who succeeded Mr. Desautels as Auditor General of Canada, as ICAO's External Auditor for the years 2000 and 2001 accounts, in accordance with Financial Regulations 13.1; and therefore
2. *Expresses* its sincere appreciation to Mr. Desautels for the high quality of his service to the Organization as its External Auditor (1991 - 2001) and for his effective and co-operative assistance during that period to the officials and organs of ICAO; and
3. *Confirms* the action taken by the Council in appointing, as an interim measure, Mrs. Sheila Fraser who succeeded Mr. Desautels as Auditor General of Canada, as ICAO's External Auditor for the financial years 2000 and 2001 accounts.

A33-23: Budgets 2002, 2003 and 2004

A. PROGRAMME BUDGET 2002-2003-2004

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 2002, 2003 and 2004;

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 2002, 2003 and 2004 represent indicative budget estimates only:

TECHNICAL CO-OPERATION PROGRAMME

2002	2003	2004
4 399 000	4 376 000	4 521 000

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

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

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 2002, 2003 and 2004, 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:

REGULAR PROGRAMME			
	2002	2003	2004
I. General Policy and Direction	1 838 000	888 000	1 437 000
II. Air Navigation	8 236 000	8 640 000	8 765 000
III. Air Transport	4 491 000	4 622 000	4 750 000
IV. Legal	786 000	816 000	810 000
V. Regional and Other Programmes	14 761 000	15 069 000	15 411 000
VI. Administrative Support	21 528 000	22 039 000	22 726 000
VII. Finance, External Relations/Public Information and Programmes Evaluation, Audit and Management Review	3 372 000	3 468 000	3 479 000
VIII. Universal Safety Oversight Audit Programme	968 000	990 000	1 016 000
TOTAL	55 980 000	56 532 000	58 394 000
Universal Safety Oversight Audit Programme to be funded by cash surplus			
VIII. Remainder of Continuation	763 000	808 000	904 000
IX. Expansion	–	244 000	1 158 000
	763 000	1 052 000	2 062 000
TOTAL AUTHORIZED APPROPRIATION	56 743 000	57 584 000	60 456 000

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

	2002	2003	2004
a) by Assessments on Contracting States in accordance with Resolution on the Scale of Assessments	49 940 000	50 330 000	50 500 000
b) by Miscellaneous Income	4 544 000	4 454 000	4 327 000
c) by Cash Surplus	2 259 000	2 800 000	5 629 000
TOTAL	56 743 000	57 584 000	60 456 000

4. that an additional \$ 770 000, be provided to aviation security for the 2002-2004 triennium (\$ 250 000 in 2002, \$ 260 000 in 2003 and \$ 260 000 in 2004) by utilizing the positive difference resulting from the Canadian dollar requirements budgeted in U.S. dollars and the U.S. dollars required to purchase Canadian dollars in accordance with the forward contracts. Such funds are under the control of the Council and are to be used in accordance with the provisions of the ICAO Financial Regulations.

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 2001 the amount of cash surplus available for distribution was \$ 11 688 000.

The Assembly resolves that:

1. the Organization, from the balance of cash surplus, dispose of the amount of \$ 1 000 000 as credits to Contracting States in respect of the incentive scheme on 1 January 2002 in accordance with Assembly Resolution A26-23; States wishing to have their portion of the surplus returned or attributed to the International Financial Facility for Aviation Safety (IFFAS) should officially notify the Secretary General to this effect by 31 December 2001. Should no notification be received, the Secretary General will consider the amount as a voluntary contribution to the Aviation Security (AVSEC) mechanism and States will be notified accordingly;
2. the Organization allocate the amount of \$ 763 000, \$ 1 052 000 and \$ 2 062 000 to the Universal Safety Oversight Audit Programme (Remainder of continuation and Expansion) on 1 January 2002, 1 January 2003 and 1 January 2004 respectively; and
3. the Organization allocate the amount of \$ 1 496 000, \$ 1 748 000 and \$ 3 567 000 to finance some of the Regular Programme budget for the years 2002, 2003 and 2004 in order to minimize the assessments on Contracting States.

A33-24: Information and Communication Technology (ICT) Fund

Whereas the Council considers that improvements to information and communication systems of the Organization are important means to improve the efficiency and effectiveness of the Organization set forth in Assembly Resolutions A32-2 and A32-1;

Whereas the Assembly has noted that the current accounting system is over 30 years old and that improvements are necessary to meet the information requirements of Contracting States for the Regular and Technical Cooperation Programmes;

Whereas the Assembly has noted the comments of the External Auditor relating to inadequacy and risks of ICAO's current financial system contained in A33-WP/28, AD/12 (Doc 9780); and

Recognizing that programme budget estimates do not include significant investments in information and communication technology;

The Assembly:

1. *Requests* States to make voluntary contributions in cash or in kind for ICT at ICAO.
2. *Decides* to use interest on the General Fund in excess to the amounts included in the budget under miscellaneous income for the years 2001 and 2002 for improvements to the ICT and specifically for the implementation of a new financial system; and
3. *Decides* that the balance of unobligated appropriations including supplementary appropriations related to Council's authority under Financial Regulations 5.2 at 31 December 2001 be also used to fund improvements in ICT at ICAO; and
4. *Resolves* to create an ICT Fund with the resources noted above.
5. *Instructs* the Secretary General to accord high priority to the modernization of financial systems, the enhancement of ICAO Web Sites and consolidation of file servers.
6. *Requests* the Council to monitor progress achieved through the use of the ICT Fund and report at the next ordinary session of the Assembly on use of the ICT fund.

A33-25: Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention

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 32nd 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:

Name of New Contracting State	Date of Membership	Date from which Assessable	Assessment Rate 2001
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The Federal Republic

of Yugoslavia	13 January 2001	1 February 2001	0.06% for 2001
Andorra	25 February 2001	1 March 2001	0.06% for 2001

A33-26: Assessments to the General Fund for 2002, 2003 and 2004

The Assembly resolves that the amounts to be assessed on Contracting States for 2002, 2003 and 2004 pursuant to Article 61, Chapter XII of the Convention, shall be determined in accordance with the scales set out below:

	<u>2002</u>	<u>2003</u>	<u>2004</u>
	%	%	%
Afghanistan/Afganistán/Афганистан	0.06	0.06	0.06
Albania/Albanie/Албания	0.06	0.06	0.06
Algeria/Algérie/Argelia/Алжир	0.07	0.07	0.07
Andorra/Andorre/Андорра	0.06	0.06	0.06
Angola/Ангола	0.06	0.06	0.06
Antigua and Barbuda/Antigua-et-Barbuda/ Antigua y Barbuda/Антигуа и Барбуда	0.06	0.06	0.06
Argentina/Argentine/Аргентина	0.72	0.79	0.86
Armenia/Arménie/Армения	0.06	0.06	0.06
Australia/Australie/Австралия	1.66	1.64	1.62
Austria/Autriche/Австрия	0.77	0.76	0.75
Azerbaijan/Azerbaïdjan/Azerbaïyán/Азербайджан	0.06	0.06	0.06
Bahamas/Багамские Острова	0.06	0.06	0.06
Bahrain/Bahreïn/Bahreïn/Бахрейн	0.06	0.06	0.06
Bangladesh/Бангладеш	0.07	0.07	0.06
Barbados/Barbade/Барбадос	0.06	0.06	0.06
Belarus/Bélarus/Belarús/Беларусь	0.06	0.06	0.06
Belgium/Belgique/Bélgica/Бельгия	0.95	0.93	0.92
Belize/Belice/Белиз	0.06	0.06	0.06
Benin/Bénin/Бенин	0.06	0.06	0.06
Bhutan/Bhoutan/Bhután/Бутан	0.06	0.06	0.06

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Bolivia/Bolivie/Боливия	0.06	0.06	0.06
Bosnia and Herzegovina/Bosnie-Herzégovine/Bosnia y Herzegovina/ Босния и Герцеговина	0.06	0.06	0.06
Botswana/Ботсвана	0.06	0.06	0.06
Brazil/Brésil/Brasil/Бразилия	1.64	1.80	1.98
Brunei Darussalam/Brunéi Darussalam/Бруней-Даруссалам	0.06	0.06	0.06
Bulgaria/Bulgarie/Болгария	0.06	0.06	0.06
Burkina Faso/Буркина-Фасо	0.06	0.06	0.06
Burundi/Бурунди	0.06	0.06	0.06
Cambodia/Cambodge/Camboya/Камбоджа	0.06	0.06	0.06
Cameroon/Cameroun/Camerún/Камерун	0.06	0.06	0.06
Canada/Canadá/Канада	2.30	2.26	2.24
Cape Verde/Cap-Vert/Cabo Verde/Кабо-Верде	0.06	0.06	0.06
Central African Republic/République centrafricaine/ República Centroatricana/ Центральноафриканская Ресдублика	0.06	0.06	0.06
Chad/Tchad/Чад	0.06	0.06	0.06
Chile/Chili/Чили	0.29	0.29	0.29
China/Chine/Китай	1.25	1.38	1.52
Colombia/Colombie/Колумбия	0.21	0.25	0.24
Comoros/Comores/Comoras/Коморские Острова	0.06	0.06	0.06
Congo/Конго	0.06	0.06	0.06
Cook Islands/Iles Cook/Islas Cook/Острова Кука	0.06	0.06	0.06
Costa Rica/Коста-Рика	0.06	0.06	0.06
Côte d'Ivoire/Кот-д'Ивуар	0.06	0.06	0.06
Croatia/Croatie/Croacia/Хорватия	0.06	0.06	0.06
Cuba/Куба	0.06	0.06	0.06
Cyprus/Chypre/Chipre/Кипр	0.06	0.06	0.06
Czech Republic/République tchèque/República Checa/ Чешская Республика	0.17	0.16	0.16
Democratic People's Republic of Korea/République populaire démocratique de Corée/República Popular Democrática de Corea/ Корейская Народно-Демократическая Республика	0.06	0.06	0.06
Democratic Republic of the Congo/République démocratique du Congo/República Democrática del Congo/ Демократическая Республика Конго	0.06	0.06	0.06
Denmark/Danemark/Dinamarca/Дания	0.57	0.56	0.55
Djibouti/Джибути	0.06	0.06	0.06

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Dominican Republic/République dominicaine/ República Dominicana/Доминиканская Республика	0.06	0.06	0.06
Ecuador/Équateur/Эквадор	0.06	0.06	0.06
Egypt/Égypte/Egipto/Египет	0.17	0.17	0.17
El Salvador/Сальвадор	0.06	0.06	0.06
Equatorial Guinea/Guinée équatoriale/ Guinea Ecuatorial/Экваториальная Гвинея	0.06	0.06	0.06
Eritrea/Érythrée/Эритрея	0.06	0.06	0.06
Estonia/Estonie/Эстония	0.06	0.06	0.06
Ethiopia/Éthiopie/Etiopía/Эфиопия	0.06	0.06	0.06
Fiji/Fidji/Фиджи	0.06	0.06	0.06
Finland/Finlande/Finlandia/ФинлВндия	0.44	0.43	0.43
France/Francia/Франция	5.40	5.32	5.27
Gabon/Gabón/Габон	0.06	0.06	0.06
Gambia/Gambie/Гамбия	0.06	0.06	0.06
Georgia/Géorgie/Грузия	0.06	0.06	0.06
Germany/Allemagne/Alemania/Германия	7.74	7.63	7.55
Ghana/Гана	0.06	0.06	0.06
Greece/Grèce/Grecia/Греция	0.41	0.45	0.44
Grenada/Grenade/Granada/Гренада	0.06	0.06	0.06
Guatemala/Гватемала	0.06	0.06	0.06
Guinea/Guinée/Гвинея	0.06	0.06	0.06
Guinea-Bissau/Guinée-Bissau/Гвинея-Бисау	0.06	0.06	0.06
Guyana/Гайана	0.06	0.06	0.06
Haiti/Haïti/Haití/Гаити	0.06	0.06	0.06
Honduras/Гондурас	0.06	0.06	0.06
Hungary/Hongrie/Hungria/Венгрия	0.12	0.12	0.12
Iceland/Islande/Islandia/Исландия	0.06	0.06	0.06
India/Inde/Индия	0.40	0.40	0.39
Indonesia/Indonésie/Индонезия	0.25	0.25	0.24
Iran, Islamic Republic of/Iran, République islamique d'/ Irán, República Islámica del/Иран, Исламская Республика	0.23	0.24	0.24
Iraq/Ирак	0.10	0.09	0.09

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Ireland/Irlande/Irlanda/Ирландия	0.28	0.28	0.28
Israel/Israël/Израиль	0.48	0.47	0.47
Italy/Italie/Italia/Италия	3.78	3.73	3.69
Jamaica/Jamaïque/Ямайка	0.06	0.06	0.06
Japan/Japon/Jarón/Япония	14.58	14.36	14.22
Jordan/Jordanie/Jordania/Иордания	0.06	0.06	0.06
Kazakhstan/Kazajstán/Казахстан	0.06	0.06	0.06
Kenya/Кения	0.06	0.06	0.06
Kiribati/Кирибати	0.06	0.06	0.06
Kuwait/Koweït/Кувейт	0.17	0.17	0.17
Kyrgyzstan/Kirghizistan/Kirguistán/Кыргызстан	0.06	0.06	0.06
Lao People's Democratic Republic/République démocratique populaire lao/República Democrática Popular Lao/ Лаосская Народно-Демократическая Республика	0.06	0.06	0.06
Latvia/Lettonie/Letonia/Латвия	0.06	0.06	0.06
Lebanon/Liban/Líbano/Ливан	0.06	0.06	0.06
Lesotho/Лесото	0.06	0.06	0.06
Liberia/Libéria/Либерия	0.06	0.06	0.06
Libyan Arab Jamahiriya/Jamahiriya arabe libyenne/ Jamahiriya Árabe Libia/Ливийская Арабская Джамахирия	0.06	0.06	0.06
Lithuania/Lituanie/Lituania/Литва	0.06	0.06	0.06
Luxembourg/Luxemburgo/Люксембург	0.13	0.20	0.24
Madagascar/Мадагаскар	0.06	0.06	0.06
Malawi/Малави	0.06	0.06	0.06
Malaysia/Malaisie/Malasia/Малайзия	0.54	0.54	0.54
Maldives/Maldivas/Мальдивы	0.06	0.06	0.06
Mali/Malí/Мали	0.06	0.06	0.06
Malta/Malte/Мальта	0.06	0.06	0.06
Marshall Islands/Iles Marshall/Islas Marshall/ Маршалловы Острова	0.06	0.06	0.06
Mauritania/Mauritanie/Мавритания	0.06	0.06	0.06
Mauritius/Maurice/Mauricio/Маврикий	0.06	0.06	0.06
Mexico/Mexique/México/Мексика	0.92	0.93	0.92
Micronesia, Federated States of/Micronésie, États fédérés de/ Micronesia, Estados Federados de/ Федеративные Штаты Микронезии	0.06	0.06	0.06

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Монако/Mónaco/Монако	0.06	0.06	0.06
Mongolia/Mongolie/Монголия	0.06	0.06	0.06
Morocco/Maroc/Marruecos/Марокко	0.10	0.10	0.10
Mozambique/Мозамбик	0.06	0.06	0.06
Myanmar/Мьянма	0.06	0.06	0.06
Namibia/Namibie/Намибия	0.06	0.06	0.06
Nauru/Науру	0.06	0.06	0.06
Nepal/Népal/Непал	0.06	0.06	0.06
Netherlands, Kingdom of the/Pays-Bas, Royaume des/ Países Bajos, Reino de los/Нидерландов, Королевство	1.97	1.94	1.92
New Zealand/Nouvelle-Zélande/Nueva Zelandia/Новая Зеландия	0.37	0.36	0.36
Nicaragua/Никарагуа	0.06	0.06	0.06
Niger/Níger/Нигер	0.06	0.06	0.06
Nigeria/Nigeria/Нигерия	0.06	0.06	0.06
Norway/Norvège/Noruega/Норвегия	0.51	0.50	0.50
Oman/Omán/Оман	0.08	0.08	0.08
Pakistan/Pakistán/Пакистан	0.16	0.16	0.16
Palau/Palaos/Палау	0.06	0.06	0.06
Panama/Panamá/Панама	0.06	0.06	0.06
Papua New Guinea/Papouasie-Nouvelle-Guinée/ Papua Nueva Guinea/Папуа-Новая Гвинея	0.06	0.06	0.06
Paraguay/Парагвай	0.06	0.06	0.06
Peru/Pérou/Perú/Перу	0.10	0.09	0.09
Philippines/Filipinas/Филиппины	0.17	0.17	0.17
Poland/Pologne/Polonia/Польша	0.26	0.31	0.31
Portugal/Португалия	0.41	0.40	0.40
Qatar/Катар	0.06	0.06	0.06
Republic of Korea/République de Corée/República de Corea/ Корейская Нар.-Демокр.Республ.	1.99	2.19	2.36
Republic of Moldova/République de Moldova/República de Moldova/ Республика Молдова	0.06	0.06	0.06
Romania/Roumanie/Rumania/Румыния	0.07	0.07	0.06
Russian Federation/Fédération de Russie/Federación de Rusia/ Российская Федерация	0.84	0.83	0.82
Rwanda/Руанда	0.06	0.06	0.06

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Saint Lucia/Sainte-Lucie/Santa Lucía/Сент-Люсия	0.06	0.06	0.06
Saint Vincent and the Grenadines/Saint-Vincent-et-les Grenadines/ San Vicente y las Granadinas/Сент-Винсент и Гренадины	0.06	0.06	0.06
Samoa/Самоа	0.06	0.06	0.06
San Marino/Saint-Marin/Сан-Марино	0.06	0.06	0.06
Sao Tome and Principe/Sao Tomé-et-Príncipe/ Santo Tomé y Príncipe/Сан-Томе и Принсипи	0.06	0.06	0.06
Saudi Arabia/Arabie saoudite/Arabia Saudita/Саудовская Аравия	0.63	0.62	0.61
Senegal/Sénégal/Сенегал	0.06	0.06	0.06
Seychelles/Сейшельские Острова	0.06	0.06	0.06
Sierra Leone/Sierra Leona/Сьерра-Леоне	0.06	0.06	0.06
Singapore/Singapour/Singapur/Сингапур	1.10	1.15	1.14
Slovakia/Slovaquie/Eslovaquia/Словакия	0.06	0.06	0.06
Slovenia/Slovénie/Eslovenia/Словения	0.06	0.06	0.06
Solomon Islands/Iles Salomon/Islas Salomón/СОЛОМОНОВЫ Острова	0.06	0.06	0.06
Somalia/Somalie/Сомали	0.06	0.06	0.06
South Africa/Afrique du Sud/Sudáfrica/Южная Африка	0.52	0.53	0.53
Spain/Espagne/España/Испания	2.04	2.01	1.99
Sri Lanka/Шри-Ланка	0.06	0.06	0.06
Sudan/Soudan/Sudán/Судан	0.06	0.06	0.06
Suriname/Суринам	0.06	0.06	0.06
Swaziland/Swazilandia/Свазиленд	0.06	0.06	0.06
Sweden/Suède/Suecia/Швеция	0.78	0.77	0.76
Switzerland/Suisse/Suiza/Швейцария	1.25	1.23	1.22
Syrian Arab Republic/République arabe syrienne/ Republica Árabe Siria/Сирийская Арабская Республика	0.07	0.07	0.07
Tajikistan/Tadjikistan/Tayikistán/Таджикистан	0.06	0.06	0.06
Thailand/Thaïlande/Tailandia/Таиланд	0.58	0.58	0.57
The former Yugoslav Republic of Macedonia/L'ex-République yougoslave de Macédonie/La ex República Yugoslava de Macedonia/Бывшая югославская Республика Македония	0.06	0.06	0.06
Togo/Того	0.06	0.06	0.06
Tonga/Тонга	0.06	0.06	0.06
Trinidad and Tobago/Trinité-et-Tobago/ Trinidad y Tabago/Тринидад и Тобаго	0.06	0.06	0.06
Tunisia/Tunisie/Túnez/Тунис	0.06	0.06	0.06

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Turkey/Turquie/Turquía/Турция	0.45	0.44	0.44
Turkmenistan/Turkmenistán/Turkmenistán/Туркменистан	0.06	0.06	0.06
Uganda/Ouganda/Уганда	0.06	0.06	0.06
Ukraine/Ucrania/Украина	0.06	0.06	0.06
United Arab Emirates/Émirats arabes unis/ Emiratos Árabes Unidos/Объединенные Арабские Эмираты	0.35	0.36	0.36
United Kingdom/Royaume-Uni/Reino Unido/ Соединенное Королевство	5.39	5.31	5.26
United Republic of Tanzania/République-Unie de Tanzanie/ Republica Unida de Tanzania/			
Объединенная Республика Танзания	0.06	0.06	0.06
United States/États-Unis/Estados Unidos/ Соединенные Штаты Америки	25.00	25.00	25.00
Uruguay/Уругвай	0.06	0.06	0.06
Uzbekistan/Ouzbékistan/Uzbekistán/Узбекистан	0.06	0.06	0.06
Vanuatu/Вануату	0.06	0.06	0.06
Venezuela/Венесуэла	0.20	0.19	0.19
Viet Nam/Вьетнам	0.06	0.06	0.06
Yemen/Yémen/Йемен	0.06	0.06	0.06
Yugoslavia/Yougoslavie/Югославия	0.06	0.06	0.06
Zambia/Zambie/Замбия	0.06	0.06	0.06
Zimbabwe/Зимбабве	<u>0.06</u>	<u>0.06</u>	<u>0.06</u>
	<u>100.00</u>	<u>100.00</u>	<u>100.00</u>

A33-27: 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. the distribution of cash surpluses be restricted to Contracting States that, at the date of the distribution of the surpluses, have paid their contributions for the financial years for which the surpluses had been determined and that the entitlement to the surpluses be terminated for States which have outstanding contributions for the years concerned, except for those States with agreements and which have complied with the terms of their agreements;

2. Contracting States with arrears of three full years or more and which either have existing agreements or enter into agreements for settlement of long outstanding arrears, and which have complied with the terms of their agreements, shall have their share of cash surplus distributed even though they have not paid the assessments for the financial years for which the surpluses had been determined;

3. payments from Contracting States with arrears of three full years or more will be retained in a separate account to finance expenditure on aviation security activities, and new and unforeseen projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes, such action to be under the control of the Council and reported to the next ordinary session of the Assembly;

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

5. this Resolution supersedes Assembly Resolution A32-27.

A33-28: Working Capital Fund

The Assembly:

1. *Notes* that:

- a) in accordance with Resolution A32-28, the Council has reported upon, and the Assembly has considered, the adequacy of the level of the Working Capital Fund and the related borrowing authority;
- b) in recent years, the accumulation of contributions in arrears has constituted, together with the delays in payment of current year contributions, a growing obstacle to the implementation of the work programme while creating financial uncertainty;
- c) the relatively long budgetary cycle of ICAO, namely three years, has a bearing on the determination of the prudent level of the Working Capital Fund and borrowing authority, as only the Assembly can levy assessments on Contracting States;

- d) given the number of permanent staff in ICAO, there is an irreducible minimum which the Organization has to pay out each month to meet the staff costs. This amount is not amenable to short term reduction through adjusting the work programme, since permanent staff remain in post and have to be paid in any event;
- e) while it would appear that cash crises could be avoided by careful management of expenditure on the work programme, the fact is that monthly outgoings of cash cannot be reduced in the short term below the amount needed to pay the permanent staff;
- f) experience showed that some sizable contributions were subject to the political imperatives of the State concerned, and that ICAO could not rely on contributions being paid even by the end of the year to which they related;
- g) as long as the cash flow remains uncertain, ICAO would need the Working Capital Fund as a buffer, on which it could draw to meet its unavoidable cash commitments;
- h) the surplus from the AOSC and other ICAO funds is a potential source of funds. However, the amount of surplus is uncertain, and use of these funds is restricted to the purpose for which they were established. The AOSC surplus 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. Relying upon this source in place of securing an appropriate level for the Working Capital Fund would therefore be flawed in both principle and practice, and does not offer a prudent financial option;
- i) the financial position at this time does not indicate the need to assess Contracting States for cash deficits caused by contributions in arrears; and
- j) the Council reviewed the level of the Working Capital Fund in June and December 2000 and determined that it was not necessary to increase, the level for the year 2001, from \$ 6.0 million to \$ 8.0 million.

2. *Resolves that:*

- a) the level of the Working Capital Fund remain at \$ 6.0 million for the years 2002 and 2003;
- b) the Council shall review the level of the Working Capital Fund no later than November 2003 to determine if an increase is needed for the year 2004;
- c) if the Council determines that it is warranted, the level of the Working Capital Fund shall be established at \$ 8.0 million for the year 2004, subject to increases resulting from advances paid by new States becoming members of the Organization after approval of the 2002 scale. The options for financing the increase shall be reviewed by the Council at that time and the Council shall decide on the means of funding;
- d) the Secretary General be authorized, with the prior approval of the Finance Committee of the Council, to finance regular and supplementary appropriations that cannot be financed from the General Fund and the Working Capital Fund, by borrowing externally amounts needed to meet immediate obligations of the Organization, and that the Secretary General

be required to repay such amounts as rapidly as possible; the outstanding total of such indebtedness of the Organization at no time to exceed \$ 3.0 million during the triennium;

- e) the Council shall report to the next ordinary session of the Assembly:
 - i) on the adequacy of the level of the Working Capital Fund in the light of experience during 2001, 2002 and 2003;
 - ii) whether the financial position of the General Fund and the Working Capital Fund would indicate the need for assessing Contracting States for cash deficits caused by arrears of contributions;
 - iii) on the appropriateness of the level of the borrowing authority;
- f) Resolution A32-28 is no longer effective and is hereby superseded.

3. *Urges that:*

- a) all Contracting States pay their assessments as early as possible in the year in which they fall due in order to lessen the likelihood of the Organization having to draw on the Working Capital Fund and resort to external borrowing; and
- b) States in arrears meet their obligations to the Organization as promptly as possible, as called for by Resolution A21-10.

A33-29: Amendment of the Financial Regulations

Whereas the Council has conducted a substantial review of the Financial Regulations and made amendments thereto in order to improve the efficiency and effectiveness of the Organization, and reports those to the Assembly;

Whereas the Council has reported to the Assembly on the experience in applying Financial Regulation 5.2 as amended for a three-year trial basis in Assembly Resolution A32-29;

Whereas the Council noted in the light of its experience that further amendment of Regulation 5.2 of Article V would be appropriate and recommends the Assembly to approve the amendments thereto which the Council has suggested; and

Whereas the Assembly has noted the amendments to Articles IV, V, VII, IX, XI, XIII and the Annex to the Financial Regulations;

The Assembly resolves that:

- 1. the amendments as set out below are confirmed; and

Article IV*

The Budget

...

4.7 The Council's estimates shall be accompanied by:

...

- c) a draft budget resolution for each financial year approved by the Council and recommended for adoption by the Assembly; such resolution shall specify by Major Programme the appropriations required for the relevant financial year. The total of the appropriations required for all Major Programmes for each financial year shall be considered as the Total Authorized Appropriation. The draft budget resolution shall also specify the manner in which it is proposed to finance the Total Authorized Appropriation for each financial year, and other relevant information;

...

Article V* **Appropriations**

...

5.10 Transfers from one Major Programme to another may be effected by the Secretary General up to an amount not exceeding 10 per cent per appropriation for each of the Major Programmes involved in the transfer. Above this percentage, transfers from one Major Programme may be effected by the Secretary General, with the prior approval of the Council after obtaining the advice of the Finance Committee. Such transfers shall be reported to the Assembly.

5.11 The Secretary General may defer the implementation of specific sub-programme elements planned for a third financial year of a triennium to the first financial year of the next triennium. With the approval of the Council, that part of the appropriation relating to the deferred activity shall remain available for obligation for twelve months following the end of the financial year for which it was approved and for a further period of twelve months, to the extent that they are required to discharge unliquidated obligations incurred in respect of the preceding twelve months.

...

* Amendments to Regulations 4.7 and 5.10 are effective 1 January 2002.

Article VII **Establishment and Administration of Funds**

...

7.2 The Secretary General may establish Funds or Special Accounts for self-financing activities (activities where costs are offset by income) which shall be administered in

accordance with these Regulations unless otherwise provided. Any surplus shall be retained to finance purchases related to the activities for which the fund or account was established and may be carried forward to the next year. In the event of a deficit at the end of a financial year, the deficit shall be carried forward to the next year and offset by income in that period. No deficit is to be funded by the Regular Programme Budget.

...

7.7 The Secretary General is authorized to charge for services provided by the Organization. This charge, together with interest earnings or earnings from investments thereon, shall be used to reimburse all, or part of, the costs incurred by the Organization in the generation and administration of these services.

...

Article IX Technical Co-operation

...

9.3 The cost of administration and operation of the Organization's programmes of technical co-operation shall be met by the organizations, governments and other entities providing the funds for technical co-operation. For United Nations Development Programme (UNDP) projects, administrative charges shall be determined in coordination with the UNDP, and for all other projects, administrative charges shall be determined on the basis of the estimated costs to be incurred by ICAO for the implementation of the project.

...

9.5 Budgetary estimates for AOSC, after having been reviewed by the Technical Co-operation Committee and the Finance Committee and approved by the Council, shall be presented with the Regular Programme Budget to the Assembly. The Assembly shall review and approve the AOSC estimates. The Secretary General shall make such adjustments to the approved estimates as may be required during the budgetary period concerned in order to provide adequate administration and support services to the Organization's programmes of technical co-operation, within the terms of these Financial Regulations and within the amounts of extra-budgetary resources provided to the Organization for this purpose, and report to the Finance Committee thereon. Any such adjustment to the ordinary administrative and operational costs for the year exceeding a 10 per cent increase over the amount approved by the Assembly, or previously approved by the Council hereunder, shall be subject to prior approval of the Council.

...

Article XI Internal Control and Internal Audit

...

11.4 The Secretary General may, with the prior approval of the Finance Committee, for individual write-off actions exceeding \$20 000 in original value, write off losses of cash, stores and other assets provided that a statement of all such accounts written off shall be submitted to the Auditors with the annual accounts.

...

Article XIII
External Audit

13.1 Subject to confirmation by the Assembly, the Council shall appoint an External Auditor, who shall be the Auditor General (or officer exercising an equivalent function) of a Contracting State, to make annually, and at such other time as may be necessary for special purposes, an independent audit of the funds, assets and accounts of the Organization. The appointment shall be for such period as determined by Council and confirmed by the Assembly.

13.2 If the External Auditor ceases to hold office as the Auditor General (or officer exercising an equivalent function) in his/her own country, his/her tenure of office as External Auditor shall thereupon be terminated and he/she shall be succeeded as External Auditor by his/her successor as Auditor General subject to the approval of the Council. The External Auditor may not otherwise be removed during his/her tenure of office, except by the Assembly.

13.3 Not later than 15 May following the close of the financial year, or six weeks after the dispatch of the financial statements under Regulation 12.4, whichever shall be later, the report of the External Auditor on the annual audit addressed to the Assembly shall be delivered to the Council with the comments of the Secretary General thereon. The Council shall consider the comments of the Secretary General on the action that he intends to take in response to substantive recommendations in the Report of the External Auditor. The Council shall submit the report of the External Auditor, the Secretary General's comments, and its comments thereon to the Assembly at its next session.

...

ANNEX TO THE FINANCIAL REGULATIONS

Additional Terms of Reference Governing the External Audit

...

5. The External Auditor shall express and sign an opinion on the financial statements of the International Civil Aviation Organization. The opinion shall include the following basic elements:

- a) the identification of the financial statements audited;
- b) a reference to the responsibility of the Secretary General and the responsibility of the External Auditor,
- c) a reference to the audit standards followed;
- d) a description of the work performed;
- e) an expression of opinion on the financial statements as to whether:

- i) the financial statements present fairly the financial position as at the end of the period and the results of the operations for the period;
 - ii) the financial statements were prepared in accordance with the stated accounting policies;
 - iii) the accounting policies were applied on a basis consistent with that of the preceding financial period;
 - f) an expression of opinion on the compliance of transactions with the Financial Regulations and legislative authority;
 - g) the date of the opinion;
 - h) the name and position of the External Auditor; and
 - i) should it be necessary, a reference to the report of the External Auditor on the financial statements.
- ...

2. Financial Regulation 5.2, be amended, effective 1 January 2002, as set out below.

Article V
Appropriations

...

5.2 The Council may, in respect of a given financial year, approve appropriations in excess of the budget voted by the Assembly as follows:

- a) up to an amount not exceeding 2 per cent of the Total Authorized Appropriation in respect of the first year following adoption of the budget, 4 per cent of the Total Authorized Appropriation in respect of the second year and 2 per cent of the Total Authorized Appropriation in respect of the third year, to meet unavoidable expenditures other than those specified in Regulation 5.2 b) and c);
- b) up to \$100 000 for expenditures relating to urgent new projects such as the temporary financing of any airport or air navigation facility or service, the lack or breakdown of which might create serious difficulty or danger to international air navigation unless immediate action were taken by the Council, and in respect of which action for joint financing under Chapter XV of the Convention is expected; and
- 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 projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes.

...

A33-30: Approval of the accounts of the Organization for the financial years 1998, 1999 and 2000 and examination of the audit reports thereon

Whereas the accounts of the Organization for the financial years 1998, 1999 and 2000 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 1998 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 1999 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 2000 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 1998;
5. *Approves* the audited accounts for the financial year 1999; and
6. *Approves* the audited accounts for the financial year 2000.

A33-31: Approval of those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial years 1998, 1999 and 2000 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 1998, 1999 and 2000 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 and Rules of the United Nations Development Programme provide that Organizations of the United Nations system entrusted with the execution or implementation of UNDP Programme activities shall transmit to the Administrator, for submission to the Executive Board accounts showing the status of funds allocated to them by the Administrator. Such accounts shall bear audit certificates from the External Auditors of the Organizations and shall be accompanied by their reports.

The Assembly:

1. *Notes* the Report of the External Auditor on those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 1998, 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 1999, 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 2000;
4. *Approves* those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 1998;
5. *Approves* those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 1999;
6. *Approves* those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 2000; 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 Executive Board.

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– **END** –