

ASSEMBLY 38th SESSION

Montréal, 24 September – 4 October 2013

PLENARY MEETINGS

Minutes



*Approved by the Assembly
and published by authority of the Secretary General*

INTERNATIONAL CIVIL AVIATION ORGANIZATION

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INTERNATIONAL CIVIL AVIATION ORGANIZATION

Published in separate English, Arabic, Chinese, French, Russian
and Spanish editions by the
INTERNATIONAL CIVIL AVIATION ORGANIZATION
999 University Street, Montréal, Quebec, Canada H3C 5H7

For ordering information and for a complete listing of sales agents
and booksellers, please go to the ICAO website at www.icao.int

Doc 10023, *Minutes of the Plenary Meetings*

Order Number: 10023

ISBN 978-92-9249-618-0

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SCHEDULE OF ITEMS DISCUSSED BY THE PLENARY MEETINGS

Item	September				October	
	24 AM	24 PM	25 AM	28 AM	1 PM	4 AM
	1	2	3	4	5	6
1. Opening of the Session by the President of the Council	X					
2. Approval of the Agenda	X					
3. Establishment of Committees and Commissions	X					
4. Reference of subjects to Committees and Commissions	X					
5. Election of Member States to be represented on the Council	X			X	X	
6. Election of the President of the Assembly		X				
7. Election of the four Vice-Presidents of the Assembly and Chairpersons of Commissions		X				
8. Statements by delegations of Member States		X	X	X	X	
9. Reports by Committees and Commissions of the Assembly and action thereon - Economic Commission - Legal Commission - Administrative Commission - Technical Commission - Executive Committee - Credentials Committee		X	X			X
Delegation of authority to the President of the Assembly for the approval of minutes of the Executive Committee and Plenary						X

Minutes of the First Meeting

(Tuesday, 24 September 2013 at 1100 hours)

SUBJECTS DISCUSSED

1. Agenda Item 1: Opening of the Session by the President of the Council
 - Address by Mr. Laurent Blanchard, Mayor of the City of Montréal
 - Address by the Honourable Pauline Marois, Premier of Québec
 - Address by the Honourable Lisa Raitt, Minister of Transport, representing the Government of Canada
 - Pre-recorded video message by Mr. Ban Ki-moon, Secretary-General of the United Nations (UN)
2. Agenda Item 2: Approval of the Agenda
3. Agenda Item 3: Establishment of Committees and Commissions
 - Establishment of the Credentials, Executive and Coordinating Committees and the Technical, Economic, Legal and Administrative Commissions
4. Agenda Item 4: Reference of subjects to Committees and Commissions
5. Agenda Item 5: Election of Member States to be represented on the Council
 - Deadline for notification of candidatures for the first and second parts of the Council election
 - Maximum number of Member States to be elected in each part of the Council election

SUMMARY OF DISCUSSIONS

Agenda Item 1: Opening of the Session by the President of the Council

1. The President of the Council, Mr. Roberto Kobeh González, as Temporary President of the Assembly, declared the 38th Session of the Assembly open and spoke as follows:

“I have the honour to declare open this 38th Session of the Assembly of the International Civil Aviation Organization.

“On behalf of the Council of ICAO, the Secretary General, Mr. Raymond Benjamin and members of the Assembly, I extend a warm welcome to our three distinguished guests: The Honourable Lisa Raitt, Minister of Transport of Canada; The Honourable Pauline Marois, Premier of Québec; and Mr. Laurent Blanchard, Mayor of the City of Montréal.

“I also welcome representatives of international organizations and other participants from around the world whose common goal is the safe and orderly development of international civil aviation.

“I believe this Assembly will be viewed as a bridge between a triennium of transformation and a commitment to the sustainability of the global air transport system.

“Since the last Assembly, we have developed, adopted and in some cases begun implementing programmes and policies to address the anticipated doubling of traffic by the year 2030 and beyond.

“The Twelfth Air Navigation Conference endorsed a revised Global Air Navigation Plan that is aligned with a Global Aviation Safety Plan that was also revised. Together, the two Plans will substantially enhance the safety and efficiency of air travel worldwide.

“The High-level Conference on Aviation Security produced a global strategy to further increase security on the ground and in the air. It minimizes the cost implications of security measures for airlines and airports while improving the overall travel experience of passengers.

“For its part, the Sixth Worldwide Air Transport Conference recommended the development of a long-term vision for liberalizing international air transport. This includes the key areas of traffic rights, and air carrier ownership and control. It also paved the way for increased regulatory convergence among States concerning fair competition, taxation and consumer protection.

“On the environmental front, considerable progress was made on global aspirational goals, States’ action plans, sustainable alternative fuels and market-based measures. This leaves no doubt in my mind that we will systematically and progressively reduce our global footprint on the environment.

“All of these results were achieved in a relatively short period of time and are quite remarkable. As important, they set the stage for the long-term sustainability of the global air transport system.

“By sustainability, we mean air transport operations that are first and foremost safe, secure, efficient and environmentally friendly. Operations that also provide stakeholders with acceptable returns on investment; that support competitive economies while promoting balanced regional development; and that position the industry to overcome current and future obstacles that stand in the way of an economically viable air transport system.

“At the heart of sustainability is connectivity - getting passengers and goods to as many destinations as possible, as quickly as possible, in a seamless, integrated and cost-effective manner.

“Achieving optimum connectivity is both complex and challenging.

“We must develop new aircraft and new air navigation technologies for even safer, greener and more efficient operations. Not necessarily larger aircraft, but new types of aircraft that can lead to quantum leaps in productivity and efficiency; aircraft with built-in navigation systems that can significantly increase the number of flight operations in any given airspace.

“We must focus on the convenience of the passenger. The checkpoint-of-the-future concept captures the essence of what we should be aiming for — optimum security and optimum

facilitation, without comprising either one of them. Even now, and more so in the future, information technology can help us achieve both objectives without threatening the privacy of those who travel by air.

“We must bring back into the overall transportation equation the advantages of intermodality. Air travel will certainly remain the preferred mode of transport over long distances. Ensuring a greater degree of interoperability with ground transportation used for shorter distances will inevitably improve the overall efficiency of all forms of transportation.

“Finally, we must seriously address the political and regulatory issues with the greatest potential for progress towards sustainability.

“One of them is multilateralism. Since the signing of the Chicago Convention in 1944, States have entered into reciprocity agreements of an essentially bilateral nature. Yet, we now live in a totally interconnected world. Economic and social issues are truly global in scope and require global solutions. Perhaps the time has come for the aviation community to move resolutely towards multilateralism in regulatory and economic areas.

“This obviously raises the question of national sovereignty. Article 1 of the Chicago Convention enshrines the sovereignty of States over their airspace. In this context, formally adhering to a multilateral forum like ICAO should be viewed as an act of national sovereignty. In the same way, increasing the level and scope of multilateralism should also be viewed as a further expression of national sovereignty, one that benefits both the State and the larger world community.

“The financing of huge infrastructure projects needed to accommodate the growth in passenger and cargo traffic is another key consideration for long-term sustainability. Where States are owners of facilities, private sector involvement in the design, construction and management of air transport infrastructure is a sound proposition. States benefit from modern infrastructure at little or no cost; they can shift spending to more pressing national priorities; and they retain control of facilities.

“Then there is the relationship between regulation and liberalization. There is currently an understandable desire for regulatory reform to address the general disparity and inequality within the air transport value chain. Do we need to revisit deregulation? Perhaps. What is clear, however, is that all stakeholders should benefit from a regulatory and legal framework that encourages stability and prosperity.

“For that, we must question any mindset or outmoded way of thinking that stands in the way of progress. We must consider adapting our regulations to operational, political and economic realities. Because, whether States or industry, we all want and need global solutions, based on dialogue and cooperation.

“The only forum that can deliver globally-harmonized solutions, consistently and efficiently, is ICAO. Since I was first appointed to the Council of ICAO in 1998, I have come to know and respect the professionalism of the ICAO staff and the essential quality of their work. I also know that for ICAO to continue providing leadership and guidance, we need a well-equipped, well-managed and well-funded Organization.

“As you may know, this is my last Assembly as President of the Council. I can truly say that the past seven years have been among the most memorable and rewarding of my aviation career and of my life.

“I wish to thank all of you who have shared your wisdom, friendship and encouragement, so that I might fulfill my responsibilities to the best of my abilities. It has truly been an honour and a privilege.

“I also wish to express my sincere appreciation to all Member States and to the world aviation community for their unfailing support, inspiration and dedication to the cause in which we all believe — a safe, secure and sustainable global air transport system.

“Next year, ICAO will celebrate the 70th anniversary of the signing of the *Convention on International Civil Aviation*. The Convention was an act of faith in the power of dialogue and cooperation among States and industry to ensure the safe and orderly development of air transport around the world.

“That trust has stood the test of time. Air travel today is safer and more efficient than it has ever been because of the spirit of collaboration that has inspired all those who came before us.

“May the same atmosphere of cooperation and understanding permeate this 38th Session of the Assembly as we together shape the future of civil aviation for all those who will come after us.”

Address by Mr. Laurent Blanchard, Mayor of the City of Montréal

2. “I am pleased to warmly welcome you to Montréal, on the occasion of the 38th Session of the Assembly of the International Civil Aviation Organization (ICAO).

“ICAO has been a source of great pride for Montrealers since it was first established in our city over 65 years ago. Consider yourselves, all of you, at home here.

“It is always a true privilege for the mayor of a great metropolis to address representatives of nearly 200 nations at once. I would like to take this opportunity, on behalf of the City of Montréal, to thank the Governments of Canada and Québec for the outstanding role they played in ensuring that ICAO’s Headquarters remains in Montréal. Montréal, a cosmopolitan city with a window on the world, is very honoured to host a United Nations (UN) agency. Very few cities in the world enjoy this honour. The new agreement between Canada and ICAO will enable us to maintain our excellent relationship through 2036, at least. As Mayor of Montréal, I am delighted by this good news. On behalf of all residents, I extend to you all greetings and wish ICAO, its staff and family members a very joyful and productive stay here with us.

“Moreover, I am very pleased to announce to you today that the Board of Directors of the Société de Transport de Montréal has responded favourably to the City of Montréal’s request, by agreeing to make an addition to the Square Victoria metro station’s identification signage. As of now, a reference to ICAO will be included on the signs identifying this metro station, which serves the International Quarter and is located beneath our feet. It will be called ‘Square-Victoria OACI’. This addition, which is highly symbolic, will allow us to highlight the importance of your organization and further consolidate the international nature of Montréal, while making Montrealers and in particular, metro users, more aware of the presence of ICAO and the UN in our city. Even after 65 years, you are a sort of hidden treasure in Montréal, but we are very proud of your presence here.

“Every three years, your Assembly gives you an opportunity to discuss important topics. This principle will certainly apply in the 2013 meeting, since civil aviation, as we all know, is facing some tough challenges. I am certain you will find common and internationally viable solutions to issues of safety, cargo security, economic policies and climate change.

“The civil aviation industry plays a crucial role in ensuring that countries and their cities function smoothly. The civil aviation industry contributes to economic expansion, attracting talent, the development of global networks and the creation of wealth, while also promoting the movement of people and ideas — all vital aspects that contribute to a city’s reputation.

“Montréal, as you know, is certainly the world capital of civil aviation, which places it in a natural position to bring together all of the relevant skills, services, know-how and training.

These are important attributes for the continuation of this economic sector, which has to remain on the cutting edge of technology and research and development.

“In an ever-changing and more urbanized world, cities must compete with each other to attract businesses, investments, international organizations, large-scale events and job creation. The presence under such circumstances of a prestigious organization such as ICAO is vital to maintaining our city’s attractiveness and competitive edge.

“I also wish to underline that Montréal is the only North American city to host the headquarters of over 60 international organizations and almost 90 Consulates and Diplomatic Delegations, so all Montrealers have every reason to feel proud!

“In closing, Mr. President of the Council of ICAO, Mr. Roberto Kobeh González, and Mr. Secretary General, Mr. Raymond Benjamin, I would like to thank you for being exemplary partners in the consolidation of the city’s international reputation. And as you already know, but I repeat once again — you can count on your city, even when it comes to fines!

“I would also like, through you, to thank the more than 500 international civil servants and staff housed in your very large institution. Their very presence and work help to make Montréal a cosmopolitan city and a city of knowledge.

“So bravo to you and thank you, as I wish you fruitful discussions and every success in your work during this 38th Session of the Assembly.

“Have a pleasant stay in Montréal, and I hope that you will also find time to enjoy our city’s many charms.”

3. On behalf of the Delegates and participants of the Assembly, the President of the Council thanked the Mayor of Montréal most sincerely for the hospitality which his city had shown them since their arrival. He also took this opportunity to highlight how much the ongoing support of the Mayor’s administration and the local community was valued in making everyone feel at home during their stay in Montréal.

Address by the Honourable Pauline Marois, Premier of Québec

4. “It is a pleasure for me to take part in the opening of this 38th Session of the Assembly of the International Civil Aviation Organization (ICAO). I welcome all of you to Montréal and to Québec.

“I would like, at the outset, to say how very happy I am that ICAO is staying in Montréal. Québec is proud to have hosted this prestigious international institution since its founding. As Premier, I have another special reason to be happy that ICAO is remaining in Montréal. My government has the firm intention to fight for each job. This is my obsession. You can understand, therefore, how very happy I am that your Headquarters will stay in Montréal and that all of your staff and experts will continue to be a part of our economy.

“More than ever, civil aviation is a nexus bringing together numerous global stakes: the economy, safety, technology, social affairs and the environment. ICAO must address these complex challenges that have come with the growth of civil aviation in nearly all sectors of human activity. The magnitude of these challenges and their major international impact remind us of how necessary ICAO is, and of the essential role that it plays, as well as the important responsibilities that fall to it.

“I would like to pay tribute to the excellent performance of ICAO management and staff and the permanent representations. Your work has helped make civil aviation one of the safest, most orderly and efficient means of transport at a time when the sector is experiencing strong growth.

In this respect, ICAO is the only global forum that is able to bring to the table all of the civil aviation stakeholders: industry, governments and international experts.

“By choosing Montréal, you have opted for a city where all of these stakeholders are on your doorstep. This is a city that has made the aerospace industry the flagship of its economy and a source of pride for all the people of Québec. Montréal is home to an aerospace cluster of some 10 international organizations. It also has 11 world renowned institutions that combine higher learning and advanced research and training. The aerospace industry of Montréal comprises more than 200 enterprises, including a number of major firms, and more than 42,000 workers producing a turnover of \$12.1 billion. Add to that our skilled, multilingual workforce and you have Montréal, a global centre of aerospace excellence. And our industry keeps growing. In this respect, we witnessed last week a major event: the first flight of the Bombardier C-series aircraft.

“On top of this economic strength and the vast capacity for research and innovation, we have an asset which is so typical of Montréal: a spirit of cooperation. Our industry is characterized by openness and a will to cooperate which foster the implementation of promising programmes and initiatives. Already, Montréal International, Aéro Montréal, Aéroports de Montréal, the Chambre de commerce du Montréal métropolitain, Tourisme Montréal and the Palais des congrès are working together with ICAO in one way or another.

“I would like to take this opportunity afforded me to reiterate our desire to strengthen and multiply the bonds between ICAO and Montréal’s aerospace stakeholders, which were its universities, institutions and civil society organizations. On their behalf, I invite you to derive even greater benefit from the extraordinary potential that they have to offer you.

“I would also like to reaffirm that the Government of Québec, my government, stands ready to listen to the Organization and its Member States. This is all the more important to me in that I lead a political group whose main ambition is for Québec to one day become a sovereign State. In our government, you will find the same spirit of cooperation that guides our industry, and the same determination to work for the success of ICAO.

“Montréal has proven itself as a centre of aerospace excellence, but the city is much more than that. Here, you will find a cultural metropolis buzzing with life that thrives on diversity and drives creativity. In Montréal, and in Québec, there is a uniquely rich cultural scene which attracts students, researchers, artists and investors who are charmed by its personality and inspired by its intellectual vitality. Aside from the exciting city life, Montréal also boasts a safe environment with lots of green space and a high, yet affordable, standard of living, which makes it a wonderful destination for families, and all within a one-hour flight from UN Headquarters.

“In settling in Montréal, ICAO has made a wise choice. It has chosen a city with world-renowned aerospace expertise. It has selected one of the most dynamic and inspiring cultural environments on earth. In Montréal, ICAO has found an enduring partner and ally.

“I wish you enriching discussions and every success in carrying out your mission.”

5. The President of the Council thanked the Government and the people of Québec for the generous financial and administrative support and assistance they had provided to ICAO over the years. He noted, in this regard, that the Premier had been personally involved, a few years earlier, in some of the decisions to provide ICAO with facilities and services which continued to enhance the Organization’s ability to serve its Member States and the world aviation community.

***Address by the Honourable Lisa Raitt, Minister of Transport,
representing the Government of Canada***

6. “On behalf of the Government of Canada, I have the great pleasure to welcome you to Montréal, one of the most beautiful cities in the world, and the natural home of this important institution.

“Sixty-nine years ago, in 1944, the International Civil Aviation Organization was founded to promote the safe and orderly development of international civil aviation throughout the world. The founding members, which included Canada, pledged their commitment to the idea that, through the development of civil aviation and the benefits that development would bring, ICAO could be a key driving force to ‘preserve friendship and understanding among the nations and peoples of the world’.

“Anyone who has benefited from aviation has benefited from the global collaboration, the sharing of ideas and the innovations in policy and regulation that take place in this city and in this building, as well as from the industries and businesses who have made their homes in Montréal.

“Friends, we all know that important decisions and deliberations will take place over the next two weeks. For much of ICAO’s history, civil aviation has played an important role supporting the global economy. When the aviation industry suffers, often we also see the same for the global economy.

“Close to seven decades after its founding members came together to build this organization, ICAO continues to carry out its work efficiently and effectively. Because of ICAO, air travel is more safe and more convenient. Because of ICAO, air travel is less vulnerable to terrorism and more secure. And because of ICAO the air industry generates more jobs and more economic benefits for the communities, the regions and the national governments.

“That is why Canada firmly supports a strong, relevant, efficient and effective ICAO. It is why we have such a productive partnership with the Organization. And it is why today, our commitment to this important body is stronger than ever.

“As you all know, since ICAO’s creation as a permanent institution in 1947, Canada, Québec, and the world-class City of Montréal have been so very proud to host this Organization. This year has been a particularly important year for this relationship. As you all know, this past May, due to the excellent teamwork between the Government of Canada, the Province of Québec and the City of Montréal, Canada and ICAO signed a new Supplementary Headquarters Agreement that will keep its Headquarters in Montréal, ICAO’s natural home, for an additional 20 years beyond 2016.

“Further, I am pleased to advise you that Canada has completed the regulatory process to ratify this Agreement. Canada recently contributed \$1.4 million dollars to modernize ICAO conference facilities and we enhanced and expedited the services we and our partners offer ICAO representatives.

“This kind of effort by all three orders of government as Team Montréal, or Équipe Montréal, shows what we as Canadians can do when we put our minds to it.

“Let me just say how very proud we are to work hand-in-hand with ICAO and to be host to this great organization. Beyond the institutional arrangements that benefit ICAO, permanent delegations and staff, Montréal offers an unparalleled quality of life. It also provides access to numerous international organizations, research and educational institutions and businesses that are all located here, as well as a thriving aeronautical industry, much of which has located here because of ICAO’s presence in this city.

“We are very grateful that the international community has recognized the advantages that Montréal offers to ICAO. Canada has also committed to setting up a dedicated liaison function to assist with the settlement and the integration of international delegates, staff and their families.

“The Agenda for this 38th Assembly is ambitious and, in some areas, challenging. ICAO needs to maintain the momentum coming out of the High-Level Conference on Aviation Security, the Air Navigation Conference and the Air Transport Conference. That way, we can all improve standards and recommended practices (SARPs), and provide guidance material on the safety, security, and economic fronts. Canada believes that ICAO must continue to play its crucial role in these areas.

“Aviation as we know it today exists because of innovation, and the world we live in today owes many of its defining characteristics to aviation. Aviation and our global economy and society have evolved in ways that no one could have predicted.

“ICAO’s challenge is to drive innovation in aviation that will meet demands and expectations we can hardly fathom. The challenge is to build on the enduring idea that by coming together as nations, sharing ideas, debating these ideas, and arriving at compromise and consensus, we can ensure aviation maintains its enviable safety record, and grows to benefit all of our citizens.

“Many of the issues on this, the 38th Assembly’s Agenda, are not easy, but innovation rarely is. So I strongly encourage the member nations of ICAO to live up to the founding ideals of aviation in the deliberations ahead. We must all strive to improve the already high standards in safety and security, and to improve the economic viability of our sector in these challenging global economic times.

“Our modern world relies on a safe, secure, and efficient international civil aviation system. This goal motivated the founding members of ICAO and must inspire us today so that civil aviation can continue its important role in the world now and in the future.

“Again, I am very honoured, on behalf of Minister Baird and the Government of Canada, to welcome you all and to salute ICAO as it continues its important work in global aviation. I want to wish you all a very productive Assembly and I hope you enjoy your time here in Montréal.”

7. The President of the Council reiterated that, for close to 70 years, Canada had been a most gracious host of ICAO. Underscoring that that was unique in the history of the United Nations (UN) System, he noted that it had made Canada the envy of many other countries around the world. As had also been mentioned, more recently ICAO and the Government of Canada had together signed a Supplementary Headquarters Agreement which assured the presence of ICAO in Montréal until the year 2036. The President of the Council assured the Honourable Minister of Transport that Canada’s unfailing commitment to ICAO and to its mandate to ensure the safe and orderly development of international civil aviation was very much appreciated.

Pre-recorded video message by Mr. Ban Ki-moon, Secretary-General of the United Nations (UN)

8. The President of the Council noted that although he and the Secretary General had invited the Secretary-General of the United Nations (UN), Mr. Ban Ki-moon, to participate in the opening of the Assembly, he had been unable to do so due to other commitments. Mr. Ban Ki-moon had, however, provided the following pre-recorded video message:

“I am pleased to send greetings to the 38th General Assembly Meeting of the International Civil Aviation Organization.

“Commerce, trade and tourism around the world depend on you to regulate the skies and make them safe for air traffic. And you are central to the climate change and sustainable development agenda.

“The benefits of air travel should be available to all, but they should be provided as efficiently and cleanly as possible. We have to reduce greenhouse gas emissions. Climate change is a threat to economies large and small, to the development and well-being of societies everywhere, and to the health of the planet.

“Momentum is building towards a universal, legally-binding global climate agreement by 2015. Everyone needs to play a part. Next year I will convene a climate summit to engage government, business and civil society leaders to raise the level of ambition and to catalyze action.

“The longer we delay, the greater the costs – to communities, businesses, economies and the planet. But, if we act together, we can rise to the challenge and build a better, more secure world.

“I count on this meeting to explore how the aviation sector can limit carbon emissions and contribute to sustainable development.”

Agenda Item 2: Approval of the Agenda

9. In accordance with Rule 12 of the *Standing Rules of Procedure of the Assembly of the International Civil Aviation Organization* (Doc 7600), the Plenary approved the Agenda reproduced in WP/1 Revision No. 3.

Agenda Item 3: Establishment of Committees and Commissions

10. In accordance with Rules 6 b), 14 and 18 of its Standing Rules of Procedure (Doc 7600), the Assembly agreed to the establishment of the Credentials, Executive and Coordinating Committees, as well as the Technical, Economic, Legal and Administrative Commissions. The Credentials Committee would meet immediately following the First Plenary Meeting.

Agenda Item 4: Reference of subjects to Committees and Commissions

11. The Plenary referred the various items in the Agenda as presented in WP/1 Revision No. 3 to the Executive Committee and the Commissions as follows: Items 10 to 25 to the Executive Committee; Items 26 to 38 to the Technical Commission; Items 39 to 44 to the Economic Commission; Items 45 to 48 to the Legal Commission; and Items 49 to 60 to the Administrative Commission.

Agenda Item 5: Election of Member States to be represented on the Council

Deadline for notification of candidatures for the first and second parts of the Council election

12. The Temporary President announced that election to the Council in the first and second parts would be held on Saturday, 28 September 2013, at 0900 hours. The deadline for notification of candidatures, which were to be submitted in writing to the Secretary General, was set for 1215 hours on Thursday, 26 September 2013. Notifications of candidatures for election to the Council in the third part, which would be receivable only after completion of the election in the first and second parts, were to be submitted to the Secretary General during the forty-eight hour period beginning at the close of the meeting on Saturday, 28 September 2013, and ending at that time

on Monday, 30 September 2013. The election to the Council in the third part would take place on Tuesday, 1 October 2013, at 1400 hours.

Maximum number of Member States to be elected in each part of the Council election

13. As recommended by the Council in WP/2, the Assembly established the maximum number of Member States to be represented on the Council as follows: Part One - eleven States; Part Two – twelve States; and Part Three - thirteen States.

14. The meeting adjourned at 1215 hours.

Minutes of the Second Meeting

(Tuesday, 24 September 2013 at 1500 hours)

SUBJECTS DISCUSSED

1. Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon
 - Approval of oral interim report of the Credentials Committee
2. Agenda Item 6: Election of the President of the Assembly
3. Agenda Item 7: Election of the four Vice-Presidents of the Assembly and Chairpersons of Commissions
4. Agenda Item 8: Statements by delegations of Member States

SUMMARY OF DISCUSSIONS

Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon

Approval of oral interim report of the Credentials Committee

1. The Chairperson of the Credentials Committee, Mr. Ismaeil Mohammed Al Balooshi (United Arab Emirates), presented the oral interim report of the Committee. He noted that the Credentials Committee was composed of members representing the following five Member States nominated that day by the President of the Assembly: the Lao People's Democratic Republic, Nicaragua, Swaziland, Ukraine and the United Arab Emirates. During the Committee's first meeting, which had taken place immediately after the First Plenary Meeting, Mr. Al Balooshi had been elected as the Chairperson on a nomination by the member from Ukraine. With the support of the Secretariat, the Committee had examined the credentials thus far received. Original credentials in the proper form had been received from 165 Member States and 160 Member States had registered. Of the 41 observer delegations registered, 36 had presented original credentials in the proper form.
2. The Committee recommended that the Assembly urge all States and organizations that had not yet presented proper credentials to do so as soon as possible and, for the time being, in view of Rule 7 of the Standing Rules of Procedure of the Assembly (Doc 7600), to permit them to participate in its deliberations, together with the delegations from the Member States having the right to vote.
3. In the absence of comments, the Plenary approved the oral interim report of the Credentials Committee as presented.

Agenda Item 6: Election of the President of the Assembly

4. The Delegate of Indonesia, supported by the Delegates of the United States, Burkina Faso, Colombia, Portugal, Ecuador, Tunisia and Uganda, nominated Ambassador Michel Wachenheim (France) as President of the 38th Session of the Assembly.

5. The nomination was approved by acclamation, whereupon Ambassador Wachenheim was declared elected and was invited to take the chair in the capacity of President.

6. The President thanked the Delegate of Indonesia for proposing his candidature and all Delegates for having supported his nomination and for having thus placed their trust in him. He was very honoured to be elected President and would strive not to disappoint them. Noting that his role was not only to lead the Assembly's discussions and to draw conclusions, but also to facilitate its discussions and draw attention to important aspects, the President then offered some reflections to assist Delegates in their forthcoming deliberations.

7. The President recalled that the role of Delegates, as members of the Assembly, was to set the policy guidelines of the Organization for the next triennium. Much could happen in three years in such a fast-growing and highly-innovative sector as international civil aviation. The Council which Delegates would elect in the coming days would be tasked with implementing their decisions, with the support of the Secretary General and the Secretariat. Delegates could rest assured that no action would be taken that was not in accordance with those decisions. The President encouraged Delegates to be specific, to ensure that their decisions were properly understood, and ambitious, so that they would effectively guide the Council's work.

8. Underscoring that many important events had taken place during the current triennium, the President cited high-level conferences in several fields, namely the High-level Conference on Aviation Security (HLCAS) (Montréal, 12-14 September 2012), the Twelfth Air Navigation Conference (AN-Conf/12) (Montréal, 19-30 November 2012) and the Sixth Worldwide Air Transport Conference (ATConf/6) (Montréal, 17-22 March 2013), as well as countless meetings of panels and working groups. While observing that ICAO had thus been very active, the President queried if the Organization was effective enough. It was not his intention to be provocative in raising that question. Indicating that reference would often be made during the Assembly to ICAO's leadership role, the President stressed that its leadership needed to be expressed in terms of results and high performance in all fields of international civil aviation, whether at the level of carrying out work, the effectiveness of its procedures or the efficient use of its resources, in particular, of the Regular Programme Budget that the Assembly would soon approve. It was necessary for Delegates to ensure that the Organization functioned efficiently and effectively as that was a pre-condition for the proper implementation of their decisions. There were various agenda items that would afford Delegates the opportunity to give the Council instructions on how to progress along those lines. The President cited, as examples, the rationalization of working groups and panels; the coordination of high-level meetings and Assemblies; and the length of draft Assembly Resolutions. Similarly, Delegates could consider giving guidance to the Council regarding cooperation between ICAO and the aviation industry.

9. In recommending that Delegates focus their attention on the fundamental priorities of the aviation sector and ICAO, the President underscored that the number one priority remained technical harmonization to ensure the safety and interoperability of international civil aviation. He further recommended that Delegates be concrete and precise in defining the Organization's safety policy. They must not lose sight of the essential priorities for which ICAO required roadmaps as soon as possible. Noting that the policy to modernize air navigation systems involved a number of important stakes, the President emphasized that while the technical work would probably be completed on schedule, the mobilization of the financial resources required by States and air operators

might prove to be more complicated. He therefore urged Delegates not to overlook the economic aspects of air navigation.

10. The President observed that the security policy that would be presented for consideration was that which had been pronounced at the said HLCAS in 2012. The policy's underlying general philosophy gave priority to the implementation of regulations and the provision of support to States with deficiencies. He did not consider that this agenda item would pose much of a problem.

11. Turning to the environment, the President noted that the reduction of aircraft noise remained a major concern, one which risked burdening the capacity of infrastructure in very urbanized areas. Recalling that there had not been a new noise standard in the last twelve years, he stressed that the envisaged adoption by the Council, in 2014, of a fourth generation of noise standards would be an important step forward which would demonstrate that the aviation sector was effectively fulfilling its environmental protection policy. Observing that the said policy also encompassed the control of CO₂ aviation emissions, the President indicated that that would also be the subject of discussion – a constructive one, it was hoped. His difficult task was to: give Delegates the opportunity to express their positions; take into account all of the work done by the Council; and facilitate an outcome which would be as ambitious and balanced as possible.

12. With regard to air transport policy, including liberalization and consumer protection, the President recalled that one of the main objectives was for passengers and goods to be transported under the best possible conditions. The guidance proposed by ATConf/6 would serve as a basis for the establishment and approval by the Assembly of the Organization's work programme in the air transport field. Highlighting the need to consider the harmonization of certain principles relating to consumer protection and the way in which ICAO should address them, the President underscored that if the Assembly demonstrated the political will to finally address consumer protection as a major issue, then it would certainly be very good news for air transport customers.

13. In concluding, the President expressed the hope that the Assembly would not be judged solely on the basis of the outcome reached regarding one single agenda item. Noting that Delegates had come in large numbers and with diverse competencies in order to make progress on all fronts, he emphasized that he counted on their cooperation and support, for which he thanked them in advance.

Agenda Item 7: Election of the four Vice-Presidents of the Assembly and Chairpersons of Commissions

14. The President invited nominations for the posts of Vice-President and the Delegate of Mexico, supported by the Delegates of the Dominican Republic, Libya, Venezuela (Bolivarian Republic of), Mali, Germany, Tunisia and France, proposed the following:

First Vice-President	Mr. Robert Dick (Canada)
Second Vice-President	The Honourable Jean Bertin Ouedraogo (Burkina Faso)
Third Vice-President	Mr. Valery Okulov (Russian Federation)
Fourth Vice-President	His Highness Prince Turki Bin Faisal AL Saud (Saudi Arabia)

15. The nominations were accepted by acclamation.

16. As proposed by the Delegate of Spain, and supported by the Delegates of Singapore and Mauritania, the Assembly approved by acclamation the following nominations for Chairpersons of Commissions:

Technical Commission	Mr. Azharuddin Abdul Rahman (Malaysia)
Economic Commission	Mr. Marcelo Pacheco Dos Guaranys (Brazil)
Legal Commission	Ms. Marva Gordon (Jamaica)
Administrative Commission	Mr. Pierre Tankam (Cameroon)

Agenda Item 8: Statements by delegations of Member States

17. The remainder of the meeting was devoted to Agenda Item 8 and general statements delivered by the Delegations of: the United States, China, Spain, Lithuania (on behalf of European States), Morocco, Mexico, Malaysia, Argentina, Congo, Finland, Ghana, New Zealand, Senegal and Venezuela (Bolivarian Republic of). A statement was also made by the observer from the European Commission.

18. The meeting adjourned at 1730 hours.

Minutes of the Third Meeting

(Wednesday, 25 September 2013 at 0920 hours)

SUBJECTS DISCUSSED

1. Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon
— Approval of oral report of the Executive Committee on Agenda Item 10
2. Agenda Item 8: Statements by delegations of Member States

SUMMARY OF DISCUSSIONS

Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon

Approval of oral report of the Executive Committee on Agenda Item 10

1. The President, in his capacity as Chairperson of the Executive Committee, presented the Committee's oral report on its examination of WP/43 Revision No. 1 (with Addendum No. 1), which dealt with the financial aspects of the question of contributions in arrears. Addendum No. 1 presented an updated Appendix C to the paper which set forth the arrears of Member States that had their voting rights deemed suspended as at 20 September 2013.
2. The Executive Committee had noted, without comments, the information provided in the paper relating to: the status of contributions in arrears and of Member States that had their voting rights deemed suspended; the impact of delays in receipt of contributions; measures in dealing with contributions in arrears; and the Incentive Scheme for the Settlement of Long-outstanding Arrears.
3. The Executive Committee had also reviewed and endorsed draft Resolution A10/1 (Discharge by Member States of financial obligations to the Organization and action to be taken in case of their failure to do so) contained in Appendix D to the paper, which proposed two changes to Assembly Resolution A37-32: an amendment to Resolving Clause 6, whereby reference to voting powers in the Council would be deleted; and the introduction of a new Resolving Clause 7, according to which the voting power in the Council would be suspended for those Council Member States that had annual assessed contributions, or part thereof, in arrears for longer than 18 months.
4. In the absence of comments, the Plenary approved the oral report of the Executive Committee and, as recommended by the latter, took the action proposed in the executive summary of WP/43 Revision No. 1 and:
 - a) noted the progress made in the collection of long-outstanding arrears; and

- b) adopted draft Resolution A10/1 (Discharge by Member States of financial obligations to the Organization and action to be taken in case of their failure to do so) set forth in Appendix D to WP/43 Revision No. 1.

Agenda Item 8: Statements by delegations of Member States

5. The remainder of the meeting was devoted to general statements under Agenda Item 8 delivered by the Delegations of: Libya, Nigeria, Burkina Faso, Indonesia, Singapore, Cuba, the Dominican Republic, Ethiopia, Japan, the Russian Federation, Colombia, India, South Africa, Portugal, the United Republic of Tanzania, Saint Kitts and Nevis, Saudi Arabia, Uganda and Yemen.

6. The meeting adjourned at 1230 hours.

Minutes of the Fourth Meeting

(Saturday, 28 September 2013 at 0900 hours)

SUBJECTS DISCUSSED

1. Agenda Item 5: Election of Member States to be represented on the Council
 - Parts One and Two of the election
 - Deadline for presentation of candidatures for Part Three of the election
2. Agenda Item 8: Statements by delegations of Member States

SUMMARY OF DISCUSSIONS

Agenda Item 5: Election of Member States to be represented on the Council

Parts One and Two of the election

1. The President announced that the meeting had been called for the purpose of holding the first two parts of the Council election. He drew attention to WP/2, which provided detailed background information regarding the election. Rules 54 through 61 of the Assembly's Standing Rules of Procedure (Doc 7600) describing the procedure under which it would take place were reproduced in Appendix B thereto. The President recalled that, at the 37th Session of the Assembly, Rules 59 and 60 had been amended in order to allow for the use of an electronic voting system for the Council elections, with the understanding that manual votes would remain in place as a fall-back option. The current Assembly had already decided at its First Plenary Meeting that 11 States were to be elected under Part One and 12 States under Part Two. The names of the Member States which had submitted their candidatures under the two parts were set forth in the Secretary General's memorandum of 26 September 2013. Several papers concerning candidatures had been submitted: WPs/103, presented by the African Civil Aviation Commission (AFCAC); /115, presented by Singapore; /175, presented by Venezuela (Bolivarian Republic of); and /330, presented by the Latin American Civil Aviation Commission (LACAC).

2. After a short video presentation by the Secretariat of the electronic voting system, the following 173 Member States that were eligible to vote in Parts One and Two were provided with the materials necessary to participate in the electronic vote:

Afghanistan	Czech Republic	Kyrgyzstan	Russian Federation
Algeria	Democratic People's	Lao People's	Rwanda
Andorra	Republic of Korea	Democratic Republic	Saint Kitts and Nevis
Angola	Democratic Republic	Latvia	Saint Vincent and
Argentina	of the Congo	Lebanon	the Grenadines
Armenia	Denmark	Lesotho	Samoa
Australia	Dominican	Liberia	San Marino
Austria	Republic	Libya	Saudi Arabia
Azerbaijan	Ecuador	Lithuania	Senegal
Bahamas	Egypt	Luxembourg	Serbia
Bahrain	El Salvador	Madagascar	Seychelles
Bangladesh	Equatorial Guinea	Malaysia	Sierra Leone
Barbados	Estonia	Maldives	Singapore
Belarus	Ethiopia	Mali	Slovakia
Belgium	Fiji	Malta	Slovenia
Belize	Finland	Mauritania	Solomon Islands
Benin	France	Mauritius	Somalia
Bhutan	Gabon	Mexico	South Africa
Bolivia (Plurinational	Gambia	Micronesia	Spain
State of)	Georgia	(Federated States of)	Sri Lanka
Bosnia and	Germany	Monaco	Sudan
Herzegovina	Ghana	Mongolia	Swaziland
Botswana	Greece	Montenegro	Sweden
Brazil	Guatemala	Morocco	Switzerland
Brunei Darussalam	Guinea	Mozambique	Thailand
Bulgaria	Guinea-Bissau	Myanmar	The former Yugoslav
Burkina Faso	Guyana	Namibia	Republic of Macedonia
Burundi	Haiti	Nepal	Togo
Cambodia	Honduras	Netherlands	Tonga
Cameroon	Hungary	New Zealand	Trinidad and Tobago
Canada	Iceland	Nicaragua	Tunisia
Cape Verde	India	Niger	Turkey
Central African	Indonesia	Nigeria	Uganda
Republic	Iran (Islamic	Norway	Ukraine
Chad	Republic of)	Oman	United Arab Emirates
Chile	Iraq	Pakistan	United Kingdom
China	Ireland	Panama	United Republic
Colombia	Israel	Paraguay	of Tanzania
Comoros	Italy	Peru	United States
Congo	Jamaica	Philippines	Uruguay
Cook Islands	Japan	Poland	Uzbekistan
Costa Rica	Jordan	Portugal	Vanuatu
Côte d'Ivoire	Kazakhstan	Qatar	Venezuela (Bolivarian
Croatia	Kenya	Republic of Korea	Republic of)
Cuba	Kiribati	Republic of Moldova	Viet Nam
Cyprus	Kuwait	Romania	Yemen
			Zambia
			Zimbabwe

3. At the close of the voting session for Part One, 173 Member States had cast votes electronically. In accordance with Rule 60 of the Assembly's Standing Rules of Procedure (Doc 7600), the minimum number of votes required for election was therefore at least 87. The President announced the results of the electronic vote as follows:

Australia	152 votes
Brazil	160 votes
Canada	141 votes
China	150 votes
France	143 votes
Germany	159 votes
Italy	150 votes
Japan	155 votes
Russian Federation	138 votes
United Kingdom	146 votes
United States	152 votes

and declared elected all 11 States.

4. The Assembly then proceeded to Part Two of the election. At the close of the voting session, 172 Member States had cast votes electronically. The minimum number of votes required for election was thus at least 87.

5. The result of the ballot, announced by the President, was:

Argentina	137 votes
Egypt	156 votes
India	147 votes
Mexico	143 votes
Nigeria	149 votes
Norway	149 votes
Portugal	150 votes
Saudi Arabia	154 votes
Singapore	163 votes
South Africa	154 votes
Spain	145 votes
Venezuela (Bolivarian Republic of)	155 votes

6. The President declared elected the above 12 States.

7. The President congratulated the newly-elected Member States and thanked the Secretariat for assisting in, and facilitating, the conduct of the elections.

Deadline for presentation of candidatures for Part Three of the Council election

8. The President announced that Part Three of the election to the Council would be held at the Fifth Plenary Meeting on Tuesday, 1 October 2013, at 1400 hours. In accordance with Rule 58 of the Assembly's Standing Rules of Procedure (Doc 7600), candidatures for Part Three were to be submitted in writing to the Secretary General by 1020 hours on Monday, 30 September 2013.

Agenda Item 8: Statements by delegations of Member States

9. The remainder of the meeting was devoted to general statements delivered by the Delegations of: the Republic of Korea, Brunei Darussalam, Zambia, Paraguay, Sierra Leone, Nepal, Afghanistan, Iraq, Kenya, Namibia and Egypt.

10. The meeting adjourned at 1210 hours.

Minutes of the Fifth Meeting

(Tuesday, 1 October 2013 at 1400 hours)

SUBJECTS DISCUSSED

1. Agenda Item 5: Election of Member States to be represented on the Council
— Part Three of the election
2. Agenda Item 8: Statements by delegations of Member States

SUMMARY OF DISCUSSIONS

Agenda Item 5: Election of Member States to be represented on the Council

Part Three of the election

1. The President announced that the meeting had been called for the purpose of holding the third part of the Council election. He drew attention to WP/2, which contained detailed background information, and to the following papers proposing candidatures: WPs/103, presented by the African Civil Aviation Commission (AFCAC); /167, presented by Malaysia; /236, presented by Indonesia; /330, presented by the Latin American Civil Aviation Commission (LACAC); and /402, presented by the Rotational Group of North Africa and Maghreb Arab States. The President recalled that the Assembly had already decided at its First Plenary Meeting that 13 States were to be elected under Part Three. Noting, however, from the Secretary General's memorandum of 30 September 2013 that there were 14 States which had submitted their candidatures, he underscored that Member States could vote for any number of candidates up to, but not exceeding, the number of vacancies to be filled, namely 13.

2. A short video presentation of the electronic voting system was then given by the Secretariat, after which the following 176 Member States that were eligible to vote in Part Three were provided with the materials necessary to participate in the electronic vote:

Afghanistan	Côte d'Ivoire	Jamaica	Paraguay
Albania	Croatia	Japan	Peru
Algeria	Cuba	Jordan	Philippines
Andorra	Cyprus	Kazakhstan	Poland
Angola	Czech Republic	Kenya	Portugal
Argentina	Democratic People's Republic of Korea	Kiribati	Qatar
Armenia	Democratic Republic of the Congo	Kuwait	Republic of Korea
Australia	Denmark	Kyrgyzstan	Republic of Moldova
Austria	Dominican Republic	Lao People's Democratic Republic	Romania
Azerbaijan	Ecuador	Latvia	Russian Federation
Bahamas	Egypt	Lebanon	Rwanda
Bahrain	El Salvador	Lesotho	Saint Kitts and Nevis
Bangladesh	Equatorial Guinea	Liberia	Saint Lucia
Barbados	Estonia	Libya	Saint Vincent and the Grenadines
Belarus	Ethiopia	Lithuania	Samoa
Belgium	Fiji	Luxembourg	San Marino
Belize	Finland	Madagascar	Saudi Arabia
Benin	France	Malaysia	Senegal
Bhutan	Gabon	Maldives	Serbia
Bolivia (Plurinational State of)	Gambia	Mali	Seychelles
Bosnia and Herzegovina	Georgia	Malta	Sierra Leone
Botswana	Germany	Mauritania	Singapore
Brazil	Ghana	Mauritius	Slovakia
Brunei Darussalam	Greece	Mexico	Slovenia
Bulgaria	Guatemala	Micronesia (Federated States of)	Solomon Islands
Burkina Faso	Guinea	Monaco	Somalia
Burundi	Guinea-Bissau	Mongolia	South Africa
Cambodia	Guyana	Morocco	South Sudan
Cameroon	Haiti	Mozambique	Spain
Canada	Honduras	Myanmar	Sri Lanka
Cape Verde	Hungary	Namibia	Sudan
Central African Republic	Iceland	Nepal	Swaziland
Chad	India	Netherlands	Sweden
Chile	Indonesia	New Zealand	Switzerland
China	Iran (Islamic Republic of)	Nicaragua	Thailand
Colombia	Iraq	Niger	The former Yugoslav Republic of Macedonia
Comoros	Ireland	Nigeria	Togo
Congo	Israel	Norway	Tonga
Cook Islands	Italy	Oman	Trinidad and Tobago
Costa Rica		Pakistan	Tunisia
		Panama	Turkey

Turkmenistan	United Republic	Vanuatu	Zambia
Uganda	of Tanzania	Venezuela (Bolivarian	Zimbabwe
Ukraine	United States	Republic of)	
United Arab Emirates	Uruguay	Viet Nam	
United Kingdom	Uzbekistan	Yemen	

3. At the close of the voting session for Part Three, 176 Member States had cast votes electronically. Thus in accordance with Rule 60 of the Assembly's Standing Rules of Procedure (Doc 7600), the minimum number of votes required for election was at least 89. The President announced the results of the electronic vote as follows:

Bolivia (Plurinational State of)	131 votes
Burkina Faso	155 votes
Cameroon	149 votes
Chile	140 votes
Dominican Republic	156 votes
Indonesia	97 votes
Kenya	152 votes
Libya	141 votes
Malaysia	128 votes
Nicaragua	137 votes
Poland	147 votes
Republic of Korea	156 votes
United Arab Emirates	158 votes
United Republic of Tanzania	147 votes

and declared elected the following 13 States: Bolivia (Plurinational State of), Burkina Faso, Cameroon, Chile, the Dominican Republic, Kenya, Libya, Malaysia, Nicaragua, Poland, the Republic of Korea, the United Arab Emirates and the United Republic of Tanzania.

4. The President congratulated those Member States which had been elected and expressed appreciation to the Secretariat for its assistance in conducting the election.

Agenda Item 8: Statements by delegations of Member States

5. The Second Vice-President of the Assembly, the Honourable Jean Bertin Ouedraogo (Burkina Faso), presided over the remainder of the meeting, which was devoted to general statements delivered by the Delegations of: Cape Verde, Saint Vincent and the Grenadines, Sudan, Sri Lanka, Turkey, Zimbabwe, Mauritania and Togo.

6. The meeting adjourned at 1635 hours.

Minutes of the Sixth Meeting

(Friday, 4 October 2013 at 0900 hours)

SUBJECTS DISCUSSED

1. Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon
 - Approval of Reports from the Economic Commission on the General Section and Agenda Items 39 to 44
 - Approval of Report from the Legal Commission on the General Section and Agenda Items 45 to 48
 - Approval of Report from the Administrative Commission on the General Section and Agenda Items 49 to 60
 - Approval of Reports from the Technical Commission on the General Section and Agenda Items 26 to 38
 - Approval of Reports from the Executive Committee on the General Section; Agenda Items 11, 18 and 19; Agenda Items 12 to 16; Agenda Items 20 to 25; and Agenda Item 17
 - Approval of the Final Report of the Credentials Committee
2. Delegation of authority for approval of minutes
3. Vote of Thanks

SUMMARY OF DISCUSSIONS

Agenda Item 9: Reports by Committees and Commissions of the Assembly and action thereon

Approval of Reports from the Economic Commission on the General Section and Agenda Items 39 to 44

1. The First Vice-Chairperson of the Economic Commission, Col. Dokisime Gnama Latta (Togo), on behalf of the Chairperson, Mr. Marcelo Pacheco dos Guaranys (Brazil), presented three Reports by the Commission (WPs/407, /409 and /408) for the Plenary's approval.
2. Referring to the Report on Agenda Item 40: *Economic development of air transport — Policy* (WP/409), the Delegate of Colombia proposed that Resolution 40/1 (*Consolidated statement of continuing ICAO policies in the air transport field*), Appendix C, Resolving Clause 1, be amended by deleting the words “, as necessary,”. The Delegate of Cuba supported this suggestion.

3. Subject to the above amendment, the President declared the following Reports of the Economic Commission approved and Resolution as indicated adopted:

- WP/407 — General Section
- *Agenda Item 39: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012*
- WP/409 — *Agenda Item 40: Economic development of air transport — Policy (Resolution 40/1, as amended)*
- WP/408 — *Agenda Item 41: Economic regulation of international air transport*
- *Agenda Item 42: Economics of airports and air navigation services*
- *Agenda Item 43: Aviation data— Monitoring and analysis*
- *Agenda Item 44: Other issues to be considered by the Economic Commission*

4. The President thanked the Chairperson of the Economic Commission, the First and Second Vice-Chairpersons, Col. Latta (Togo) and Mr. Chandrasena Nimalsiri (Sri Lanka), respectively, and the Members of the Commission for their excellent work.

Approval of Report from the Legal Commission on the General Section and Agenda Items 45 to 48

5. The Chairperson of the Legal Commission, Ms. Marva Gordon (Jamaica), presented the Commission's Report (WP/404) for approval by the Plenary.

6. In the absence of comments, the President declared the following Report of the Legal Commission approved and Resolutions as indicated adopted:

- WP/404 — General Section
- *Agenda Item 45: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012*
- *Agenda Item 46: Acts or offences of concern to the international aviation community and not covered by existing air law instruments (Resolution 46/1)*
- *Agenda Item 47: Work Programme of the Organization in the legal field (Resolution 47/1)*
- *Agenda Item 48: Other issues to be considered by the Legal Commission*

7. The President expressed appreciation for the excellent work done by the Chairperson of the Legal Commission, the First and Second Vice-Chairpersons, Mr. Suleiman Eid (Lebanon) and Ms. Hilma Hitula (Namibia), respectively, and the Members of the Commission.

Approval of Report from the Administrative Commission on the General Section and Agenda Items 49 to 60

8. The Chairperson of the Administrative Commission, Mr. Pierre Tankam (Cameroon), presented the Commission's Report (WP/406) for approval by the Plenary. He placed on record his appreciation for the cooperation extended to him by all Members of the Commission in conducting their business in an efficient and effective manner.

9. In the absence of comments, the President declared the following Report of the Administrative Commission approved and Resolutions as indicated adopted:

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| WP/406 | <ul style="list-style-type: none"> — General Section — Agenda Item 49: <i>Annual Reports of the Council to the Assembly for 2010, 2011 and 2012</i> — Agenda Item 50: <i>Budgets for 2014, 2015 and 2016</i>
(Resolution 50/1) — Agenda Item 51: <i>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</i>
(Resolution 51/1) — Agenda Item 52: <i>Arrears of contributions of the former Socialist Federal Republic of Yugoslavia</i> — Agenda Item 53: <i>Contributions in arrears</i>
(Resolution 10/1 and Resolution 53/1) — Agenda Item 54: <i>Assessments to the General Fund for 2014, 2015 and 2016</i>
(Resolution 54/1) — Agenda Item 55: <i>Report on the Working Capital Fund</i>
(Resolution 55/1) — Agenda Item 56: <i>Disposition of cash surplus/deficit</i> — Agenda Item 57: <i>Amendment of the Financial Regulations</i>
(Resolution 57/1) |
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- Agenda Item 58: *Review of expenditures, approval of accounts and examination of Audit Reports for the financial years 2010, 2011 and 2012*
(Resolution 58/1)
- Agenda Item 59: *Appointment of External Auditor*
(Resolution 59/1)
- Agenda Item 60: *Other issues to be considered by the Administrative Commission*

10. The President congratulated the Chairperson of the Administrative Commission, the First and Second Vice-Chairpersons, Mr. Sanjiv Gautam (Nepal) and Dr. Maria Elizabeth García Ruíz (Ecuador), respectively, and the Members of the Commission on their excellent work.

Approval of Reports from the Technical Commission on the General Section and Agenda Items 26 to 38

11. The Chairperson of the Technical Commission, Mr. Azharuddin Abdul Rahman (Malaysia), presented four Reports (WPs/410 to /413) for approval by the Plenary.

12. Referring to the Report on Agenda Item 34: *Air navigation — Monitoring and analysis* (WP/412), the Delegate of Argentina, acting on the instructions of his Government, pronounced the following statement: “Given the existence of a dispute between Argentina and the United Kingdom about the sovereignty of the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, recognized by the United Nations, the Argentinian Delegation reaffirms the validity of the *Joint Declaration* of the Governments of the Republic of Argentina and the United Kingdom of Great Britain and Northern Ireland of 25 September 1991, under the sovereignty formula contained in point 2 of the *Joint Declaration* of the Governments of 19 October 1989 and the *Operational Letter of Agreement between the Comodoro Rivadavia Area Control Centre and the Air Traffic Services Unit at Monte Agradable Airport, Falkland Islands*.”

13. Drawing attention to the Report on Agenda Item 27: *Aviation safety — Policy* (WP/410), the Delegate of Australia proposed the following amendments: that Resolving Clause 2 of Resolution 27/1 be amended by replacing the words “Annex 19” with the words “other Annexes as appropriate” to ensure that no relevant Annex provisions were inadvertently excluded from the Resolution; and that Resolving Clause 3 of Resolution 27/2 be amended by adding, after the words “Annex 19”, the words “other Annexes as appropriate”, for the same reason, and that the words “provisions in” be deleted so that reference would only be to “ICAO Standards and Recommended Practices”, in line with the technical vernacular. The Delegate of Spain voiced support for these amendments.

14. Speaking on behalf of the Member States of the European Union (EU), the European Civil Aviation Conference (ECAC) and the European Organisation for the Safety of Air Navigation (EUROCONTROL), the Delegate of the United Kingdom requested that, as previously agreed by the Technical Commission, the first sentence of paragraph 32.1 of the Report on Agenda Item 32: *Air navigation — Policy* (WP/411) be restructured to read as follows: “Under this agenda item, the Commission acknowledged the need to endorse the Global Air Navigation Plan (GANP) and the Aviation System Block Upgrades (ASBUs) as an integral part of it, while also considering proposals to strengthen the GANP by: ...”. The Delegate of Spain endorsed this proposed revision.

15. Referring to the Report on Agenda Item 34: *Air navigation — Monitoring and analysis* (WP/412), in particular, to Resolution 34/2 (*Support of the ICAO Policy on radio frequency spectrum matters*), the Delegate of India stressed that the pricing policy for radio frequency spectrum for the air navigation services functions should ensure the economic viability of air navigation services. His suggestion that this be reflected in the penultimate paragraph of the said Report was not agreed to as the issue had not been discussed in the Technical Commission.

16. The Representative of Bangladesh voiced support for the Technical Commission's Reports and the Chairperson's introductory comments, in particular, the emphasis placed on the need to provide assistance to regional groups such as Regional Aviation Safety Groups (RASGs) and Regional Safety Oversight Organizations (RSOs) so that they could effectively implement the recommended actions. He highlighted, in the context, the need to provide the said groups with training in view of the priority accorded to aviation safety.

17. In making a general comment on the various Technical Commission reports, the Delegate of the Russian Federation noted that in several instances it was indicated that the Council should consider the proposals for future action taking into account their budgetary implications. In agreeing with that approach, he emphasized that it was the responsibility of the Council, with the support of the Secretariat, to establish the priorities for implementing those proposals so as to meet, to the maximum extent possible, the needs of ICAO Member States.

18. Endorsing this statement, the Delegate of France underscored that it was the Council's role to find the best way in which to achieve the objectives set by Member States at the Assembly and to define the Organization's work programme, and corresponding priorities, for the next triennium in consultation with all stakeholders, in accordance with existing procedures, and within the framework of the approved budget for 2014-2015-2016.

19. Sharing the views expressed by the Delegates of the Russian Federation and France, the Delegate of Australia underscored that the fact that only some future actions were to be considered taking into account budgetary implications suggested a prioritization of proposed actions. It was his understanding, however, that the Technical Commission had not discussed the latter's relative priority. In therefore recommending the removal from the Reports of any references to the Council taking budgetary implications into account when considering the Technical Commission's various proposals, the Delegate of Australia emphasized that it would enable the Council to address the important issue of prioritization.

20. Supporting this recommendation, the Delegate of Spain agreed with previous speakers that the Council should have the opportunity to review all of the proposed actions and set the corresponding priorities.

21. Observing that the comments made by the Representative of the Russian Federation had been supported by a number of Delegates, the President of the Assembly underscored that the availability of funds should not be mentioned in the said Reports as if it were a precondition for performing the work requested by the Assembly. It was for the Council to eventually establish priorities, if needed by the Secretariat. As in every organization, the Budget was managed within the Secretariat, by the Secretary General, on the basis of those priorities. It was unnecessary to recall that every time a decision was taken. Thus all references to taking into account budgetary implications when considering the proposed future actions should be deleted from the said Technical Commission's Reports.

22. Subject to the amendments recorded in paragraphs 13, 14 and 21, the President declared the following Reports of the Technical Commission approved and Resolutions as indicated adopted:

- WP/410 — General Section
- Agenda Item 26: *Annual Reports of the Council to the Assembly for 2010, 2011 and 2012*
- Agenda Item 27: *Aviation safety – Policy*
(Resolutions 27/1 and 27/2, as amended)
- Agenda Item 28: *Aviation safety – Standardization*
- Agenda Item 29: *Aviation safety – Monitoring and analysis*
- WP/411 — Agenda Item 30: *Aviation safety – Implementation support*
(Resolutions 30/1 and 30/2)
- Agenda Item 31: *Aviation safety – Emerging issues*
(Resolutions 31/1 and 31/2)
- Agenda Item 32: *Air navigation – Policy*
- Agenda Item 33: *Air navigation – Standardization*
- WP/412 — Agenda Item 34: *Air navigation – Monitoring and analysis*
(Resolutions 34/1, 34/2 and 34/3)
- WP/413 — Agenda Item 35: *Air navigation – Implementation support*
- Agenda Item 36: *Air navigation – Emerging issues*
- Agenda Item 37: *Progress on implementation of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan)*
(Resolution 37/1)
- Agenda Item 38: *Other issues to be considered by the Technical Commission*

23. The President thanked the Chairperson of the Technical Commission, the First and Second Vice-Chairpersons, Mr. Piotr Pawel Olowski (Poland) and Gral. Div. Ae. Luis Coimbra Busch [Bolivia (Plurinational State of)], respectively, and the Members of the Commission for their excellent work.

Approval of Reports from the Executive Committee on the General Section; Agenda Items 11, 18 and 19; Agenda Items 12 to 16; Agenda Items 20 to 25; and Agenda Item 17

24. The President, speaking as the Chairperson of the Executive Committee, presented a series of thirteen Reports (WPs/414 to /423 Revised, /429, /430 and /431) for approval by the Plenary.

25. Referring to the Report on Agenda Item 25: *Other high-level policy issues to be considered by the Executive Committee* (WP/419), the Delegate of Venezuela (Bolivarian Republic of) proposed the deletion of Resolving Clause 11 of Resolution 25/2 [*Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences*], whereby the Assembly “Encourages Contracting States, when notifying their differences in one of the ICAO working languages other than English, to provide also an English text of their differences in the interest of making differences information as broadly available and useful as possible;”. This proposal was in line with WP/260 presented by her State which urged the development of guidance material and training initiatives for the identification and notification of differences. The Delegate of Venezuela (Bolivarian Republic of) recalled that no objection had been raised during the Executive Committee’s consideration of that paper. In particular, no Delegate had questioned the validity of paragraph 2.8 thereof, which emphasized that “It is important that notifications of differences through EFOD [the Electronic Filing of Differences system] be possible in all ICAO official languages.”.

26. While recognizing the importance of the Secretariat’s work and the large number of differences notified under the EFOD system, the Delegate of Venezuela (Bolivarian Republic of) highlighted States’ constraints in meeting their responsibilities under Article 38 (*Departures from international standards and procedures*) of the Chicago Convention. She underscored that her proposal was not intended to undermine the Language and Publications Branch (LPB), which had a high volume of work, especially during the Assembly. While aware of the requirement, under Annex 15 (*Aeronautical Information Services*), for States to publish any significant differences in their Aeronautical Information Publication (AIP) and include English text for those parts expressed in plain language, the Delegate of Venezuela (Bolivarian Republic of) emphasized that it was not mandatory for States to file their differences in English. In highlighting the importance of respecting the principle of multilingualism, she stressed that Resolving Clause 11 of Resolution 25/2 should be deleted to avoid confusion, errors and misinterpretation and to thus enhance the efficiency of the notification of differences. The Delegates of Colombia, Cuba, China, Guinea and Ecuador supported this proposal.

27. Recalling that this issue had been discussed at great length in the Council (199/5), the Delegate of the Russian Federation noted that it had been decided that, notwithstanding the language in which differences were notified, it was necessary to have at least an English translation so that the differences information could be made known to all interested stakeholders. It should be made clear in Resolving Clause 11 that there was such a decision by the Council.

28. In assuring Delegates that Resolving Clause 11 did not impose any obligation upon States to notify their differences in English, the President of the Assembly underscored that it only encouraged States to also provide an English text of their differences. Nevertheless, Resolving Clause 11 would be deleted from Resolution 25/2 in light of the views expressed.

29. Attention then turned to the Report on Agenda Item 17: *Environmental protection* and Resolution 17/2 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*), set forth in WP/430.

30. Speaking on behalf of his Government, the Delegate of Mexico voiced satisfaction that a text of Resolution 17/2 had been achieved that would enable the climate change-related work of the Organization and its Member States to continue to move forward. He expressed gratitude for the just manner in which the President of the Assembly, as Chairperson of the Executive Committee, had led the discussions to take into account the majority of Delegates’ concerns. The Delegate of Mexico nonetheless reiterated (EX/11) his State’s concern regarding the inclusion in guiding principle p) of the Annex to Resolution 17/2 of principles contained in other United Nations instruments. Mexico favoured referring to the principle of non-discrimination and equal and fair opportunities at the

beginning of guiding principle p) rather than at the end as it was one of the pillars of the Organization and was enshrined in Article 44 (*Objectives*) of the Chicago Convention.

31. The Delegate of Libya supported all of the amendments to Resolution 17/2 proposed during the Executive Committee's consideration of the latter, as well as the compromise that had been reached after so much work in ICAO and which had crowned the Assembly with success. He emphasized that his State, which had recently been elected to the ICAO Council, would actively participate in the Organization's work to ensure a high level of safety and security for international civil aviation.

32. The Delegates of the United States, the Russian Federation, Brazil [on behalf of Brazil, Argentina, Cuba and Venezuela (Bolivarian Republic of)], Lithuania [on behalf of the Member States of the European Union (EU) and the European Civil Aviation Conference (ECAC)], Japan, China, New Zealand, India, Singapore, Afghanistan, Australia, Saudi Arabia, Bahrain, Canada, the Republic of Korea, the United Arab Emirates, Qatar and Iran (Islamic Republic of) expressed reservations regarding certain provisions of Resolution 17/2. Many of these reservations were later confirmed in writing as requested by the President of the Assembly. The reservation made by the Delegate of Iran (Islamic Republic of) was withdrawn by an e-mail dated 4 October 2013 to the Secretary General. In addition, a reservation by Nicaragua to paragraph 7 of Resolution 17/2 was subsequently communicated to the Secretary General by a letter dated 14 November 2013. The texts of the various reservations are given below and are also posted on the website for the 38th Session of the Assembly under Documentation, Resolutions.

33. The Delegate of the United States expressed the following reservation regarding paragraph 16 b) of Resolution 17/2 and guiding principle p) of the Annex thereto:

“In the United States, we have made addressing environmental challenges, including climate change, one of the critical goals in the modernization of our national airspace system, and we have pioneered progress — in concert with industry — in the development and deployment of sustainable alternative fuels.

“We are also committed to developing a global approach to address climate change.

“During the last three years, the United States and others have taken important steps consistent with the 37th ICAO Assembly Resolution on Climate Change. In large part, the 38th ICAO Assembly Resolution on Climate Change reflects the progress that we have made and moves us forward on a comprehensive approach to addressing the impacts of aviation on climate change. The United States is supportive of the resolution provisions on technology standards, operational improvements, and sustainable alternative jet fuels.

“We also support moving forward on work to develop a global market-based measure for international aviation. A global market-based measure would serve to complement the many other efforts that ICAO and its Member States are undertaking to reduce aviation emissions. We look forward to working diligently on this task over the next three years.

“Despite support for the global approach and work on the global market-based measure, we do have concerns related to some provisions of this resolution. We are reserving on paragraph 16 (b) and guiding principle (p) in the Annex.

“Reservation on Paragraph 16 (b)

“With respect to paragraph 16 (b), while the United States supports the concept of ‘*de minimis*’ thresholds in principle, we do not believe that 1% is an appropriate threshold, that the threshold should be based on the aviation activities of States as opposed to operators, or that accommodations should depend upon whether routes are to or from developing States. These criteria amount to an inappropriate means of addressing the *de minimis* concept, particularly in light of

ICAO's principle of non-discrimination and commitment to the avoidance of market distortion. If applied, this *de minimis* threshold would have the effect of excluding the vast majority of the world's countries from participation in an MBM. Further, and consistent with the language of the provision, the United States sees such a threshold as having no bearing on the development of a global MBM. The United States reserves to Paragraph 16 (b).

“Reservation on Guiding Principle (p)

“The United States objects to the inclusion of guiding principle (p) in the Annex. For reasons that are well known, the United States does not consider that the principles of the United Nations Framework Convention on Climate Change, including the principle of ‘common but differentiated responsibilities and respective capabilities’, apply to ICAO, which is governed by its own legal regime. Accordingly, the United States reserves to guiding principle (p) in the Annex to this resolution.”

34. The Delegate of the Russian Federation expressed a reservation regarding paragraph 7 of Resolution 17/2 in the following statement:

“The Delegation of the Russian Federation would like to express sincere gratitude to all the Delegations who put forth great effort, demonstrated wisdom, and worked in a spirit of cooperation and mutual understanding to reach an agreement about one of the most difficult issues.

“The new text of the Consolidated Statement is, without question, a compromise, without which it would be impossible to move forward.

“Not all provisions of the amended resolution fully satisfy the interests of the Russian Federation. But we understand that if interests of other States were not considered, all of our efforts would be in vain.

“Actually, Item 7 of the Consolidated Statement's permanent part is the only item about which the Delegation of the Russian Federation would like to express a reservation.

“In Working Paper A38-WP/250, the Delegation of the Russian Federation drew the Assembly's attention to the fact that a goal of carbon neutrality post-2020 is not realistic for the international civil aviation sector. This goal is precisely what predetermines the need for market measures. In turn, market measures reduce the potential of the sector to actually lower GHG emissions and will also have a negative impact on overall flight safety indicators, due to slower rates of technological development in the sector.

“In this connection, the Delegation of the Russian Federation would like, once again, to appeal to the Assembly and urge them to ask the Council of ICAO to revisit the global desired goals of ICAO, such that they may contribute to achieving the primary goals: to truly reduce emissions in the international civil aviation sector, to improve flight safety, to see sustainable development in international civil aviation, and to strengthen cooperation, friendship, and mutual understanding among nations and peoples.”

35. The Delegate of Brazil, speaking on behalf of Brazil, Argentina, Cuba and Venezuela (Bolivarian Republic of), indicated that they were glad that ICAO Member States, in a real effort to find compromise, had been able to reach an agreement on climate change. They believed that these initiatives would foster mutual understanding among Member States. Brazil, Argentina, Cuba and Venezuela (Bolivarian Republic of) understood, on the other hand, that the common global aspirational goals still needed reassessment and further analysis, so as to reflect the different stages of development of ICAO's Member States. This was a matter of utmost importance, when faced with the current and future growth perspectives of the international civil aviation sector. They therefore jointly presented a reservation to paragraph 7 of Resolution 17/2.

36. The Delegate of Lithuania, on behalf of the 28 Member States of the European Union (EU) and 14 other Member States of the European Civil Aviation Conference (ECAC¹), expressed the following reservation regarding paragraphs 7 and 16 of Resolution 17/2 and guiding principle p) of its Annex:

“The 28 Member States of the European Union, and 14 other Member States of ECAC (listed in footnote 1), support a comprehensive approach to reducing aviation emissions, encompassing progress on technology and Standards, operational measures, and market-based measures, which is shared at the level of ICAO as was confirmed by the adoption of the Assembly Resolution A38-18 [formerly Resolution 17/2]. We therefore strongly welcome the Assembly’s decision to develop a global MBM scheme for international aviation for implementation from 2020, as part of this comprehensive approach. We look forward to contributing to the ambitious schedule of work on the design of the global MBM for decision by the 39th Session of the Assembly.

“Whilst welcoming Assembly Resolution A38-18 [formerly Resolution 17/2] as a significant step forward in ICAO’s efforts to comprehensively address the climate change impacts of international civil aviation, Lithuania, on behalf of the 28 Member States of the European Union, and 14 other Member States of ECAC, submits this statement in order to clarify our position in relation to the following paragraphs of the Resolution:

“Level of ambition and global aspirational goals (Paragraph 7.)

“The 28 Member States of the European Union, and 14 other Member States of ECAC, believe that the collective ‘aspirational’ goal formulated to apply from 2020 is insufficiently ambitious. By 2020, global international aviation emissions are projected to be around 70% higher than 2005 levels, even with the 2% per year fuel efficiency improvement foreseen in the Resolution.

“Accordingly, the European Union has consistently advocated that the global reduction target for greenhouse gas emissions from international aviation should be a 10% reduction by 2020 compared to 2005 levels.

Action up to 2020 (Paragraph 16.)

“The 2010 ICAO Resolution A37-19 recognised that States can take more ambitious actions prior to 2020 and implement existing market-based measures. This was welcomed by the 27 Member States of the European Union, and the other 17 Member States of ECAC. We consider that market-based measures are one of the most effective tools for addressing the climate impact of aviation. Europe is resolved to continue a comprehensive approach to reducing aviation emissions and contribute to addressing climate change, including through market-based measures.

“No legal requirement for ‘mutual agreement’ (Paragraph 16. a)

“The Chicago Convention recognises expressly the right of each Contracting State to apply on a non-discriminatory basis its laws and regulations to the aircraft of all States.

“The 28 Member States of the European Union, and 14 other Member States of ECAC, although they are committed to multilateral action to address the effects of aviation emissions, would like to recall that Assembly resolutions may not diminish these rights or add to the obligations of ICAO Contracting States.

¹ Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, the Republic of Moldova, Monaco, Montenegro, Norway, San Marino, Serbia, Switzerland, and The former Yugoslav Republic of Macedonia

“De minimis provisions (Paragraph 16. b)

“Depending on the interpretation of paragraph 16. b), *de minimis* provisions of the sort envisaged in that paragraph could potentially exempt routes to and from many States from the scope of all market-based measures everywhere in the world.

“Moreover, paragraph 16. b) of Resolution A38-18 should in no way be considered to be a precedent for the global MBM.

“Common but differentiated responsibilities and respective capabilities [Annex on the guiding principles for the design and implementation of market-based measures (MBMs) for international aviation – paragraph (p)]

“The 28 Member States of the European Union, and 14 other Member States of ECAC, disagree with the listing of common but differentiated responsibilities and respective capabilities from the UNFCCC among the guiding principles for market-based measures.

“The guiding principles were originally intended to guide States in the design of regional and national measures. A State lacking capability to implement national measures would not apply these principles in the first place.

“The UNFCCC principle applies to actions by States. In taking regional action, it would result in market distortions and discrimination among operators if there were to be differing treatment between operators on the basis of their nationality for activities to and from airports in Europe. As such, this would be in contradiction with the principles enshrined in the Chicago Convention and which govern ICAO's work. Many carriers based in less developed countries are in fact among the largest, the most advanced and the most profitable in the world.

“The 28 Member States of the European Union and 14 other Member States of ECAC do remain committed to assisting those States that are in need of it with the improvement of the sustainability of their aviation sector.

“Accordingly Lithuania, on behalf of the Member States of the European Union (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom) and 14 other Member States of the European Civil Aviation Conference (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, the Republic of Moldova, Monaco, Montenegro, Norway, San Marino, Serbia, Switzerland, and The former Yugoslav Republic of Macedonia), hereby enters a formal reservation with respect to paragraphs 7, 16 a) and 16 b) of Resolution A38-18 [formerly Resolution 17/2], as well as of principle p) of its Annex, and requests that this statement be formally recorded.”

37. The Delegate of Japan congratulated the President of the Assembly and other Delegates on the progress made and the work done at the 38th Session of the Assembly to demonstrate the leadership of ICAO on the climate change issue. His State nevertheless made a reservation on paragraph 16 b) of Resolution 17/2 and guiding principle p) of the Annex thereto.

38. The Delegate of China expressed a reservation regarding paragraph 7 of Resolution 17/2 in the statement given below:

“During this session of the Assembly, under the guidance of the President, all parties present have made their best efforts and reached a fairly balanced and positive outcome on international aviation and climate change, and have demonstrated to the international community the sincerity and vigorous efforts by civil aviation in addressing climate change. ICAO has demonstrated its leadership role in dealing with the issue of international aviation and climate change.

“In the past few days, the Chinese Delegation, in the spirit of consultation and cooperation, and with a positive and constructive attitude, has been involved in consultations with the parties concerned, in an effort to facilitate the development by the Assembly of a balanced resolution text not only reflecting the key concerns of the developing countries, but also accommodating the concerns of all the parties. In order to make the text of the President reflect the key concerns of the developing countries in a balanced manner, twelve States, including China, have presented papers proposing amendments to paragraphs on market-based measures (MBMs), the global MBM scheme, the goal of carbon neutral growth from 2020, and guiding principles in the Annex, and have helped the Executive Committee and the Assembly adopt the Consolidated Statement of Continuing ICAO Policies and Practices related to Environmental Protection — Climate Change.

“As the theme of this session of the Assembly is ‘Uniting Aviation’, the Chinese Delegation would hereby call upon all the members in the ICAO family to take a forward-looking approach, cherish and keep the tradition of consensus in dealing with matters of this Organization in the spirit of unity.

“With regard to paragraph 7 of Resolution 17/2, the Chinese Delegation is of the view that since international aviation of developing countries is still at the stage of development, the adoption of the goal of carbon neutral growth from 2020 without differentiated responsibilities will impede the future development of international aviation of developing countries. The Chinese Delegation would like to reiterate that we support the establishment of goals for reducing emissions from international aviation. However, it must be specified that the developed countries should take the lead in taking reduction measures in order to offset the growth of emissions from international aviation of developing countries.

“Therefore, the Chinese Delegation hereby puts forward its official reservation to operating clause [paragraph] 7 of Resolution 17/2: Consolidated Statement of Continuing ICAO Policies and Practices related to Environmental Protection — Climate change, and requests that this statement be officially incorporated into the report of the 38th Session of ICAO Assembly.”.

39. The Delegate of New Zealand voiced her State’s support for the moves towards a global MBM scheme. During the discussions, her Delegation had, on several occasions, expressed New Zealand’s concerns about the application of the concept of common but differentiated responsibilities (CBDR) in this forum, and had also raised questions about the application of the *de minimis* provision. Therefore, it wished to express New Zealand’s reservations with regard to paragraph 16 b) of Resolution 17/2 and guiding principle p) of the Annex thereto.

40. The Delegate of India extended his gratitude to the President of the Assembly for the adoption by the Assembly of the concept of mutual consent and multilateralism and the inclusion of CBDR in the guiding principles for the design and implementation of MBMs for international aviation set forth in the Annex to Resolution 17/2. He also expressed pleasure that it had been recognized that a global MBM scheme must first go through the test of feasibility and practicability which had been established. Like China, India expressed a reservation on paragraph 7 of Resolution 17/2. India had also done that in 2010, regarding paragraph 6 of Resolution A37-19. His State continued to do so in this Assembly because basically it had a problem with the third and fourth lines of paragraph 7 of Resolution 17/2. India continued to reserve on that.

41. The Delegate of Singapore made the following statement of reservation regarding paragraph 16 of Resolution 17/2:

“Singapore supports the 38th ICAO Assembly Resolution A38-17/2 save for one paragraph. We had supported Paragraph 16 during the vote at the Executive Committee meeting [EX/9] only to the extent that it would be a draft for further improvement. In view that there was no opportunity subsequently at the Assembly for improvements to be made to Paragraph 16, we are

placing a reservation on it. The concern is that it may be construed to allow different application of national or regional market-based measures on different States and their air operators, based on the outcome of bilateral or multilateral consultations and negotiations, thus leading to an unlevel playing field. Our reservation is also on the basis that market-based measures under Paragraph 16 should not lead to significant market distortion. Our position is that such measures should be applied equally, fairly and indiscriminately on all relevant air operators.”

42. The Delegate of Afghanistan made a reservation on paragraph 16 b) of Resolution 17/2 for the reasons cited by the Delegate of Singapore.

43. The Delegate of Australia expressed a reservation with regard to Preambular paragraph 10, paragraphs 6, 7, 16 b), 20 and 21 of Resolution 17/2 and guiding principle p) of the Annex thereto:

“Australia does not accept paragraph 16 (b) of Resolution 38/17/2 by the 38th Assembly on 3 [4] October 2013.

“Paragraph 16 (b) of Resolution 38/17/2 resolves that any route to or from a developing State whose international civil aviation activities is below the threshold of 1 per cent of total revenue tonne kilometres of international civil aviation activities would be exempt from any market-based measure ahead of implementation of the global scheme.

“Following the 37th Assembly, the ICAO Secretariat analysis confirmed the distortionary market impacts which would be caused by the application of this approach to *de minimis* exemptions from market-based measures. The application of the considerable *de minimis* threshold in this Resolution will potentially exempt carriers on routes from major aviation States resulting in substantial market distortion and carbon leakage.

“Further, Australia does not accept Preambular paragraph 10 and proposed principle (p) in the Annex to Resolution 38/17/2 where these provisions import the United Nations Framework Convention on Climate Change (UNFCCC) principle of common but differentiated responsibilities and respective capabilities into the ICAO context. This undermines the longstanding ICAO principles of non-discrimination and fair and equal treatment, and may lead to confusing and/or discriminatory outcomes. ICAO has been able to accommodate any special arrangements needed for the less advanced countries or operators through the consideration of special circumstances and respective capabilities.

“Further, Australia does not accept any understanding of the principle of special circumstances and respective capabilities based on differentiation between countries based on their status as developed or developing. Any such distinction would also undermine the longstanding ICAO principles of non-discrimination and fair and equal treatment. Accordingly, Australia applies this understanding to all paragraphs referring to special circumstances and/or respective capabilities in Resolution 17/2 adopted by the 38th Assembly on 3 [4] October 2013, in particular paragraphs 6, 7, 20, 21 and proposed principle (p) in the Annex to Resolution 38/17/2.”.

44. In expressing appreciation to the President of the Assembly and the Commission Chairpersons for their excellent work, the Delegate of Saudi Arabia noted that a number of decisions had been made, and resolutions adopted, by the Assembly that would promote the growth and development of civil aviation and enhance the safety and security of the aviation industry in general. He also thanked all States which had taken part in the deliberations and had evinced a spirit of compromise in the course of some very difficult discussions, even though ultimately there were different points of view, especially with regard to the issue of international aviation and climate change. Nevertheless, the Delegate of Saudi Arabia expected that there would be further discussions to reach consensus to ensure that civil aviation would continue to play an important role in emissions

reductions. As always, his State stood ready to take part in such discussions in good faith and on the basis of transparency in order to find solutions that would ensure the sustainability of air transport.

45. However, Saudi Arabia did have concerns with regard to the aspirational goals and carbon neutral growth, concerns which were also shared by other States. It would like to have ICAO Resolutions that would dispel those concerns. Saudi Arabia affirmed its right to develop its civil aviation sector in accordance with its economic and social interests, without any burdensome cost impacts. That was why Saudi Arabia had to express a reservation on paragraph 7 of Resolution 17/2.

46. The Delegate of Bahrain supported this position. In noting that his Government had created a working group to reduce aviation emissions, he indicated that a report on the outcome of the latter's deliberations would be submitted to ICAO in due course. The Delegate of Bahrain expressed appreciation to the President of the Assembly and the Chairpersons of the various Commissions for their efforts which had led to very positive results and the achievement of the Assembly's theme, "Uniting Aviation".

47. The Delegate of Canada, on behalf of his State, thanked the Secretary General, the President of the Assembly and the President of Council for their efforts during the 38th General Assembly and acknowledged the achievements made on the issue of climate change. He noted, however, that Canada wished to make a reservation on paragraph 16 b) of Resolution 17/2 and guiding principle p) of the Annex thereto. These reservations reflected Canada's continuing concerns around the incorporation of common but differentiated responsibilities (CBDR), which was a principle under the UNFCCC, into the Resolution, whether by principle or by practice, which appeared to be incompatible with the principles that governed international civil aviation activity. Canada remained committed to continuing to address greenhouse gas emissions from international aviation at ICAO through a broad basket of measures.

48. The Delegate of the Republic of Korea congratulated the President of the Assembly and all Delegates on reaching agreement on Resolution 17/2 on climate change on the basis of a spirit of consensus and cooperation. He then expressed a reservation regarding guiding principle p) and made a comment on paragraph 16 b) in the following statement:

"The Delegation of the Republic of Korea (ROK) to the 38th Assembly has already voiced its reservation regarding paragraph p) of Annex to A38-17/2, adopted during the last Plenary session on 4 October 2013. In general, Assembly resolutions are not legally binding, but ROK does not wish its position to be affected by paragraph p) or support views expressed therein. Thus this paper [statement] intends to clarify ROK's position on paragraph p) which deals with the most fundamental aspect of international aviation emissions.

"First, from ROK's perspective, paragraph p) of A38-17/2 seems to have tipped the balance in favor of common but differentiated responsibilities (CBDR) by enabling it to be taken into account when designing and implementing market-based measures (MBMs). Ever since ICAO set out to tackle climate change, the debates regarding the principle of CBDR enshrined in the UNFCCC has occupied center stage. In other words, whether to apply CBDR to international aviation emissions has been discussed for years in vain, without achieving any consensus up till the 38th Assembly. Such tension was also evident in the previous Assembly resolution, A37-19, whose Preamble merely acknowledged the existence of CBDR under UNFCCC but carefully avoided affirming its application to air transport. Given this backdrop, ROK is concerned that paragraph p) might unduly affect future discussions at ICAO.

"Second, ROK notes that CBDR is a guiding principle under UNFCCC. However, CBDR requires careful assessment if it is to be transplanted into international aviation, since the non-discrimination principle under the Chicago Convention, which is conceptually contradictory to CBDR, has stood the test of time for decades and has contributed greatly to the development of

international civil aviation. ROK doubts that this method of amalgamation is useful in resolving complex issues involving aviation and climate change.

“Aside from paragraph p), ROK wants to comment on paragraph 16 b). The current paragraph 16 b) is an improvement over the corresponding paragraph of the previous Assembly resolution in that it adopts route-based and aviation activity-based approaches, thereby minimizing market distortion. However, there seems to be no ground to justify the threshold of 1% as opposed to 0.9% and there remains some doubt about the criteria used to distinguish developing States from developed States. As pointed out by the expert group, *de minimis* will cause market distortion. Therefore, ROK expects the Council to review *de minimis* with caution, and reserves further comments until the Council presents a report to the next Assembly.”.

49. In his statement of reservation with regard to paragraph 16 b) of Resolution 17/2, the Delegate of the United Arab Emirates indicated that “this provision may lead to significant market distortions and put some aircraft operators to a considerable disadvantage. This is in direct conflict with Art. 11 of the Chicago Convention. The provision’s language is extremely imprecise. This will inevitable[y] create confusion.”. The Delegate of Qatar supported this position.

50. The Delegate of Iran (Islamic Republic of) made a reservation to paragraph 16 a) and b) but subsequently withdrew it by an e-mail dated 4 October 2013 to the Secretary General.

51. Nicaragua, which had set forth its position on Resolution 17/2 during the Executive Committee’s extensive discussion thereof, informed the Secretary General of its reservation on paragraph 7 by a letter dated 14 November 2013. Nicaragua considered that the global aspirational goals still had to undergo more in-depth analysis and needed to be re-assessed in order to reflect ICAO Member States’ different stages of development, which was a vitally important aspect, given the current and future growth prospects for international civil aviation.

52. The following Reports of the Executive Committee were approved and the Resolutions as indicated adopted, subject to the amendment recorded in paragraph 28 above and the reservations reflected in paragraphs 33 to 51:

WP/423 Revised	— General Section
WP/414	— <i>Agenda Item 11: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012</i>
	— <i>Agenda Item 18: Cooperation with regional organizations and regional civil aviation bodies</i>
	— <i>Agenda Item 19: Duration of the terms of the Secretary General (Resolution 19/1)</i>
WP/415	— <i>Agenda Item 12: Technical cooperation — Policy and activities on technical cooperation and assistance</i>
WP/416	— <i>Agenda Item 20: Proposal to hold Assembly sessions every two years</i>

- Agenda Item 21: *Proposal to amend Article 50 (a) of the Chicago Convention so as to increase the membership of the Council to 39*
- WP417 — Agenda Item 13: *Aviation security — Policy (Resolution 13/1)*
- WP/418 — Agenda Item 22: *Human Resources management*
- Agenda Item 23: *Status of ICAO workforce*
- WP/419 — Agenda Item 25: *Other high-level policy issues to be considered by the Executive Committee*
[Resolutions 25/1, 25/2 (as amended) and 25/3]
- WP/420 — Agenda Item 14: *Universal Security Audit Programme (USAP)*
- WP/421 — Agenda Item 15: *Aviation security – Implementation support*
- WP/422 — Agenda Item 24: *Increasing the efficiency and effectiveness of ICAO*
- WPs/429 — Agenda Item 17: *Environmental protection*
- & /430 — [Resolution 17/1 and Resolution 17/2 (with reservations)]
- WP/431 — Agenda Item 16: *Facilitation and Machine Readable Travel Documents*
(Resolution 16/1)

***Approval of the Final Report
of the Credentials Committee***

53. In presenting the final report of the Credentials Committee contained in WP/370, the Acting Chairperson, Mr. Carlos Bonilla Vilchez (Nicaragua), on behalf of the Chairperson, Mr. Ismaeil Mohammed Al Balooshi (United Arab Emirates), recalled that at the First Plenary Meeting held on 24 September 2013, the Assembly had agreed to the establishment of the Credentials Committee and that the Delegations of the Lao People's Democratic Republic, Nicaragua, Swaziland, Ukraine and the United Arab Emirates had been invited to nominate Members.

54. At the Credential Committee's First Meeting later that same day, Mr. Balooshi had been unanimously elected as Chairperson. Three additional meetings had been subsequently held on 27, 28 and 30 September 2013. At the latter meeting, the Credentials Committee had found that the credentials submitted by 184 Member States and from 46 observer delegations had been presented in due and proper form. Credentials had subsequently been received from another Member State, bringing the total to 185. The executive summary and paragraph 5 of the paper were to be amended accordingly.

55. In the absence of comments, the Plenary approved the final report of the Credentials Committee set forth in WP/370, as updated above. The Acting Chairperson of the Credentials

Committee thanked all of the Members for the commitment and professionalism which they had demonstrated throughout the Committee's meetings.

***Delegation of authority to the President of the Assembly
for the approval of minutes of the Plenary***

56. The Plenary delegated to the President authority to approve, on behalf of the Assembly, the minutes of the 38th Session of the Assembly.

Vote of Thanks

57. On behalf of all Delegations present, the Delegate of the United Arab Emirates thanked the Secretary General for all of the efforts undertaken to organize the 38th Session of the Assembly, which had been crowned with great success. In addition, he expressed their appreciation to all those members of the Secretariat who had been working behind the scenes, supporting and facilitating the Delegations in their mission. Noting that this was the last Assembly in which the current Secretary General, Mr. Raymond Benjamin, would participate since his term of office would end on 31 July 2015, the Delegate of the United Arab Emirates also expressed their gratitude for his excellent leadership as the head of the Secretariat, and for the strategic policies which he had adopted and which had been very effective in enhancing aviation safety and security. In conclusion, the Delegate of the United Arab Emirates thanked all Delegations for their cooperation, which had helped ensure the Assembly's successful outcome.

58. The Secretary General, in turn, thanked the Delegate of the United Arab Emirates for his kind words of appreciation for the work of the ICAO Secretariat during the Assembly. At the same time, he congratulated all Delegations for helping to achieve the Assembly's significant level of support for ICAO's now five Strategic Objectives — Safety, Air Navigation Capacity and Efficiency, Security & Facilitation, Economic Development of Air Transport, and Environmental Protection.

59. Before briefly reviewing the Assembly's major achievements of the past ten days, the Secretary General first acknowledged its resounding endorsement of the ICAO Budget for the 2014-2016 triennium. That the Budget's adoption had been accomplished in record time, first through the Administrative Commission and later in the Plenary, demonstrated Delegations' clear support for ICAO's ongoing mission and provided the Council and the Secretariat with a very strong mandate moving forward. In this connection, the Secretary General highlighted the fact that, due to better planning and an optimized use of internal resources in 2013, the cost of the 38th Session of the Assembly had been lower than either one of the previous two Assembly sessions.

60. The Secretary General then elaborated on those areas where the Assembly had asked the Council and the Secretariat to focus their efforts. He noted that in the safety domain, the Assembly had fully supported both their strategic and tactical planning proposals, as well as the flexibility with which those may be applied within the varying operational contexts of ICAO Member States. The common goal was to reduce the rate and number of accidents worldwide, fully in line with the incremental targets established in the ICAO Global Aviation Safety Plan (GASP). The Assembly's very strong endorsement of the revised GASP gave ICAO a clear mandate to continue driving greater transparency, collaboration and responsiveness in that area through real-time safety analysis and reporting cycles. ICAO would be furthering those efforts in the years to come through more intensive engagement with all regional players, and the sensible protection and sharing, where appropriate, of critical safety information.

61. The continuing safety progress would be matched step-by-step by complementary air navigation analysis and reporting cycles, as endorsed by the Assembly in the revised Global Air Navigation Plan (GANP). The GANP would now permit ICAO to practically and flexibly realize the

long-sought- after goal of a globally-harmonized air navigation system. With its extensively-detailed aviation system block upgrade (ASBU) modules, the revised GANP provided unprecedented levels of transparency and planning certainty to States, regional implementation groups, service providers, airspace users and industry stakeholders. It provided clear guidance on the required operational targets and supporting Standards needed over the next 15 years, not to mention the specific technologies, procedures and regulatory approvals on which those would be based.

62. By endorsing the Council's decisions on security and facilitation, the Assembly had confirmed ICAO's emphasis on achieving greater balance between effective control measures and system efficiency. Delegates should be also pleased to note that risk-management-based prioritization, the mutual recognition of equivalent security measures, and other key principles would now strongly support all of the security and facilitation discussions in ICAO.

63. The Assembly had clearly acknowledged the progress made since the 37th Session of the Assembly in enhancing civil aviation security, notably through the strengthening of Annex 17 Standards and Recommended Practices (SARPs) dealing with air cargo, the delivery of technical assistance, and the completion of the second cycle of the Universal Security Audit Programme (USAP). The Assembly had also endorsed new directions, such as the Continuous Monitoring Approach (CMA) to security audits, and the Traveller Identification Programme Strategy (TRIP). Above all, the Assembly's outcomes reinforced one key principle that must continue to guide ICAO's efforts: success in aviation security and facilitation was built on the foundation of international cooperation.

64. The Assembly had endorsed the new Strategic Objective aimed at the economic development of air transport. It had also endorsed the recommendations delivered by the Sixth Worldwide Air Transport Conference (ATConf/6) and the related Action Plan, in addition to the Organization's future work plan in the areas of forecasting, economic analysis and statistics. ICAO would consequently have a stronger mandate for the coming triennium to lead development on a long-term vision for liberalization, a global regulatory framework, and related policy guidance.

65. The development of core principles for consumer protection had been recognized by the Assembly as a matter of priority for ICAO, as had the development of guidance on the impact of taxation and other charges on air transport. The Council and the Secretariat had also been directed to provide guidance on: the funding and financing of aviation infrastructure development; safety, security and economic oversight functions; as well as incentive mechanisms to support the timely implementation of the ASBU modules.

66. In the area of environmental protection, the Assembly had been very clear in its endorsement of ICAO's work across the wide range of initiatives and measures being pursued to continuously minimize the impacts of aircraft noise and emissions. The Assembly had recognized the Organization's tremendous technical progress during the last triennium, and importantly, it had adopted the trends produced by the Council's Committee on Aviation Environmental Protection (CAEP) as the basis for future analysis. The development of a new aircraft noise Standard had clearly been welcomed by the Assembly, and further work towards the establishment of robust particulate matter (PM) and CO₂ emissions Standards by the next Assembly had been fully encouraged. ICAO's achievements with environmental tools had been supported, as had been the Organization's continuing work to aid wider implementation of sustainable alternative fuels. The submission of State Action Plans representing more than 80 per cent of international traffic during the last triennium had been recognized as a significant achievement of ICAO.

67. In addition to the Assembly's recent achievements, and future work with technologies, operational measures and sustainable alternative fuels to improve aviation's environmental performance, much of Delegates' time had also been spent on the topic of a global solution for a market-based measure (MBM) which would augment ICAO's ongoing technical and operational efforts toward the mitigation of aviation's greenhouse gas emissions.

68. The Secretary General, together with the President of the Council, had expressed clearly to the media during the opening day of the Assembly their expectations on that issue. They could now say that aviation had indeed risen to the climate change challenge under the determined commitment of President Wachenheim, and delivered a clear mandate to develop a global MBM scheme for 2016, capable of being implemented by 2020. That was a major step forward, a great testament to air transport's ability to demonstrate global collaborative leadership, and indeed a world first for any major industry sector, one which allowed ICAO to deliver a significant global achievement.

69. The 38th Session of the ICAO Assembly had benefitted from the participation of 1 851 Delegates from 184 Member States, non-Member States and 54 observer delegations — the highest number ever hosted at an ICAO Assembly. The Council and the Secretary General had been very encouraged to see such a high level of interest from Member States and industry in the work of ICAO, recognizing and supporting its leading role in global aviation.

70. The Secretary General stressed that many Delegations had expressed satisfaction with the efficient and effective organization of the Assembly. Whether with respect to the very successful electronic voting process employed for the Council elections, the over 400 working papers which had been submitted and promptly processed and translated, or the 32 meetings which had been so efficiently serviced by interpreters throughout the duration of the Assembly, a great many of ICAO's support personnel had been above exemplary in the performance of their duties.

71. In closing, and until he met Delegates again here in Montréal or in their respective countries and regions, the Secretary General wished all of them a safe journey home and continued success with their national and regional aviation endeavours.

72. On an exceptional basis, the President of the Assembly gave the floor to the Observer from the International Air Transport Association (IATA). While speaking on behalf of his Association, the Observer from IATA was sure that he was also reflecting the views of its industry partners. He sincerely congratulated the President of the Assembly, all the Delegates present, and ICAO on the momentous outcome of the 38th Session of the Assembly. As reported by the Secretary General, major progress had been made in all areas of the Assembly's Agenda. In thanking everyone for their efforts, the Observer from IATA drew particular attention to the Assembly's historic decision to develop a global MBM scheme for international aviation. He congratulated the Assembly on its work, and underscored that IATA stood ready to work with, and assist, the ICAO Council, as needed, in the work ahead over the next three years.

73. The Delegate of Slovenia thanked the President of the Assembly for his excellent chairing of this very important 38th Session of the Assembly. His special thanks also went to the President of the ICAO Council, Mr. Roberto Kobeh González, for his wisdom in leading the Council through a very turbulent last three years, and to the Secretary General, Mr. Raymond Benjamin, for his very efficient and effective management of the Secretariat. Recalling the strong theme of the Assembly, "Uniting Aviation", the Delegate of Slovenia noted that during his three-year tenure as a Council Member, which had just come to an end, he had seen that ICAO was the place where the North met the South, the West met the East, nature became technology and fiction became reality. That was aviation, that was ICAO.

74. The Delegate of Australia joined previous speakers in expressing appreciation for the work of the Secretary General and the Secretariat, both during the very busy past two weeks and in the years leading up to the Assembly. The impressive list of achievements cited by the Secretary General could not have been made without a tremendous amount of work behind the scenes. The work of the Secretariat, as well as that of the Air Navigation Commission (ANC) and the Council, was thus genuinely appreciated.

75. On a motion then put forward by the Delegate of Australia, the Plenary adopted the following vote of thanks to the President of the Assembly:

“The participants in the 38th Session of the ICAO Assembly express their sincere gratitude to the President of the Assembly, Mr. Michel Wachenheim, for the very efficient, objective, and competent manner in which he has conducted the debates. We highly appreciate the open, professional and constructive spirit with which he has guided us throughout the duration of the Assembly. Mr. President, the success of this Assembly has very much depended on your personal contribution and we thank you sincerely.”.

76. In thanking the Delegate of Australia for these kind remarks, the President of the Assembly indicated that it had been a great honour for him, over the last two weeks, to preside over the Assembly, and an unforgettable experience. He, in turn, extended his own deeply-felt appreciation to all those who had contributed so much to the success of the 38th Session of the Assembly. The President of the Assembly mentioned first of all the Commission Chairpersons, whose unique ability to steer discussions involving a wide range of interests and points of view on issues of vital importance to international civil aviation had made it possible to produce well-structured and substantive reports. He was also grateful to the President of the Council, Mr. Roberto Kobeh González, the Secretary General, Mr. Raymond Benjamin, and the Secretary of the Executive Committee, the Acting Director of the Legal Affairs and External Relations Bureau (A/D/LEB), Mr. John Augustin, for their timely advice and generous support throughout the Assembly’s proceedings. They had never hesitated to share their insight and experience in the Executive Committee, in the Plenary, and in many separate meetings in order to ensure a positive outcome for this Assembly.

77. As this was the last Assembly for the President of the Council, the President of the Assembly took this opportunity to recognize Mr. Kobeh’s profound dedication and tireless efforts over the last seven years. During his tenure, Mr. Kobeh had conducted the affairs of the Council in a calm and dignified manner, with patience, humility and dedication. Even in very trying times he had been able to reach consensus on most issues. On behalf of the Assembly, the President of the Assembly thanked Mr. Kobeh for his wisdom, leadership and commitment to international civil aviation.

78. Observing that all present had played a key role in the effectiveness of the Assembly’s decision-making process, which exemplified dialogue and consensus-building among Member States, the President of the Assembly affirmed that that was what a world forum such as ICAO was and should be. He thanked everyone for their enthusiasm, understanding, and determination to make this one of the most productive Assemblies ever.

79. Finally, the President of the Assembly thanked the Government of Canada, the Province of Québec and the City of Montréal for their support and hospitality throughout the Assembly. In addition, he thanked the Secretariat, in particular, the interpreters, for their very good work.

80. Recalling that in his introductory speech (P/2) he had expressed the hope that the Assembly would not be judged solely on the basis of the outcome reached regarding one single Agenda item, the President of the Assembly underscored that that hope had been realized. He thanked all present for making that happen.

81. The President of the Assembly then declared the 38th Session of the Assembly of ICAO closed. The meeting adjourned at 1300 hours.

ISBN 978-92-9249-618-0



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