

PROVISIONAL EDITION
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RESOLUTIONS

ADOPTED BY THE ASSEMBLY



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INTERNATIONAL CIVIL AVIATION ORGANIZATION

RESOLUTIONS ADOPTED AT THE 39TH SESSION OF THE ASSEMBLY

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RESOLUTIONS ADOPTED AT THE 39TH SESSION OF THE ASSEMBLY

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A39-1: Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality

Whereas in Resolution A38-17 the Assembly resolved to continue to adopt at each ordinary Session a consolidated statement of continuing ICAO policies and practices related to environmental protection;

Whereas Resolution A38-17 consists of an introductory text and a number of Appendices concerning specific but interrelated subjects; and

Considering the need to reflect developments that have taken place since the 38th Session of the Assembly in the field of aircraft noise and engine emissions;

The Assembly:

1. *Resolves* that the Appendices attached to this Resolution and listed below, together with A39-2: *Consolidated statement of continuing ICAO policies and practices related to environmental protection - Climate change* and A39-3: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Global Market-based Measure (MBM) Scheme*, constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection, as these policies exist at the close of the 39th Session of the Assembly:

Appendix A — General

Appendix B — Development of Standards, Recommended Practices and Procedures and/or guidance material relating to the quality of the environment

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

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

Appendix E — Local noise-related operating restrictions at airports

Appendix F — Land-use planning and management

Appendix G — Supersonic aircraft — The problem of sonic boom

Appendix H — Aviation impact on local air quality

2. *Requests* the Council to submit the ICAO policies and practices related to environmental protection for review at each ordinary session of the Assembly; and

3. Declares that this resolution, together with A39-2: *Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*, and A39-3: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Global Market-based Measure (MBM) Scheme*, supersede Resolutions A38-17 and A38-18.

APPENDIX A

General

Whereas the preamble to the *Convention on International Civil Aviation* states that “the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world . . .” and Article 44 of that Convention states that ICAO should “develop the principles and techniques of international air navigation and . . . foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

Whereas many of the adverse environmental effects of civil aviation activity can be reduced by the application of comprehensive measures embracing technological improvements, more efficient air traffic management and operational procedures, aircraft recycling, the use of clean, renewable and sustainable energy sources, the appropriate use of airport planning, land-use planning and management, and market-based measures;

Whereas all ICAO Member States agreed to continue to pursue all aviation matters related to the environment and also maintain the initiative in developing policy guidance on these matters, and not leave such initiatives to other organizations;

Whereas other international organizations are emphasizing the importance of environmental policies affecting air transport;

Whereas the sustainable growth of aviation is important for future economic growth and development, trade and commerce, cultural exchange and understanding among peoples and nations; therefore prompt action must be taken to ensure that it is compatible with the quality of the environment and develops in ways that alleviate adverse impacts;

Recognizing that the work of the Organization on the environment contributes to ten of 17 United Nations Sustainable Development Goals (SDGs);

Whereas reliable and best available information on the environmental effects of aviation is essential for the development of policy by ICAO and its Member States;

Acknowledging that substantial progress has been achieved in addressing the effects of aviation on the environment, and that aircraft produced today, are 80 per cent more fuel efficient and 75 per cent quieter than they were in the 1960s;

Whereas as far as there are recognized interdependencies of the environmental effects from aviation, such as noise and engine emissions, they need to be considered when defining source control and operational mitigation policies;

Whereas airspace management and design can play a role in addressing the impacts of aviation greenhouse gas emissions on the global climate, and the related economic and institutional issues need to be addressed by States, either individually or collectively on a regional basis;

Whereas cooperation with other international organizations is important to progress the understanding of aviation's impacts on the environment and in order to develop the appropriate policies to address these impacts; and

Recognizing the importance of research and development in fuel efficiency and alternative fuels for aviation that will enable international air transport operations with a lower environmental impact, both in terms of local air quality and the global climate;

The Assembly:

1. *Declares* that ICAO, as the lead United Nations (UN) Agency in matters involving international civil aviation, is conscious of and will continue to address the adverse environmental impacts that may be related to civil aviation activity and acknowledges its responsibility and that of its Member States to achieve maximum compatibility between the safe and orderly development of civil aviation and the quality of the environment. In carrying out its responsibilities, ICAO and its Member States will strive to:
 - a) limit or reduce the number of people affected by significant aircraft noise;
 - b) limit or reduce the impact of aviation emissions on local air quality; and
 - c) limit or reduce the impact of aviation greenhouse gas emissions on the global climate;
2. *Emphasizes* the importance of ICAO continuing to demonstrate its leadership role on all international civil aviation matters related to the environment and *requests* the Council to maintain the initiative in developing policy guidance on these matters, which recognizes the seriousness of the challenges which the sector faces;
3. *Requests* the Council to continue to assess regularly the present and future impact of aircraft noise and aircraft engine emissions and to continue to develop tools for this purpose;
4. *Requests* the Council to maintain and update knowledge of the interdependencies and trade-offs related to measures to mitigate the impact of aviation on the environment so as to optimize decision-making;
5. *Requests* the Council to establish a set of aviation environmental indicators which States could use to evaluate the performance of aviation operations and the effectiveness of standards, policies and measures to mitigate aviation's impacts on the environment;
6. *Requests* the Council to disseminate information on the present and future impact and trends of aircraft noise, aircraft fuel consumption, aviation system fuel efficiency, and aircraft engine Particulate Matter (PM) and Oxides of Nitrogen (NOx) emissions, reflecting the work of the Organization, action plans submitted by States, the ICAO Global Air Navigation Plan, ICAO Standards and Recommended Practices, and ICAO policy and guidance material in the environmental field, in an appropriate manner, such as through regular reporting and workshops, including through the coordination with the ICAO Regional Offices;
7. *Invites* States to continue their active support for ICAO's environment-related activities, and urges Member States to support activities not foreseen in the budget by providing a reasonable level of voluntary contributions;
8. *Invites* States and international organizations to provide the necessary scientific information and data to enable ICAO to substantiate its work in this field;

9. *Encourages* the Council to continue to cooperate closely with international organizations and other UN bodies on the understanding of aviation impacts on the environment and on the establishment of policies to address such impacts; and

10. *Urges* States to refrain from environmental measures that would adversely affect the orderly and sustainable development of international civil aviation.

APPENDIX B

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

Whereas the problem of aircraft noise in the vicinity of many of the world's airports, which continues to arouse public concern and limit airport infrastructure development, requires appropriate action;

Whereas the scientific community is improving the understanding of uncertainties associated with the environmental impact of aircraft emissions at both the local and global levels, this impact remains a cause of concern and requires appropriate action;

Recognizing that there are interdependencies related to technology, design and operations of aircraft when addressing concerns related to noise, local air quality, and climate change;

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

Whereas the Council has adopted Annex 16, Volume I — *Aircraft Noise*, which comprises noise certification Standards for subsonic aircraft (except short take-off and landing/vertical take-off and landing aeroplanes) and has notified Member States of this action;

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

Welcoming the recommendation by CAEP on a new standard for non-volatile particulate matter (nvPM) emissions;

Welcoming the recommendation by CAEP on a new global CO₂ emissions certification Standard for aeroplanes that, once adopted, will constitute Annex 16 Volume III - *Aeroplane CO₂ Emissions*;

Recognizing that the CO₂ emissions certification standard is a technical comparison of aviation technologies designed for use in CO₂ emissions certification processes, and was not designed to serve as a basis for operating restrictions or emissions levies;

Whereas ICAO policy guidance on measures to address environmental concerns related to aircraft noise and engine emissions has been developed, amended and published; and

Whereas the Council has adopted medium- and long-term technology goals for reduction of noise and oxides of nitrogen (NO_x), and technology and operational goals for aircraft fuel burn reduction;

The Assembly:

1. *Welcomes* the continuing benefits of the more stringent aircraft noise Standard in Annex 16, Volume I, Chapter 4 that took effect on 1 January 2006;
2. *Welcomes* the adoption by the Council in March 2014 of the new, more stringent Standard for noise to be implemented on or after 31 December 2017 and on or after 31 December 2020 for aircraft less than 55 tonnes Maximum Take-off Mass (MTOM);
3. *Welcomes* the adoption by the Council in March 2014 of the new Standard for noise to be implemented for Tilt-rotors on or after 1 January 2018;
4. *Welcomes* the development of the new aeroplane CO₂ Standard to be implemented on or after 1 January 2020 for new aeroplane types, except those new aeroplane types of less than or equal to 60 tonnes MTOM and with a maximum passenger seating capacity of 19 seats or less, which would have an applicability data of on or after 1 January 2023;
5. *Welcomes* the development of the new aeroplane CO₂ Standard to be implemented on or after 1 January 2023 for in-production aeroplanes with a production cut-off date of 1 January 2028;
6. *Urges* States to recognize that the CO₂ emissions certification Standard was not designed to serve as a basis for operating restrictions or emissions levies;
7. *Welcomes* the development of the new nvPM emissions Standard for all turbofan and turbojet aircraft engines with rated thrust greater than 26.7kN and for which the date of manufacture of the individual engine is on or after 1 January 2020;
8. *Requests* the Council, with the assistance and cooperation of other bodies of the Organization and of other international organizations, to continue with vigour the work related to the development of Standards, Recommended Practices and Procedures and/or guidance material dealing with the impact of aviation on the environment;
9. *Requests* the Council to ensure that CAEP pursues its work programme in the noise and emissions fields expeditiously in order that appropriate solutions can be developed as quickly as possible, and that the necessary resources are made available to do so;
10. *Urges* Member States from regions of the world that are currently under-represented in CAEP to participate in the Committee's work;
11. *Requests* the Council to provide States and International Organizations information on available measures to reduce the impact of aviation operations on the environment so that action can be taken using the appropriate measures;
12. *Urges* Member States to follow, where appropriate, the ICAO provisions developed pursuant to Resolving Clause 8 of this Appendix; and
13. *Requests* the Council to continue the work on developing and employing scenarios for assessing the future environmental impact of aviation emissions and to cooperate with other international organizations in this area.

APPENDIX C

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

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

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

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

Whereas ICAO has accepted full responsibility for pursuing a course aimed at achieving maximum compatibility between the safe, economically effective and orderly development of civil aviation and the quality of the environment, and is actively pursuing the concept of a “balanced approach” for the reduction of aircraft noise and guidance on how States might apply such an approach;

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

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

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

Whereas the ICAO guidance developed to assist States in implementing the balanced approach [Guidance on the Balanced Approach to Aircraft Noise Management (Doc 9829)] has been subsequently updated;

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

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

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

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

Considering that the improvements in the noise climate achieved at many airports through the replacement of Chapter 2 compliant aircraft (aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16) by quieter aircraft should be safeguarded by taking account of the sustainability of future growth and should not be eroded by incompatible urban encroachment around airports; and

Take note that the CAEP analysis of Trends in aircraft noise show that, under an advanced technology improvements scenario, an increase in aircraft operations may no longer result in an increase in noise contour area after 2030;

The Assembly:

1. *Calls upon* all ICAO Member States and international organizations to recognize the leading role of ICAO in dealing with the problems of aircraft noise;
2. *Welcomes* the progress achieved to date in addressing aircraft noise and encourages States, manufacturers and operators to continue to engage in the work of ICAO in addressing aircraft noise, and to continue to pursue technologies and policies that reduce the impact of aircraft noise in the communities that surround airports;
3. *Urges* States to:
 - a) adopt a balanced approach to noise management, taking full account of ICAO guidance (Doc 9829), relevant legal obligations, existing agreements, current laws and established policies, when addressing noise problems at their international airports;
 - b) institute or oversee a transparent process when considering measures to alleviate noise, including:
 - 1) assessment of the noise problem at the airport concerned based on objective, measurable criteria and other relevant factors;
 - 2) evaluation of the likely costs and benefits of the various measures available and, based on that evaluation, selection of measures with the goal to achieve maximum environmental benefit most cost-effectively; and
 - 3) provision for dissemination of the evaluation results, for consultation with stakeholders and for dispute resolution;
4. *Encourages* States to:
 - a) promote and support studies, research and technology programmes aimed at reducing noise at source or by other means taking into account interdependencies with other environmental concerns;
 - b) apply land-use planning and management policies to limit the encroachment of incompatible development into noise-sensitive areas and mitigation measures for areas affected by noise, consistent with Appendix F to this Resolution;
 - c) apply noise abatement operational procedures, to the extent possible without affecting safety and considering interdependencies with other environmental concerns; and
 - d) not apply operating restrictions as a first resort but only after consideration of the benefits to be gained from other elements of the balanced approach and in a manner which is consistent with Appendix E to this Resolution and taking into account the possible impact of such restrictions at other airports;

5. *Requests* States to:

a) work closely together to ensure the harmonization of programmes, plans and policies to the extent possible;

b) ensure that the application of any measures to alleviate noise are consistent with the non-discrimination principle in Article 15 of the Chicago Convention; and

c) take into consideration the particular economic conditions of developing countries;

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

7. *Requests* the Council to:

a) assess continuously the evolution of the impact of aircraft noise;

b) ensure that the guidance on the balanced approach in Doc 9829 is current and responsive to the requirements of States; and

c) promote the use of the balanced approach, for example through workshops; and

8. *Calls upon* States to provide appropriate support for this work on ICAO guidance and any additional work on methodologies, and for the assessment of the impact or effectiveness of measures under the balanced approach as necessary.

APPENDIX D

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

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

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

Whereas the Committee on Aviation Environmental Protection has concluded that a general phase-out of Chapter 3 aircraft operations by all the countries which imposed a phase-out on operations of Chapter 2 aircraft is not supported on cost-benefit grounds and had undertaken the work that led to the recommendation of a new noise certification standard in Volume I, of Annex 16 on the understanding that a new phase-out should not be considered;

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

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

Recognizing that operating restrictions on existing aircraft may increase the costs of airlines and could impose a heavy economic burden, particularly on aircraft operators which may not have the financial resources to re-equip their fleets, such as those from developing countries; and

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

The Assembly:

1. *Urges* States not to introduce any phase-outs of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16 before considering:

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

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

- a) to frame any restrictions so that Chapter 2 compliant aircraft of an individual operator which are presently operating to their territories may be withdrawn from these operations gradually over a period of not less than 7 years;
- b) not to restrict before the end of the above period the operations of any aircraft less than 25 years after the date of issue of its first individual certificate of airworthiness;
- c) not to restrict before the end of the period the operations of any presently existing wide-body aircraft or of any fitted with engines that have a by-pass ratio higher than 2 to 1; and
- d) to inform ICAO, as well as the other States concerned, of all restrictions imposed;

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

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

4. *Urges* States not to introduce measures to phase out aircraft which comply, through original certification or recertification, with the noise certification standards in Volume I, Chapters 3, 4 or any more recent Chapter of Annex 16;

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

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

APPENDIX E

Local noise-related operating restrictions at airports

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

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

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

Whereas further reductions in noise at source are expected as a result of the adoption of new noise certification standards in Volume I of Annex 16 and through the assimilation of noise reduction technology in the fleet;

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

Whereas implementation of the phase-out of aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16 (as provided for in Appendix D to this Resolution) has been completed in some States and, assuming continued growth in aviation activity, without further action the number of people exposed to aircraft noise at some airports in those States may increase;

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

Whereas if operating restrictions on Chapter 3 aircraft are introduced at certain airports, this should be based on the balanced approach and relevant ICAO guidance (Doc 9829) and should be tailored to the specific requirements of the airport concerned;

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

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

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

Recognizing that the noise standards in Annex 16 were not intended to introduce operating restrictions on aircraft and, specifically, that the standards contained in Annex 16, Volume I, Chapter 4 and Chapter 14, and any further stringency levels adopted by the Council, are based on the understanding that it is for certification purposes only; and

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

The Assembly:

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

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

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

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

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

4. *Further urges* States not to permit the introduction of any operating restrictions aimed at the withdrawal of aircraft that comply, through either original certification or recertification, with the noise standards in Volume I, Chapter 4 and Chapter 14 of Annex 16 and any further stringency levels adopted by the Council.

APPENDIX F

Land-use planning and management

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

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

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

Whereas the phase-out of subsonic jet aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16 has succeeded at many airports in reducing the size of the noise contours depicting the areas where people are exposed to unacceptable noise levels as well as in reducing the total number of people exposed to noise;

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

Recognizing that the standard contained in Annex 16, Volume I, Chapter 4 has increased the opportunities for operators to replace aircraft in their fleets by quieter aircraft;

Recognizing that the standard contained in Annex 16, Volume I, Chapter 14, when implemented, will increase the opportunities for operators to replace aircraft in fleets by quieter aircraft;

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

Recognizing that the update of the guidance material on appropriate land-use planning and noise mitigation measures is included in the *Airport Planning Manual* (Doc 9184), Part 2 — *Land Use and Environmental Control*;

Recognizing that the ICAO Circular Community Engagement on Aviation Environmental Management complements the current policy of aircraft noise management at and around airports;

The Assembly:

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

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

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

- a) locate new airports at an appropriate place, such as away from noise-sensitive areas;
- b) take the appropriate measures so that land-use planning is taken fully into account at the initial stage of any new airport or of development at an existing airport;
- c) define zones around airports associated with different noise levels taking into account population levels and growth as well as forecasts of traffic growth and establish criteria for the appropriate use of such land, taking account of ICAO guidance;
- d) enact legislation, establish guidance or other appropriate means to achieve compliance with those criteria for land use; and
- e) ensure that reader-friendly information on aircraft operations and their environmental effects is available to communities near airports; and

4. *Requests* the Council to:

- a) ensure that the guidance on land use in Doc 9184 is current and responsive to the requirements of States; and
- b) consider what steps might be taken to promote land-use management, particularly in those parts of the world where the opportunity may exist to avoid aircraft noise problems in the future.

APPENDIX G

Supersonic aircraft — The problem of sonic boom

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

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

Recognizing the ongoing work to develop a new supersonic noise Standard for future aircraft, and the work to understand the current state of sonic boom knowledge, research and supersonic aeroplane projects.

Recognizing that the airworthiness certification of a supersonic aeroplane could occur in the 2020-2025 timeframe.

The Assembly:

1. *Reaffirms* the importance it attaches to ensuring that no unacceptable situation for the public is created by sonic boom from supersonic aircraft in commercial service;
2. *Instructs* the Council, in the light of the available information and availing itself of the appropriate machinery, to review the Annexes and other relevant documents, so as to ensure that they take due account of the problems which the operation of supersonic aircraft may create for the public and, in particular, as regards sonic boom, to take action to achieve international agreement on measurement of the sonic boom, the definition in quantitative or qualitative terms of the expression “unacceptable situations for the public” and the establishment of the corresponding limits; and
3. *Invites* the States involved in the manufacture of supersonic aircraft to furnish ICAO in due course with proposals on the manner in which any specifications established by ICAO could be met.

APPENDIX H

Aviation impact on local air quality

Whereas there are growing concerns about the impact of aviation on the atmosphere with respect to local air quality and the associated human health and welfare impacts;

Whereas the evidence of this impact from emissions of NO_x and particulate matter (PM) from aircraft engines on local surface and regional air quality is now more compelling;

Recognizing that the scientific community is improving the understanding of uncertainties associated with the impact from emissions of NO_x and PM from aircraft engines on the global climate;

Recognizing that there are interdependencies related to design and operations of aircraft when addressing concerns related to noise, local air quality, and climate change;

Recognizing that ICAO has established technical Standards and fostered the development of operational procedures that have reduced significantly local air quality pollution from aircraft;

Whereas many pollutants such as soot and unburned hydrocarbons from aircraft engines affecting local and regional air quality, have declined dramatically over the last few decades;

Whereas progress in operational procedures such as continuous descent operations has resulted in further reduction of emissions from aircraft;

Whereas an assessment of trends in aviation emissions of NO_x, PM, and other gaseous emissions shows increasing global emissions values;

Whereas the impacts of aviation emissions of NO_x, PM, and other gaseous emissions need to be further assessed and understood;

Recognizing the robust progress made in understanding impacts of non-volatile components of PM emissions while the scientific and technical work continues on better assessment of volatile components of PM emissions;

Whereas the impacts of aviation emissions on local and regional air quality is part of the total emissions in the affected area and should be considered in the broader context of all sources that contribute to the air quality concerns;

Whereas the actual local air quality and health impacts of aviation emissions depend on a series of factors among which are the contribution to the total concentrations and the number of people exposed in the area being considered;

Whereas Article 15 of the *Convention on International Civil Aviation* contains provisions regarding airport and similar charges, including the principle of non-discrimination, and ICAO has developed policy guidance for Member States regarding charges (*ICAO's Policies on Charges for Airports and Air Navigation Services*, Doc 9082) including specific guidance on noise-related charges and emissions-related charges for local air quality;

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

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

Whereas the ICAO Council has adopted policy and guidance material related to the use of emissions-related charges to address the impact of aircraft engine emissions at or around airports;

Noting that the ICAO Council has published information on environmental management systems (EMS) that are in use by aviation stakeholders; and

Noting that the ICAO Council has developed an Airport Air Quality Guidance Manual which has been subsequently updated;

The Assembly:

1. *Requests* the Council to monitor and develop its knowledge of, in cooperation with other relevant international organizations such as WHO, the effects of aviation emissions of PM, NO_x and other gases on human welfare and health, and to disseminate information in this regard;
2. *Requests* the Council to continue its work to develop technologically feasible, environmentally beneficial and economically reasonable standards to further reduce the impact of local air pollution from aircraft;
3. *Requests* the Council to continue to develop certification requirements for non-volatile PM emissions while continuing to monitor progress in scientific and technical understanding of volatile and non-volatile components of PM emissions;
4. *Encourages* action by Member States to aid the development of certification requirements for nvPM emissions;
5. *Requests* the Council to ensure that the interdependencies between measures to reduce aircraft noise and engine emissions that affect local air quality as well as global climate are given due consideration;
6. *Requests* the Council to continue its work to develop long-term technology and operational goals with respect to aviation environmental issues, including NO_x emissions from aircraft;
7. *Requests* the Council to continue to foster operational and air traffic improvements that reduce the impact of local air pollution from aircraft;

8. *Encourages* action by Member States, and other parties involved, to limit or reduce international aviation emissions affecting local air quality through voluntary measures and to keep ICAO informed;
9. *Welcomes* the development and promotion of guidance material on issues related to the assessment of airport-related air quality;
10. *Requests* the Council to work with States and stakeholders in promoting and sharing best practices applied at airports in reducing the adverse effects of aviation emissions on local air quality;
11. *Welcomes* the development of the guidance on emissions charges related to local air quality and *requests* the Council to keep up-to-date such guidance and *urges* Member States to share information on the implementation of such charges; and
12. *Urges* Member States to ensure the highest practical level of consistency and take due account of ICAO policies and guidance on emissions charges related to local air quality.

A39-2*: **Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change**

Whereas ICAO and its member States recognize the critical importance of providing continuous leadership to international civil aviation in limiting or reducing its emissions that contribute to global climate change;

Reemphasizing the vital role which international aviation plays in global economic and social development and the need to ensure that international aviation continues to develop in a sustainable manner;

Acknowledging that the work of the Organization on the environment contributes to 10 of the 17 United Nations Sustainable Development Goals (SDGs), including SDG 13 “*Take urgent action to combat climate change and its impacts*”;

Whereas a comprehensive assessment of aviation’s impact on the atmosphere is contained in the special report on *Aviation and the Global Atmosphere*, published in 1999, which was prepared at ICAO’s request by the Intergovernmental Panel on Climate Change (IPCC);

Whereas the IPCC special report recognized that the effects of some types of aircraft emissions are well understood, it revealed that the effects of others are not, and identified a number of key areas of scientific uncertainty that limit the ability to project aviation’s full impacts on climate and ozone; the Organization will update the information contained in the IPCC special report;

Acknowledging that international aviation emissions, currently accounting for less than 2 per cent of total global CO₂ emissions, are projected to increase as a result of the continued growth of air transport;

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

Whereas the Kyoto Protocol, which was adopted by the Conference of the Parties to the UNFCCC in December 1997 and entered into force on 16 February 2005, calls for developed countries (Annex I Parties) to pursue limitation or reduction of greenhouse gases from “aviation bunker fuels” (international aviation) working through ICAO (Article 2.2);

* The Summary Listing of Reservations will be included in the Assembly Resolutions in Force document to be published in due course.

Whereas the Paris Agreement, which was adopted by the Conference of the Parties to the UNFCCC in December 2015, enhances the implementation of the UNFCCC including its objective, and aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;

Recognizing the global aspirational goals for the international aviation sector of improving fuel efficiency by 2 per cent per annum and keeping the net carbon emissions from 2020 at the same level, as adopted by the ICAO Assembly at its 37th Session in 2010 and reaffirmed at its 38th Session in 2013, as well as the work being undertaken to explore a long term global aspirational goal for international aviation in light of the 2 °C and 1.5 °C temperature goals of the Paris Agreement;

Recognizing that the aspirational goal of 2 per cent annual fuel efficiency improvement is unlikely to deliver the level of reduction necessary to stabilize and then reduce aviation's absolute emissions contribution to climate change, and that goals of more ambition are needed to deliver a sustainable path for aviation;

Affirming that addressing GHG emissions from international aviation requires the active engagement and cooperation of States and the industry, and *noting* the collective commitments announced by Airports Council International (ACI), Civil Air Navigation Services Organisation (CANSO), International Air Transport Association (IATA), International Business Aviation Council (IBAC) and International Coordinating Council of Aerospace Industries Associations (ICCAIA) on behalf of the international air transport industry, to continuously improve CO₂ efficiency by an average of 1.5 per cent per annum from 2009 until 2020, to achieve carbon neutral growth from 2020 and to reduce its carbon emissions by 50 per cent by 2050 compared to 2005 levels;

Recalling the UNFCCC and the Paris Agreement and *acknowledging* its principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances;

Also acknowledging the principles of non-discrimination and equal and fair opportunities to develop international aviation set forth in the Chicago Convention;

Recognizing that this Resolution does not set a precedent for or prejudice the outcome of negotiations under the UNFCCC or the Paris Agreement, nor represent the position of the Parties to those agreements;

Noting that, to promote sustainable growth of international aviation and to achieve its global aspirational goals, a comprehensive approach, consisting of a basket of measures including technology and standards, sustainable alternative fuels, operational improvements and market-based measures to reduce emissions is necessary;

Acknowledging the significant technological progress made in the aviation sector, with aircraft produced today being about 80 per cent more fuel efficient per passenger kilometre than in the 1960's;

Welcoming the agreement by the Committee on Aviation Environmental Protection (CAEP) on the CO₂ emissions certification Standard for aeroplanes;

Recognizing the work being undertaken to consider the environmental aspects of aircraft end-of-life such as through aircraft recycling;

Recognizing that air traffic management (ATM) measures under the ICAO's Global Air Navigation Plan contribute to enhanced operational efficiency and the reduction of aircraft CO₂ emissions;

Welcoming the assessment of the environmental benefits of the Aviation System Block Upgrades (ASBUs) completed for Block 0 and being undertaken for Block 1;

Noting that the Conference on Aviation and Alternative Fuels in November 2009 (CAAF/09) endorsed the use of sustainable alternative fuels for aviation, particularly the use of drop-in fuels in the short to mid-term, as an important means of reducing aviation emissions;

Also noting that the CAAF/09 established an ICAO Global Framework for Aviation Alternative Fuels (GFAAF) through which progress has been registered, including five pathways for the certification of aviation alternative fuels to date, and the first airport-hub for such fuels;

Recognizing that the technological feasibility of drop-in sustainable alternative fuels for aviation is proven and that the introduction of appropriate policies and incentives to create a long-term market perspective is required;

Acknowledging the need for such fuels to be developed and deployed in an economically feasible, socially and environmentally acceptable manner and the progress achieved in the harmonization of the approaches to sustainability;

Acknowledging the need to explore and facilitate civil aviation sector's access to renewable energy including through its cooperation with the Sustainable Energy for All (SE4ALL) initiative, as part of the Organization's contribution to SDG 7 "Ensure access to affordable, reliable, sustainable and modern energy for all";

Recalling that Assembly Resolution A37-19 requested the Council, with the support of member States, to undertake work to develop a framework for market-based measures (MBMs) in international aviation, including further elaboration of the guiding principles listed in the Annex to A37-19, and that the guiding principles were elaborated as listed in the Annex to Assembly Resolution A38-18, which are reproduced in the Annex to this Resolution;

Noting that, consistent with Assembly Resolution A38-18, a substantial strategy for capacity building and other technical and financial assistance was undertaken by the Organization, in line with the *No Country Left Behind* (NCLB) initiative, to assist the preparation and submission of States' action plans, including the holding of regional seminars, the development and update of ICAO Doc 9988, *Guidance on the development of States' Action Plans on CO₂ Emissions Reduction Activities*, an interactive web-interface, the ICAO Fuel Savings Estimation Tool (IFSET) and the ICAO Environmental Benefits Tool (EBT);

Welcoming that, as of 8 June 2016, 94 member States that represent more than 88 per cent of global international air traffic voluntarily prepared and submitted action plans to ICAO;

Recognizing the different circumstances among States in their capacity to respond to the challenges associated with climate change and the need to provide necessary support, in particular to developing countries and States having particular needs;

Affirming that specific measures to assist developing States as well as to facilitate access to financial support, technology transfer and capacity building should be initiated as soon as possible;

Recognizing the assistance provided by ICAO in partnership with other organizations to facilitate Member States' action to reduce aviation emissions, as well as continuous search for potential assistance partnerships with other organizations;

Recognizing the importance of work being undertaken to identify the potential impacts of climate change on international aviation operations and related infrastructure; and

Recognizing the progress made by ICAO in its implementation of the Climate Neutral UN initiative and the significant support provided by ICAO to the initiative, in particular through the development of the ICAO Carbon Emissions Calculator, to support the assessment of emissions from passengers travelling by air and welcoming its expansion to add air cargo emissions;

The Assembly:

1. *Resolves* that this Resolution, together with Resolution A39-1: *Consolidated statement of continuing ICAO policies and practices related to environmental protection - General provisions, noise and local air quality* and Resolution A39-3: *Consolidated statement of continuing ICAO policies and practices related to environmental protection - Global Market-based Measure (MBM) Scheme*, supersede Resolutions A38-17 and A38-18 and constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection;
2. *Requests* the Council to:
 - a) ensure that ICAO exercise continuous leadership on environmental issues relating to international civil aviation, including GHG emissions;
 - b) continue to study policy options to limit or reduce the environmental impact of aircraft engine emissions and to develop concrete proposals, encompassing technical solutions and market-based measures, and taking into account potential implications of such measures for developing as well as developed countries; and
 - c) continue to cooperate with organizations involved in policy-making in this field, notably with the Conference of the Parties to the UNFCCC;
3. *Reiterates* that:
 - a) ICAO should continue to take initiatives to promote information on scientific understanding of aviation's impact and action undertaken to address aviation emissions and continue to provide the forum to facilitate discussions on solutions to address aviation emissions; and

- b) emphasis should be on those policy options that will reduce aircraft engine emissions without negatively impacting the growth of air transport especially in developing economies;
4. *Resolves* that States and relevant organizations will work through ICAO to achieve a global annual average fuel efficiency improvement of 2 per cent until 2020 and an aspirational global fuel efficiency improvement rate of 2 per cent per annum from 2021 to 2050, calculated on the basis of volume of fuel used per revenue tonne kilometre performed;
5. *Agrees* that the goals mentioned in paragraph 4 above would not attribute specific obligations to individual States, and the different circumstances, respective capabilities and contribution of developing and developed States to the concentration of aviation GHG emissions in the atmosphere will determine how each State may voluntarily contribute to achieving the global aspirational goals;
6. *Also resolves* that, without any attribution of specific obligations to individual States, ICAO and its member States with relevant organizations will work together to strive to achieve a collective medium term global aspirational goal of keeping the global net carbon emissions from international aviation from 2020 at the same level, taking into account: the special circumstances and respective capabilities of States, in particular developing countries; the maturity of aviation markets; the sustainable growth of the international aviation industry; and that emissions may increase due to the expected growth in international air traffic until lower emitting technologies and fuels and other mitigating measures are developed and deployed;
7. *Recognizes* the many actions that ICAO member States have taken and intend to take in support of the achievement of the collective aspirational goals, including air traffic management modernization, acceleration of the use of fuel-efficient aircraft technologies, and the development and deployment of sustainable alternative fuels, and *encourages* further such efforts;
8. *Agrees* to review, at its 40th Session, the goal outlined in paragraph 6 above in light of progress towards the goal, studies regarding the feasibility of achieving the goal, and relevant information from States;
9. *Requests* the Council to continue to explore the feasibility of a long term global aspirational goal for international aviation, through conducting detailed studies assessing the attainability and impacts of any goals proposed, including the impact on growth as well as costs in all countries, especially developing countries, for the progress of the work to be presented to the 40th Session of the ICAO Assembly. Assessment of long term goals should include information from member States on their experiences working towards the medium term goal;
10. *Further encourages* States to submit voluntary action plans outlining respective policies and actions, and annual reporting on international aviation CO₂ emissions to ICAO;
11. *Invites* those States that choose to prepare or update action plans to submit them to ICAO as soon as possible preferably by the end of June 2018 and once every three years thereafter, in order that ICAO can continue to compile the quantified information in relation to achieving the global aspirational goals, and the action plans should include information on the basket of measures considered by States, reflecting respective national capacities and circumstances, quantified information on the expected environmental benefits from the implementation of the measures chosen from the basket, and information on any specific assistance needs;

12. *Encourages* States that have already submitted action plans to share information contained in action plans and build partnerships with other member States in order to support those States that have not prepared action plans, and to make the submitted action plans available to the public, taking into account the commercial sensitivity of information contained in States' action plans;

13. *Requests* the Council to facilitate the dissemination of economic and technical studies and best practices related to aspirational goals and to continue to provide guidance and other technical assistance for the preparation and update of States' action plans prior to the end of June 2018, in order for States to conduct necessary studies and to voluntarily submit action plans to ICAO;

14. *Requests* the Council to maintain and enhance appropriate standard, methodologies and a mechanism to measure/estimate, monitor and verify global GHG emissions from international aviation, and States support the work of ICAO on measuring progress through the reporting of annual data on traffic, fuel consumption and CO₂ emissions;

15. *Requests* the Council to request States to continue to support the efforts of ICAO on enhancing the reliability of measuring/estimating global GHG emissions from international aviation, and to regularly report CO₂ emissions from international aviation to the UNFCCC, as part of its contribution to assessing progress made in the implementation actions in the sector based on information approved by its member States;

16. While recognizing that no effort should be spared to obtain means to support the reduction and stabilization of CO₂ emissions from all sources, *urges* that ICAO and its member States express a clear concern, through the UNFCCC process, on the use of international aviation as a potential source for the mobilization of revenue for climate finance to the other sectors, in order to ensure that international aviation would not be targeted as a source of such revenue in a disproportionate manner;

17. *Requests* the Council to:

- a) continue to play a pivotal role in providing assistance to its member States through the dissemination of the latest information on best practices and the provision of guidance and other technical assistance to enhance capacity building and technology transfer, including through the ICAO Technical Cooperation Programme;
- b) build further partnerships with other international organizations to meet the assistance needs of ICAO's member States, including through the ICAO Action Plan Buddy Programme, and facilitate access to existing and new financial resources, technology transfer and capacity building, to developing countries and report on results achieved as well as further recommendations, preliminarily by the end of 2018 and at the 40th Session of the Assembly; and
- c) continue to initiate specific measures to assist developing States as well as to facilitate access to financial resources, technology transfer and capacity building;

18. *Requests* States to:

- a) promote scientific research aimed at continuing to address the uncertainties identified in the IPCC special report on Aviation and the Global Atmosphere and in the Assessment reports, and ensure that future assessments undertaken by IPCC and other relevant United Nations bodies include updated information, if any, on aircraft-induced effects on the atmosphere;

- b) consider policies to encourage the introduction of more fuel efficient aircraft in the market, and work together through ICAO to exchange information and develop guidance for best practices on aircraft end-of-life such as through aircraft recycling;
 - c) accelerate investments on research and development to bring to market more efficient technology by 2020;
 - d) accelerate the development and implementation of fuel efficient routings and air navigation procedures to reduce aviation emissions, and work with ICAO to bring the environmental benefits to all regions and States, taking into account the Aviation System Block Upgrades (ASBUs) strategy;
 - e) reduce legal, security, economic and other institutional barriers to enable implementation of the new air traffic management operating concepts for the environmentally efficient use of airspace;
 - f) set a coordinated approach in national administrations for policy actions and investment to accelerate the appropriate development, deployment and use of clean and renewable energy sources for aviation, including the use of sustainable alternative fuels, in accordance with their national circumstances;
 - g) consider the use of incentives to encourage the deployment of clean and renewable energies sources for aviation, including sustainable alternative fuels;
 - h) consider measures to support research and development as well as processing technology and feedstock production in order to decrease costs and support scale-up of sustainable production pathways up to commercial scale, taking into account the sustainable development of States;
 - i) recognize existing approaches to assess the sustainability of all alternative fuels in general, including those for use in aviation which should achieve net GHG emissions reduction on a life cycle basis, contribute to local social and economic development; competition with food and water should be avoided; and
 - j) adopt measures to ensure the sustainability of alternative fuels for aviation, building on existing approaches or combination of approaches, monitor, at a national level, the sustainability of the production of alternative fuels for aviation, and work together through ICAO and other relevant international bodies, to exchange information and best practices, including for the harmonization on the sustainability criteria of aviation alternative fuels;
19. *Requests* the Council to:
- a) continue to develop and keep up-to-date the guidance for member States on the application of policies and measures aimed at reducing or limiting the environmental impact of emissions from international aviation, and conduct further studies with respect to mitigating the impact of international aviation on climate change;
 - b) encourage States to cooperate in the development of predictive analytical models for the assessment of aviation impacts;

- c) continue evaluating the costs and benefits of the various measures, including existing measures, with the goal of addressing aircraft engine emissions in the most cost-effective manner, taking into account the interests of all parties concerned, including potential impacts on developing world;
- d) assist member States with studies, evaluations and development of procedures, in collaboration with other States in the region, to limit or reduce GHG emissions on a global basis and work together collaboratively to optimize the environmental benefits that can be achieved through various programmes;
- e) adopt the CO₂ emissions certification Standard for aeroplanes as soon as possible;
- f) update medium and long term technological goals for aircraft fuel burn;
- g) maintain and update guidance on operational measures to reduce international aviation emissions, and place emphasis on increasing fuel efficiency in all aspects of the ICAO's Global Air Navigation Plan (GANP); encourage States and stakeholders to develop air traffic management that optimizes environmental benefits, and promote and share best practices applied at airports;
- h) continue to develop and update the necessary tools and guidance to assess the benefits associated with air traffic management improvements, and assess the environmental benefits associated with the implementation of the Aviation System Block Upgrades (ASBUs) strategy;
- i) encourage member States and invite industry, financial institutions and other international organizations to actively participate in exchange of information and best practices, and facilitate the establishment of partnerships and the definition of policies that will further promote the transition to clean, renewable sources of energy for aviation, including sustainable alternative fuels, through regional seminars;
- j) continue to maintain the ICAO Global Framework for Aviation Alternative Fuels (GFAAF);
- k) continue to give a global view of the future use of alternative jet fuels and to account for changes in life cycle GHG emissions in order to assess progress toward achieving global aspirational goals;
- l) work with financial institutions to facilitate access to financing infrastructure development projects dedicated to sustainable aviation alternative fuels and incentives to overcome initial market hurdles;
- m) cooperate with other relevant international initiatives, including the Sustainable Energy for All (SE4ALL) initiative, to facilitate the aviation's access to renewable energy;
- n) identify the potential impacts of climate change on international aviation operations and related infrastructure and identify adaptation measures to address the potential climate change impacts, in cooperation with other relevant international organizations and the industry; and
- o) continue to cooperate with the Climate Neutral UN initiative, remain at the forefront of developing methods and tools for quantifying aviation's GHG emissions with respect to the initiative, including the ICAO Carbon Emissions Calculator that also incorporates cargo emissions, and further develop and implement the strategy for reducing GHG emissions and enhancing in-house sustainability management practices of the Organization.

Annex

The guiding principles for the design and implementation of market-based measures (MBMs) for international aviation:

- a) MBMs should support sustainable development of the international aviation sector;
- b) MBMs should support the mitigation of GHG emissions from international aviation;
- c) MBMs should contribute towards achieving global aspirational goals;
- d) MBMs should be transparent and administratively simple;
- e) MBMs should be cost-effective;
- f) MBMs should not be duplicative and international aviation CO₂ emissions should be accounted for only once;
- g) MBMs should minimize carbon leakage and market distortions;
- h) MBMs should ensure the fair treatment of the international aviation sector in relation to other sectors;
- i) MBMs should recognize past and future achievements and investments in aviation fuel efficiency and in other measures to reduce aviation emissions;
- j) MBMs should not impose inappropriate economic burden on international aviation;
- k) MBMs should facilitate appropriate access to all carbon markets;
- l) MBMs should be assessed in relation to various measures on the basis of performance measured in terms of CO₂ emissions reductions or avoidance, where appropriate;
- m) MBMs should include *de minimis* provisions;
- n) where revenues are generated from MBMs, it is strongly recommended that they should be applied in the first instance to mitigating the environmental impact of aircraft engine emissions, including mitigation and adaptation, as well as assistance to and support for developing States;
- o) where emissions reductions are achieved through MBMs, they should be identified in States' emissions reporting; and
- p) MBMs should take into account the principle of common but differentiated responsibilities and respective capabilities, the special circumstances and respective capabilities, and the principle of non-discrimination and equal and fair opportunities.

A39-3* : Consolidated statement of continuing ICAO policies and practices related to environmental protection – Global Market-based Measure (MBM) scheme

Whereas Assembly Resolution A38-18 decided to develop a global market-based measure (GMBM) scheme for international aviation, for decision by the 39th Session of the Assembly;

Recalling that Assembly Resolution A38-18 requested the Council, with the support of Member States, to finalize the work on the technical aspects, environmental and economic impacts and modalities of the possible options for a GMBM scheme, including on its feasibility and practicability, taking into account the need for development of international aviation, the proposal of the aviation industry and other international developments, as appropriate, and without prejudice to the negotiations under the UNFCCC;

Also recalling that Assembly Resolution A38-18 requested the Council, with the support of Member States, to identify the major issues and problems, including for Member States, and make a recommendation on a GMBM scheme that appropriately addresses them and key design elements, including a means to take into account special circumstances and respective capabilities, and the mechanisms for the implementation of the scheme from 2020 as part of a basket of measures which also include technologies, operational improvements and sustainable alternative fuels to achieve ICAO's global aspirational goals;

Recognizing that ICAO is the appropriate forum to address emissions from international aviation, and the significant amount of work undertaken by the Council, its Environment Advisory Group (EAG) and its Committee on Aviation Environmental Protection (CAEP) to develop a recommendation for a GMBM scheme and its design elements and implementation mechanisms, including the analyses of various approaches for distribution of obligations;

Further recalling that Assembly Resolution A38-18 requested the Council, with the support of Member States, to organize seminars, workshops on a GMBM scheme for international aviation participated by officials and experts of Member States as well as relevant organizations;

Recognizing the convening of two rounds of Global Aviation Dialogues (GLADs) seminars held in 2015 and 2016 for all regions;

Noting the support of the aviation industry for a single global carbon offsetting scheme, as opposed to a patchwork of State and regional MBMs, as a cost effective measure to complement a broader package of measures including technology, operations and infrastructure measures;

Recognizing that MBMs should not be duplicative and international aviation CO₂ emissions should be accounted for only once;

Emphasizing that the decision by the 38th Session of the Assembly to develop a global MBM scheme for international aviation reflects the strong support of Member States for a global solution for the international aviation industry, as opposed to a possible patchwork of State and regional MBMs;

Reaffirming the concern with the use of international civil aviation as a potential source for the mobilization of revenue for climate finance to the other sectors, and that MBMs should ensure the fair treatment of the international aviation sector in relation to other sectors;

* The Summary Listing of Reservations will be included in the Assembly Resolutions in Force document to be published in due course.

Recalling the UNFCCC and the Paris Agreement and *acknowledging* its principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances;

Also acknowledging the principles of non-discrimination and equal and fair opportunities to develop international aviation set forth in the Chicago Convention;

Welcoming the adoption of the Paris Agreement under the UNFCCC and *recognizing* that the work related to a global MBM scheme for international aviation and its implementation will contribute to the achievement of the goals set out in the Paris Agreement;

Whereas the UNFCCC and the Paris Agreement provide for mechanisms, such as the Clean Development Mechanism (CDM) and a new market mechanism under the Paris Agreement, to contribute to the mitigation of GHG emissions to support sustainable development, which benefit developing States in particular;

Welcoming the cooperation between the United Nations Framework Convention on Climate Change (UNFCCC) and ICAO on the development of CDM methodologies for aviation;

Recognizing that this Resolution does not set a precedent for or prejudice the outcome of negotiations under the UNFCCC, the Paris Agreement, or other international agreements, nor represent the position of the Parties to the UNFCCC, the Paris Agreement, or other international agreements;

The Assembly:

1. *Resolves* that this Resolution, together with Resolution A39-1: *Consolidated statement of continuing ICAO policies and practices related to environmental protection - General provisions, noise and local air quality* and Resolution A39-2: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, supersede Resolutions A38-17 and A38-18 and constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection;
2. *Acknowledges* the progress achieved on all elements of the basket of measures available to address CO₂ emissions from international aviation, including aircraft technologies, operational improvements, sustainable alternative fuels and a GMBM scheme and any other measures, and *affirms* the preference for the use of aircraft technologies, operational improvements and sustainable alternative fuels that provide the environmental benefits within the aviation sector;
3. *Also acknowledges* that, despite this progress, the environmental benefits from aircraft technologies, operational improvements and sustainable alternative fuels may not deliver sufficient CO₂ emissions reductions to address the growth of international air traffic, in time to achieve the global aspirational goal of keeping the global net CO₂ emissions from international aviation from 2020 at the same level;
4. *Emphasizes* the role of a GMBM scheme to complement a broader package of measures to achieve the global aspirational goal, without imposing inappropriate economic burden on international aviation;
5. *Decides* to implement a GMBM scheme in the form of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) to address any annual increase in total CO₂ emissions from international civil aviation (i.e. civil aviation flights that depart in one country and arrive in a different country) above the 2020 levels, taking into account special circumstances and respective capabilities;

6. *Requests* the Council to continue to ensure all efforts to make further progress on aircraft technologies, operational improvements and sustainable alternative fuels be taken by Member States and reflected in their action plans to address CO₂ emissions from international aviation, and to monitor and report the progress on implementation of action plans, and that a methodology should be developed to ensure that an aircraft operator's offsetting requirements under the scheme in a given year can be reduced through the use of sustainable alternative fuels, so that all elements of the basket of measures are reflected;

7. *Request* the Council to continuously monitor the implementation of all elements of the basket of measures, and consider the necessary policies and actions to ensure that progress is achieved in all of the elements in a balanced way with an increasing percentage of emissions reductions accruing from non-MBM measures over time;

8. *Acknowledges* special circumstances and respective capabilities of States, in particular developing States, in terms of vulnerability to the impacts of climate change, economic development levels, and contributions to international aviation emissions, among other things, while minimizing market distortion;

9. *Decides* the use of a phased implementation for the CORSIA to accommodate the special circumstances and respective capabilities of States, in particular developing States, while minimizing market distortion, as follows:

- a) Pilot phase applies from 2021 through 2023 to States that have volunteered to participate in the scheme. States participating in this phase may determine the basis of their aircraft operator's offsetting requirements from paragraph 11 e) i) below;
- b) First phase applies from 2024 through 2026 to States that voluntarily participate in the pilot phase, as well as any other States that volunteer to participate in this phase, with the calculation of offsetting requirements in paragraph 11 a) below;
- c) All States are strongly encouraged to voluntarily participate in the pilot phase and the first phase, noting that developed States, which have already volunteered, are taking the lead, and that several other States have also volunteered;
- d) The Secretariat will make public on the ICAO website updated information on the States that volunteered to participate in the pilot phase and first phase;
- e) Second phase applies from 2027 through 2035 to all States that have an individual share of international aviation activities in RTKs in year 2018 above 0.5 per cent of total RTKs or whose cumulative share in the list of States from the highest to the lowest amount of RTKs reaches 90 per cent of total RTKs, except Least Developed Countries (LDCs), Small Island Developing States (SIDS) and Landlocked Developing Countries (LLDCs) unless they volunteer to participate in this phase;
- f) States that are exempted or have not yet participated are strongly encouraged to voluntarily participate in the scheme as early as possible, in particular those States that are members of a regional economic integration organization. States who decide to voluntarily participate in the scheme, or decide to discontinue the voluntary participation from the scheme, may only do so from 1 January in any given year and they shall notify ICAO of their decision by no later than 30 June of the preceding year;

- g) Starting in 2022, the Council will conduct a review of the implementation of the CORSIA every three years, including its impact on the growth of international aviation, which serves as an important basis for the Council to consider whether it is necessary to make adjustments to the next phase or compliance cycle and, as appropriate, to recommend such adjustments to the Assembly for its decision;
10. *Decides* that the CORSIA shall apply to all aircraft operators on the same routes between States with a view to minimizing market distortion, as follows:
- a) all international flights on the routes between States, both of which are included in the CORSIA by paragraph 9 above, are covered by the offsetting requirements of the CORSIA;
 - b) all international flights on the routes between a State that is included in the CORSIA and another State that is not included in the CORSIA by paragraph 9 above are exempted from the offsetting requirements of the CORSIA, while retaining simplified reporting requirements; and
 - c) all international flights on the routes between States, both of which are not included in the CORSIA by paragraph 9 above, are exempted from the offsetting requirements of the CORSIA, while retaining simplified reporting requirements;
11. *Decides* that the amount of CO₂ emissions required to be offset by an aircraft operator in a given year from 2021 is calculated every year as follows:
- a) an aircraft operator's offset requirement = [% Sectoral × (an aircraft operator's emissions covered by CORSIA in a given year × the sector's growth factor in the given year)] + [% Individual × (an aircraft operator's emissions covered by CORSIA in a given year × that aircraft operator's growth factor in the given year);
 - b) where the sector's growth factor = (total emissions covered by CORSIA in the given year – average of total emissions covered by CORSIA between 2019 and 2020) / total emissions covered by CORSIA in the given year;
 - c) where the aircraft operator's growth factor = (the aircraft operator's total emissions covered by CORSIA in the given year – average of the aircraft operator's emissions covered by CORSIA between 2019 and 2020) / the aircraft operator's total emissions covered by CORSIA in the given year;
 - d) where the % Sectoral = (100% – % Individual) and;
 - e) where the % Sectoral and % Individual will be applied as follows:
 - i) from 2021 through 2023, 100% sectoral and 0% individual, though each participating State may choose during this pilot phase whether to apply this to:
 - a) an aircraft operator's emissions covered by CORSIA in a given year, as stated above, or
 - b) an aircraft operator's emissions covered by CORSIA in 2020;
 - ii) from 2024 through 2026, 100 % sectoral and 0% individual;

- iii) from 2027 through 2029, 100 % sectoral and 0% individual;
 - iv) from 2030 through 2032, at least 20% individual, with the Council recommending to the Assembly in 2028 whether and to what extent to adjust the individual percentage;
 - v) from 2033 through 2035, at least 70% individual, with the Council recommending to the Assembly in 2028 whether and to what extent to adjust the individual percentage;
 - f) the aircraft operator's emissions and the total emissions covered by CORSIA in the given year do not include emissions exempted from the scheme in that year;
 - g) the scope of emissions in paragraphs 11 b) and 11 c) above will be recalculated at the start of each year to take into account routes to and from all States that will be added due to their voluntary participation or the start of a new phase or compliance cycle;
12. *Decides* that a new entrant¹ is exempted from the application of the CORSIA for three years or until the year in which its annual emissions exceed 0.1 per cent of total emissions in 2020, whichever occurs earlier. From the subsequent year, the new entrant is included in the scheme and treated in the same way as the other aircraft operators.
13. *Decides* that, notwithstanding with the provisions above, the CORSIA does not apply to low levels of international aviation activity with a view to avoiding administrative burden: aircraft operators emitting less than 10,000 metric tonnes of CO₂ emissions from international aviation per year; aircraft with less than 5,700 kg of Maximum Take Off Mass (MTOM); or humanitarian, medical and firefighting operations;
14. *Decides* that the emissions that are not covered by the scheme, as the results of phased implementation and exemptions, are not assigned as offsetting requirements of any aircraft operators included in the scheme;
15. *Notes* the work of the Council, with the technical contribution of CAEP, on: a) the monitoring, reporting and verification (MRV) system; b) recommended criteria for emissions units to be purchased by aircraft operators that take into account developments in the UNFCCC process; c) and registries under the CORSIA, and *requests* the Council, with the technical contribution of CAEP, to complete its work as soon as possible including the provision of capacity building and assistance, so as to enable the full implementation of the CORSIA from 2020;
16. *Decides* a three year compliance cycle, starting with the first cycle from 2021 to 2023, for aircraft operators to reconcile their offsetting requirements under the scheme, while they report the required data to the authority designated by the aircraft operator's State of registry every year;
17. *Decides* on the need to provide for safeguards in the CORSIA to ensure the sustainable development of the international aviation sector and against inappropriate economic burden on international aviation, and *requests* the Council to decide the basis and criteria for triggering such action and identify possible means to address these issues;

¹ A new entrant is defined as any aircraft operator that commences an aviation activity falling within the scope of the scheme on or after its entry into force and whose activity is not in whole or in part a continuation of an aviation activity previously performed by another aircraft operator.

18. *Decides* that a periodic review of the CORSIA is undertaken by the Council, for consideration by the Assembly, every three years from 2022 for the purpose referred to in paragraph 9 g) above and to contribute to the sustainable development of the international aviation sector and the effectiveness of the scheme. This will involve, inter alia:

- a) assessment of: progress towards achieving the ICAO's global aspirational goal; the scheme's market and cost impact on States and aircraft operators and on international aviation; and the functioning of the scheme's design elements;
- b) consideration of the scheme's improvements that would support the purpose of the Paris Agreement, in particular its long-term temperature goals; and update the scheme's design elements to improve implementation, increase effectiveness, and minimize market distortion, taking into account the consequential impact of changing the scheme's design elements, e.g., to MRV requirements; and
- c) a special review by the end of 2032 on termination of the scheme, its extension or any other improvements of the scheme beyond 2035, including consideration of the contribution made by aircraft technologies, operational improvements and sustainable alternative fuels towards achieving the ICAO's environmental objectives;

19. *Determines* that the CORSIA or any other scheme decided by the Assembly is to be the market-based measure applying to CO₂ emissions from international aviation;

20. *Requests* the following actions be taken, with a view to establishing necessary mechanisms for implementation of the CORSIA from 2020:

Regarding the implementation of the MRV system,

- a) the Council to develop, with the technical contribution of CAEP, the SARPs and related guidance material for the implementation of the MRV system under the CORSIA, including simplified MRV procedures, for adoption by the Council by 2018;
- b) all Member States whose aircraft operator undertakes international flights to develop the necessary arrangements, in accordance with the MRV SARPs, for implementation from 1 January 2019;

Regarding the Emissions Unit Criteria (EUC),

- c) the Council to develop, with the technical contribution of CAEP, the SARPs and related guidance material for Emissions Unit Criteria (EUC) to support the purchase of appropriate emissions units by aircraft operators under the scheme, taking into account relevant developments in the UNFCCC and Article 6 of the Paris Agreement, for adoption by the Council as soon as possible but not later than 2018;
- d) the Council to establish, with the technical contribution of CAEP, a standing technical advisory body on the Emissions Unit Criteria (EUC) to make recommendations to the Council on the eligible emissions units for use by the CORSIA;

- e) the Council, with the technical contribution of CAEP, to periodically review the EUC SARPs and related guidance material, as appropriate, to promote compatibility with future relevant decisions under the Paris Agreement;

Regarding the establishment of Registries,

- f) the Council to develop, with the technical contribution of CAEP, policies and related guidance material to support the establishment of registries under the scheme, for adoption by the Council by 2018;
- g) the Council to establish a consolidated central registry under the auspices of ICAO, for operationalization no later than 1 January 2021;
- h) Member States to develop necessary arrangements for the establishment of their own registries or group registries established by groups of States, or to arrange for participation in other registries, in accordance with the ICAO guidance;

Regarding the governance of the CORSIA,

- i) the Council to oversee the functioning of the CORSIA, with support provided by the standing technical advisory body and CAEP as needed;

Regarding the regulatory framework,

- j) Member States to take necessary action to ensure that the necessary national policies and regulatory framework be established for the compliance and enforcement of the scheme by 2020.

21. *Decides* that emissions units generated from mechanisms established under the UNFCCC and the Paris Agreement are eligible for use in CORSIA, provided that they align with decisions by the Council, with the technical contribution of CAEP, including on avoiding double counting and on eligible vintage and timeframe;

22. *Decides* that ICAO and Member States take all necessary actions in providing the capacity building and assistance and building partnerships for implementation of the CORSIA from 2020, including:

Regarding the implementation of the MRV system,

- a) the Council to take necessary action to expand the provision of capacity building and assistance for the preparation and implementation on Member States' action plans, in order to accommodate capacity building and assistance for implementation of the MRV system by Member States from 1 January 2019, including organization of seminars and training in all regions from 2017, and facilitation of financial support where needed, in particular for those States that volunteer to participate in the pilot phase and require support to do so;
- b) Member States to build partnerships among themselves to cooperate on the implementation of the MRV system;

Regarding the establishment of Registries,

- c) the Council to take necessary action to expand the provision of capacity building and assistance for the preparation and implementation on Member States' action plans, in order to accommodate capacity building and assistance for establishment of registries by States, including organization of seminars and training in all regions from 2017, and facilitation of financial support where needed, in particular for those States that volunteer to participate in the pilot phase and require support to do so;
- d) Member States to build partnerships among themselves to cooperate on the establishment of their own registries or group registries established by groups of States, and possible pilot implementation;

23. *Decides* that the CORSIA will use emissions units that meet the Emissions Unit Criteria (EUC) in paragraph 20 above;

24. *Requests* the Council to promote the use of emissions units generated that benefit developing States, and *encourages* States to develop domestic aviation-related projects;

25. *Requests* the Council to explore further development of aviation-related methodologies for use in offsetting programmes, including mechanisms or other programmes under the UNFCCC, and *encourages* States to use such methodologies in taking actions to reduce aviation CO₂ emissions, which could further enable the use of credits generated from the implementation of such programmes by the CORSIA, without double-counting of emissions reduction;

A39-4: Amendment to Article 50 (a) of the *Convention on International Civil Aviation*

Having met, in its thirty-ninth session, at Montréal on 1 October 2016;

Having noted that it is the general desire of Contracting States to enlarge the membership of the Council;

Having considered it proper to provide for four additional seats in the Council and, accordingly, to increase the membership from thirty-six to forty; and

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

The Assembly:

1. *Approves*, in accordance with the provisions of Article 94 (a) of the Convention aforesaid, the following proposed amendment to the said Convention:

In Article 50 (a) of the Convention the second sentence shall be amended by replacing “thirty-six” by “forty”;

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

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

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

A39-5: Ratification of the Protocol amending Article 50 (a) of the *Convention on International Civil Aviation*

Whereas the Assembly has decided to amend Article 50 (a) of the Convention to provide for an increase in the size of the Council; and

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

The Assembly:

1. *Recommends* to all Contracting States that they ratify most urgently the amendment to Article 50 (a) of the Convention; and
2. *Directs* the Secretary General to bring this resolution to the attention of Contracting States as soon as possible.

A39-6: Amendment to Article 56 of the *Convention on International Civil Aviation*

Having met, in its thirty-ninth session, at Montréal on 1 October 2016;

Having noted that it is the general desire of Contracting States to enlarge the membership of the Air Navigation Commission;

Having considered it proper to increase the membership of that body from nineteen to twenty-one; and

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

The Assembly:

1. *Approves*, in accordance with the provisions of Article 94 (a) of the Convention aforesaid, the following proposed amendment to the said Convention:

“In Article 56 of the Convention the expression ‘nineteen members’ shall be replaced by ‘twenty-one members’”;

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

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

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

A39-7: Ratification of the Protocol amending Article 56 of the *Convention on International Civil Aviation*

Whereas the Assembly has decided to amend Article 56 of the *Convention on International Civil Aviation* to provide for an increase in the size of the ANC; and

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

The Assembly:

1. *Recommends* to all Contracting States that they ratify most urgently the amendment to Article 56 of the *Convention on International Civil Aviation*; and
2. *Directs* the Secretary General to bring this resolution to the attention of Contracting States as soon as possible.

A39-8: Conflicts of interest in civil aviation

Recognizing that conflicts of interest may hamper effective, independent and impartial safety regulation of civil aviation and thereby pose risks to the safety and security of international civil aviation;

Acknowledging the need for and the benefits of drawing upon the experience and expertise of qualified industry personnel to help ensure that important regulatory oversight functions can be provided;

Recalling that the item “Consideration of Guidance on Conflicts of Interest” was added to the General Work Programme of the Legal Committee by the 37th Session of the Assembly and subsequently was endorsed by the Legal Committee, the Council and the 38th Session of the Assembly, which elevated its priority;

Aware that under the United Nations Convention Against Corruption adopted by the General Assembly on 31 October 2003, States have the obligation to endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest;

Considering that Annex 19 – *Safety Management* and ICAO guidance material identify the need for States *inter alia* to establish a strategy to mitigate potential issues arising from conflicts of interest in civil aviation; and

Convinced of the need for States to share information concerning policies and measures used to detect, avoid, mitigate and manage conflicts of interest in civil aviation;

The Assembly:

1. *Urges* States which have not done so to consider establishing a formal legal framework to detect, avoid, mitigate and manage conflicts of interest in civil aviation;

2. *Invites* States:

- a) to examine at the national level the adequacy of their domestic legal regimes on measures and practices to detect, avoid, mitigate and manage conflicts of interest in civil aviation, with a view to ensuring and improving transparency and accountability in civil aviation regulatory activities and to balancing their particular circumstances and ability to fulfil their oversight obligations with addressing the risks to aviation safety and security posed by conflicts of interest; and
- b) where necessary, to enact legislation and establish systems, codes and practices which promote the awareness of potential conflicts of interest in civil aviation;

3. *Urges* States to ensure the enforcement of rules and measures to detect, avoid, mitigate and manage conflicts of interest relating to safety oversight in civil aviation;

4. *Mandates* the Council to facilitate the collection, analysis, dissemination and promotion of best practices addressing conflicts of interest for the benefit of Member States, taking advantage of existing expertise in the States and within the United Nations and other relevant international organizations;

5. *Requests* the Secretary General to continue to collect information from States and relevant intergovernmental organizations, concerning policies and measures used to detect, avoid, mitigate and manage conflicts of interest in civil aviation, in order to advance the study of this issue;

6. *Requests* the Secretary General to develop a reference document identifying all provisions in the Annexes and manuals relating to conflicts of interest;

7. *Mandates* the Legal Committee to keep the issue of conflicts of interests in civil aviation under regular review; and

8. *Calls upon* States to extend to the Secretary General their full support and assistance in the implementation of the present resolution, including the provision of expertise and information.

A39-9: Promotion of the Montréal Convention of 1999

Recalling its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization, and Resolution A38-20, *Promotion of the Montréal Convention of 1999*;

Recognizing the importance of achieving a universal regime to govern airline liability to passengers and shippers on international flights;

Recognizing the desirability of an equitable, fair and convenient system for compensation for losses;

The Assembly:

1. *Urges* all Contracting States to support and encourage the universal adherence to the Convention for the Unification of Certain Rules for International Carriage by Air, done at Montréal on 28 May 1999 (Montréal Convention of 1999);

2. *Urges* all Contracting States that have not done so to become Parties to the Montréal Convention of 1999 as soon as possible; and
3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a Contracting State.
4. *Declares* that this resolution supersedes Resolution A38-20.

A39-10: Promotion of the Beijing Convention and the Beijing Protocol of 2010

Recalling its Resolution A38-19 entitled Promotion of the Beijing Convention and the Beijing Protocol of 2010;

Recalling further its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization; and

Recognizing the importance of broadening and strengthening the global aviation security regime to meet new and emerging threats;

The Assembly:

1. *Urges* all States to support and encourage the universal adoption of the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention of 2010) and the Protocol Supplementary to the *Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol of 2010);
2. *Urges* all States to sign and ratify the Beijing Convention and Beijing Protocol of 2010 as soon as possible;
3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a State; and
4. *Declares* that this resolution supersedes Resolution A38-19.

A39-11: Consolidated Statement of Continuing ICAO Policies in the Legal Field

Whereas it is considered desirable to consolidate Assembly resolutions on the Organization's policies in the legal field in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized:

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies in the legal field, up to date as these policies exist at the close of the 39th Session of the Assembly;

2. *Resolves* to continue to adopt at each ordinary session a consolidated statement of continuing ICAO policies in the legal field; and
3. *Declares* that this resolution supersedes Resolution A37-22.

APPENDIX A

General Policy

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

Whereas it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends:

The Assembly:

Reaffirms the important role of law in the avoidance and resolution of conflicts and disputes among the nations and peoples of the world and, in particular, in the achievement by the Organization of its aims and objectives.

APPENDIX B

Procedure for approval of draft conventions on international air law

The Assembly resolves:

That the following constitutes the procedure for the approval of draft conventions:

1. Any draft convention which the Legal Committee considers as ready for presentation to the States as a final draft shall be transmitted to the Council, together with a report thereon.
2. The Council may take such action as it deems fit, including the circulation of the draft to the Contracting States and to such other States and International Organizations as it may determine.
3. In circulating the draft convention, the Council may add comments and afford States and organizations an opportunity to submit comments to the Organization within a period of not less than four months.
4. Such draft convention shall be considered, with a view to its approval, by a conference which may be convened in conjunction with a session of the Assembly. The opening date of the conference shall be not less than six months after the date of transmission of the draft as provided in paragraphs 2 and 3 above. The Council may invite to such a conference any non-Contracting State whose participation it considers desirable, and shall decide whether such participation carries the right to vote. The Council may also invite international organizations to be represented at the conference by observers.

APPENDIX C

Ratification of ICAO international instruments

The Assembly:

Recalling its Resolution A37-22, Appendix C relating to the ratification of the Protocols of Amendment to the Chicago Convention and of the private air law and other instruments which have been developed and adopted under the auspices of the Organization;

Noting with concern the continuing slow progress of ratification of the aforementioned Protocols of Amendment, including in particular those introducing Articles 3 *bis* and 83 *bis* to the Chicago Convention, and the final paragraphs (relating to the Arabic and Chinese texts);

Recognizing the importance of these amendments to international civil aviation, in particular to the viability of the Chicago Convention, and the consequent urgent need to accelerate the entry into force of these amendments not yet in force;

Recognizing the need to accelerate the ratification and entry into force of air law instruments developed and adopted under the auspices of the Organization;

Conscious of the fact that only a universal participation in these Protocols of Amendment and other instruments would secure and enhance the benefits of unification of the international rules which they embody;

Urges all Contracting States which so far have not done so to ratify those Amendments to the Chicago Convention which are not yet in force, i.e. those amending the final paragraph to add Arabic and Chinese to the authentic texts of the Convention, and those amendments to Articles 50 (a) and 56 adopted in 2016, as soon as possible;

Urges all Contracting States which have not yet done so to ratify the Protocols introducing Articles 3 *bis* and 83 *bis* of the Chicago Convention;

Urges all Contracting States which so far have not done so to ratify the other international air law instruments, in particular the Montréal Convention of 1999, the Cape Town Convention and Aircraft Protocol of 2001, the two Montréal Conventions of 2 May 2009, the Beijing Convention and the Beijing Protocol of 2010 and the Montréal Protocol of 2014, as soon as possible;

Urges States which have ratified the instruments in question to provide to the Secretary General copies of the text and documents they have used in the process of ratification and implementation of such instruments and which may serve as an example assisting other States in the same process; and

Directs the Secretary General to take all practical measures within the Organization's means in cooperation with States to provide assistance, if requested, to States encountering difficulties in the process of ratification and implementation of the air law instruments, including the organization of and the participation in workshops or seminars to further the process of ratification of the international air law instruments.

APPENDIX D

The teaching of air law

The Assembly, considering the undoubted importance for the Organization and the States of the specialized teaching of air law and the desirability of fostering knowledge of this important subject:

Invites the Council to take all possible action to promote the teaching of air law in those States where it is not yet available;

Urges the States to adopt appropriate measures which would further the achievement of the above objective; and

Calls upon Contracting States and interested parties to contribute to the Assad Kotaite Graduate and Postdoctoral Fellowship Fund.

APPENDIX E

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

The Assembly:

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

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

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

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

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

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

Noting that States at the International Conference on Air Law held in Montréal adopted on 4 April 2014 a *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* and that the Conference decided not to include a list of offences and other acts within the Protocol but recommended that ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* published in 2002 be updated;

Therefore:

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

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

Requests the Council to encourage the Task Force on Legal Aspects of Unruly Passengers to continue its work, including the review of the contents of the Model Legislation on Certain Offences Committed on Board Civil Aircraft found in this Appendix and to report to the 37th Session of the Legal Committee; and

Decides to review this Appendix at its next ordinary session on the basis of the outcome of the work of the said Task Force.

Model Legislation on Certain Offences Committed on Board Civil Aircraft

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

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

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

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

- 1) Any person who commits on board a civil aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.
- 2) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:
 - a) assault, intimidation or threat, whether physical or verbal, against another person;

- b) intentionally causing damage to, or destruction of, property;
- c) consuming alcoholic beverages or drugs resulting in intoxication.

Section 3: Other Offences Committed on Board a Civil Aircraft

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

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

Section 4: Jurisdiction

1. The jurisdiction of (*Name of State*) shall extend to any offence under Sections 1, 2, or 3 of this Act if the act constituting the offence took place on board:

- 1) any civil aircraft registered in (*Name of State*); or
- 2) any civil aircraft leased with or without crew to an operator whose principal place of business is in (*Name of State*) or, if the operator does not have a principal place of business, whose permanent residence is in (*Name of State*); or
- 3) any civil aircraft on or over the territory of (*Name of State*); or
- 4) any other civil aircraft in flight outside (*Name of State*), if
 - a) the next landing of the aircraft is in (*Name of State*); and
 - b) the aircraft commander has delivered the suspected offender to the competent authorities of (*Name of State*), with the request that the authorities prosecute the suspected offender and with the affirmation that no similar request has been or will be made by the commander or the operator to any other State.

2. The term “in flight” as used in this section means the period from the moment when power is applied for the purpose of takeoff until the moment when the landing run ends.

APPENDIX F

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

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

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

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

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

The Assembly:

1. *Recognizes* the importance of Item No. 4 of the General Work Programme of the Legal Committee “Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS) and the regional multinational organisms, of the establishment of a legal framework”, and resolutions or decisions by the Assembly and the Council relating to it;
2. *Reaffirms* that there is no need to amend the Chicago Convention for the implementation of CNS/ATM systems;
3. *Invites* Contracting States to also consider using regional organizations to develop mechanisms necessary to address any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention, and public international law;
4. *Encourages* the facilitation of technical assistance in implementation of CNS/ATM systems by ICAO, regional organizations and industry;
5. *Invites* Contracting States, other multilateral agencies and private financiers to consider development of additional sources of funding for assistance to States and regional groups in implementation of CNS/ATM;

6. *Directs* the Secretary General to monitor and, where appropriate, assist in the development of contractual frameworks to which parties may accede, *inter alia*, on the basis of the structure and model proposed by the Members of the European Civil Aviation Conference and the other regional civil aviation commissions, and on international law;
7. *Invites* the Contracting States to transmit regional initiatives to the Council; and
8. *Directs* the Council to register such regional initiatives, to consider their value and to make them public as soon as possible (in accordance with Articles 54, 55 and 83 of the Chicago Convention).

A39-12: ICAO global planning for safety and air navigation

Whereas ICAO strives to achieve the goal of a safe and orderly development of civil aviation through cooperation among Member States and other stakeholders;

Whereas to realize this goal, the Organization has established Strategic Objectives, including objectives for safety and for capacity and efficiency;

Recognizing the importance of global frameworks to support the Strategic Objectives of ICAO;

Recognizing the importance of effective implementation of regional and national plans and initiatives based on the global frameworks;

Recognizing that further progress in improving the global safety, capacity and efficiency of civil aviation is best achieved through a cooperative, collaborative and coordinated approach in partnership with all stakeholders under the leadership of ICAO; and

Noting the approval by the Council of the second edition of the Global Aviation Safety Plan (GASP) and of the fifth edition of the Global Air Navigation Plan (GANP);

The Assembly:

1. *Endorses* the second edition of the Global Aviation Safety Plan (GASP) and the fifth edition of the Global Air Navigation Plan (GANP) as the global strategic directions for safety and air navigation, respectively;
2. *Resolves* that ICAO shall implement and keep current the GASP and the GANP to support the relevant Strategic Objectives of the Organization, while ensuring necessary stability;
3. *Resolves* that these global plans shall be implemented and kept current in close cooperation and coordination with all concerned stakeholders;
4. *Resolves* that these global plans shall provide the frameworks in which regional, subregional and national implementation plans will be developed and implemented, thus ensuring consistency, harmonization and coordination of efforts aimed at improving international civil aviation safety, capacity and efficiency;

5. *Urges* Member States to develop sustainable solutions to fully exercise their safety oversight and air navigation responsibilities which can be achieved by sharing resources, utilizing internal and/or external resources, such as regional and sub-regional organizations and the expertise of other States;
6. *Urges* Member States to demonstrate the political will necessary for taking remedial actions to address safety and air navigation deficiencies, including those identified by Universal Safety Oversight Audit Programme (USOAP), through the application of GASP and GANP objectives and the ICAO regional planning process;
7. *Urges* Member States, the industry and financing institutions to provide the needed support for the coordinated implementation of the GASP and GANP, avoiding duplication of efforts;
8. *Calls upon* States and invites other stakeholders to cooperate in the development and implementation of regional, sub-regional and national plans based on the frameworks of the GASP and GANP;
9. *Instructs* the Secretary General to promote, make available and effectively communicate the GASP and the GANP; and
10. *Declares* that this resolution supersedes Resolution A38-2 on ICAO global planning for safety and air navigation.

APPENDIX A

Global Aviation Safety Plan (GASP)

Reaffirming that the primary objective of the Organization continues to be the improvement of safety and an associated reduction in the number of accidents and related fatalities within the international civil aviation system;

Recognizing that safety is a responsibility involving ICAO, Member States and all other stakeholders;

Recognizing the safety benefits that can be drawn from partnerships between States and industry;

Recognizing that the High-level Safety Conference (2010) reaffirmed the need for the ICAO safety framework to continuously evolve to ensure its sustained effectiveness and efficiency in the changing regulatory, economic and technical environment;

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

Recognizing the need to maintain the public's confidence in air transport by providing access to relevant safety information;

Recognizing that a proactive approach in which a strategy is established to set priorities, targets and indicators to manage safety risks is of paramount importance to the achievement of further improvements in aviation safety;

Recognizing that regional aviation safety groups have been implemented by ICAO, taking into account the needs of the various regions and building on the already existing structures and forms of cooperation;

Noting the intent to apply the safety management principles in the GASP to enhance safety by focusing action where it is most needed;

Noting the development of the global aviation safety roadmap, as an action plan to assist the aviation community in implementing the safety initiatives presented in the GASP, through a structured, common frame of reference for all relevant stakeholders; and

Noting the need to assist Member States in implementing safety management principles and mitigate risks on identified operational issues;

The Assembly:

1. *Stresses* the need for continuous improvement of aviation safety through a reduction in the number of accidents and related fatalities in air transport operations in all parts of the world, particularly in States where safety records are significantly worse than the worldwide average;
2. *Stresses* that limited resources of the international aviation community should be used strategically to support States or regions whose safety oversight maturity is not at an acceptable level;
3. *Urges* Member States to support the GASP objectives by implementing the safety initiatives outlined therein;
4. *Urges* Member States, regional safety oversight organizations (RSOOs), regional aviation safety groups (RASGs) and international organizations concerned to work with all stakeholders to set priorities, targets and indicators consistent with the GASP objectives with the view to reduce the number and rate of aircraft accidents;
5. *Urges* States to fully exercise safety oversight of their operators in full compliance with applicable Standards and Recommended Practices (SARPs), and assure themselves that every foreign operators flying into their territory receives adequate oversight from its own State and take appropriate action when necessary to preserve safety; and
6. *Encourages* ICAO to continue development of the global aviation safety roadmap, as required.

APPENDIX B

Global Air Navigation Plan (GANP)

Whereas the enhancement of the safety, capacity and efficiency of aviation operations is a key element of the ICAO Strategic Objectives;

Having adopted Resolution A38-12, a consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation;

Recognizing the importance of GANP as an operational strategy and part of the basket of measures for environmental protection; and

Recognizing that many States and regions are developing new generation plans for their own air navigation modernization;

The Assembly:

1. *Instructs* the Council to use the guidance in the Global Air Navigation Plan (GANP) to develop and prioritize the technical work programme of ICAO in the field of air navigation;
2. *Urges* the Council to provide States with a standardization roadmap, as announced in the GANP, as a basis for the work programme of ICAO;
3. *Calls upon* States, planning and implementation regional groups (PIRGs), and the aviation industry to utilize the guidance provided in the GANP for planning and implementation activities which establish priorities, targets and indicators consistent with globally-harmonized objectives, taking into account operational needs;
4. *Calls upon* States to take into consideration the GANP guidelines as an efficient operational measure for environmental protection;
5. *Calls upon* States, PIRGs, and the aviation industry to provide timely information to ICAO, and to each other, regarding the implementation status of the GANP, including the lessons learned from the implementation of its provisions;
6. *Invites* PIRGs to use ICAO standardized tools or adequate regional tools to monitor and, in collaboration with ICAO, analyse the implementation status of air navigation systems;
7. *Instructs* the Council to publish the results of the analysis on the regional performance dashboards and in an annual global air navigation report including, as a minimum, the key implementation priorities and accrued environmental benefits estimated using CAEP-recognized methods; and
8. *Urges* States that are developing new generation plans for their own air navigation modernization to coordinate with ICAO and align their plans so as to ensure global compatibility and harmonization.

A39-13: Halon replacement

Recognizing the importance of aircraft fire extinguishing systems to the safety of flight;

Recognizing that halogenated hydrocarbons (halon) have been the main fire extinguishing agent used in civil aircraft fire extinguishing systems for over fifty years;

Whereas halons are no longer being produced by international agreement because their release contributes to ozone depletion and climate change;

Recognizing that more needs to be done because the available halon supplies are decreasing and unsure and that the environmental community continues to be concerned that halon alternatives have not been developed for all fire extinguishing systems in civil aircraft;

Recognizing that the Minimum Performance Standard for each application of halon has been developed already by the International Aircraft Systems Fire Protection Working Group with participation by industry and regulatory authorities;

Recognizing that there are stringent aircraft-specific requirements for each application of halon that must be met before a replacement can be implemented;

Recognizing that the aircraft manufacturing industry has established mechanisms for stakeholder engagement in the development of common solutions for halon replacement in a realistic timeframe for cargo compartment applications;

Recognizing that the production is prohibited by international agreement, halon is now exclusively obtained from recovery, reclaiming and recycling. Therefore, recycling of halon gas needs to be rigorously controlled to prevent the possibility of contaminated halon being supplied to the civil aviation industry; and

Recognizing that any strategy must depend on alternatives that do not pose an unacceptable environmental or health risk as compared to the halons they are replacing;

The Assembly:

1. *Urges* States and their aviation industries to intensify development and implementation of acceptable halon alternatives for fire extinguishing and suppression systems in aircraft cargo compartments;
2. *Urges* States to determine and monitor their halon reserve and quality of halon;
3. *Encourages* ICAO to continue collaboration with the International Aircraft Systems Fire Protection Working Group and the United Nations Environment Programme's Ozone Secretariat through its Technology and Economic Assessment Panel's Halons Technical Options Committee on the topic of halon alternatives for civil aviation;
4. *Encourages* States to collaborate with the Industry Consortium for engine/APU applications and the Cargo Compartment Halon Replacement Working Group established by the International Coordinating Council of Aerospace Industries Associations;
5. *Encourages* States to support measures to minimize unnecessary halon emissions that occur when there is an absence of any safety threatening fire event and to ensure the better management and preservation of existing halon reserves;
6. *Directs* the Council to mandate the replacement of halon in cargo compartment fire suppression systems used in aircraft for which application for type certification will be submitted after a specified date in the 2024 timeframe; and
7. *Declares* that this resolution supersedes Resolution A38-9.

A39-14: Regional cooperation and assistance to resolve safety deficiencies, establishing priorities and setting measurable targets

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

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

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

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

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

Whereas the results of the audits and ICAO Coordinated Validation Missions (ICVMs) conducted under the Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP-CMA) indicate that several Member States have not yet been able to establish a satisfactory national safety oversight system and some Member States have been identified as having significant safety concerns (SSCs);

Whereas ICAO plays a leadership role in facilitating the implementation of SARPs and the rectification of safety-related deficiencies by coordinating support and harnessing resources among aviation safety partners;

Recognizing that the ICAO Plans of Action developed for individual Member States serve as platforms to provide, in coordination with other stakeholders, direct assistance and guidance to those States in resolving their SSCs as well as addressing low effective implementation (EI) of critical elements;

Whereas ICAO has a Policy on Regional Cooperation which is committed to render assistance, advice and any other form of support, to the extent possible, in the technical and policy aspects of international civil aviation to Member States in carrying out their responsibilities pertaining to the *Convention on International Civil Aviation* and ICAO Strategic Objectives, inter alia by promoting regional cooperation through close partnerships with regional organizations and regional civil aviation bodies;

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

Recognizing that the establishment of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations (RSOOs), has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and harmonization on a larger scale resulting from the collaboration among Member States in establishing and operating a common safety oversight system;

Recalling that Member States are responsible for implementing ICAO Standards and may, in this respect, decide on a voluntary basis to delegate certain functions to RSOOs, and that, when applicable, the word “States” should be read to include RSOOs;

Acknowledging the recognition given in Annex 19 to RSOOs and their role in discharging delegated State safety management functions on behalf of States;

Recognizing that groups of Member States may decide to establish regional aviation systems, the legal basis of which may be an international Treaty and would encompass common rules and oversight applicable in the participating States;

Recognizing that the assistance available to Member States experiencing difficulties in correcting deficiencies identified through the safety oversight audits, particularly with priority given to those States with SSCs, would be greatly enhanced by coordination amongst all Member States, ICAO and other concerned parties in civil aviation operations; and

Recognizing that established regional aviation safety groups (RASGs) have the objective of establishing objectives, priorities and indicators and the setting of measurable targets to address safety-related deficiencies in each region while ensuring consistency of action and coordination of efforts;

The Assembly:

1. *Directs* the Council, in partnership with all aviation safety partners, to implement a comprehensive assistance programme that will help Member States to correct deficiencies identified through USOAP-CMA, with priority given to the resolution of SSCs;
2. *Directs* the Council to promote the concepts of regional cooperation, including the strengthening of RSOOs and RASGs, as well as the establishment of objectives, priorities and indicators and the setting of measurable targets to address SSCs and safety-related deficiencies;
3. *Directs* the Council to take the appropriate actions to ensure that the specificities of a regional aviation system established by a group of Member States are recognized and integrated in the ICAO framework;
4. *Directs* the Council to continue to partner with Member States, industry and other aviation safety partners for coordinating and facilitating the provision of financial and technical assistance to States and subregional and regional safety and safety oversight bodies, including RSOOs and RASGs, in order to enhance safety and strengthen safety oversight capabilities;
5. *Directs* the Council to continue the analysis of relevant safety-critical information for determining effective means of providing assistance to States and subregional and regional safety and safety oversight bodies, including RSOOs and RASGs;
6. *Directs* the Secretary General to continue to foster coordination and cooperation between ICAO, RASGs, RSOOs and other organizations with aviation safety-related activities in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;
7. *Urges* Member States to give the highest priority to the resolution of SSCs in order to ensure that there are no immediate safety risks to international civil aviation and that the minimum requirements established by the Standards set forth in the ICAO Annexes are met;

8. *Urges* Member States to utilize the Flight Procedures Programme, where available, for PBN implementation;
9. *Urges* Member States to develop and further strengthen regional and subregional cooperation in order to promote the highest degree of aviation safety;
10. *Calls* upon all Member States and relevant aviation safety partners, wherever possible, to assist requesting States with financial and technical resources to ensure the immediate resolution of identified SSCs and the longer-term sustainability of the State safety oversight system;
11. *Encourages* Member States to establish partnerships with other States, industry, financial institutions and other aviation safety partners to strengthen safety oversight capabilities, in order to better discharge State responsibilities and foster a safer international civil aviation system;
12. *Encourages* Member States to foster the creation of regional or subregional partnerships to collaborate in the development of solutions to common problems to build State safety oversight capability, and to participate in, or provide tangible support for, the strengthening and furtherance of subregional and regional aviation safety and safety oversight bodies, including RSOOs;
13. *Requests* the Secretary General to play a leading role in coordinating efforts to assist States to resolve SSCs through the development of ICAO Plans of Action and/or specific project proposals and to assist States to obtain the necessary financial resources to fund such assistance projects;
14. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the comprehensive assistance programme; and
15. *Declares* that this resolution supersedes Resolution A38-5.

A39-15: Consolidated statement of continuing ICAO policies in the air transport field

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

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

Whereas it is increasingly difficult, particularly for developing countries, to secure the necessary resources required to optimize the opportunities and meet the challenges inherent in the development of air transport, and to keep pace with the challenges posed by demands on air transport;

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

Whereas Member States are required to provide accurate and factual statistical data and other information in order that the Organization may prepare relevant guidance and studies;

Whereas the Organization is moving toward management by objective with more focus on implementation over standard setting of policies, in line with the *No Country Left Behind* (NCLB) initiative;

Whereas guidance developed by the Organization, and action taken by the Organization in implementing its Strategic Objectives, should assist Member States in developing policies and practices that facilitate the globalization, commercialization and liberalization, as well as the creation of a favourable environment for the sustainable development of international air transport; and

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

The Assembly:

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies in the air transport field, as these policies exist at the close of the 39th Session of the Assembly:

Appendix A — Economic regulation of international air transport

Appendix B — Taxation

Appendix C — Airports and air navigation services

Appendix D — Aviation data and statistics

Appendix E — Forecasting, planning and economic analyses

2. *Urges* Member States to have regard to these policies and their continuing elaboration by the Council and by the Secretary General in the relevant ICAO documents;

3. *Urges* Member States to make every effort to fulfil their obligations, arising from the Convention and Assembly resolutions, to support the work of the Organization in the air transport field, and, in particular, to provide complete and prompt statistical and other information requested by the Organization for its air transport work;

4. *Urges* Member States in their regulatory functions to have regard to the policies and guidance material developed by ICAO on economic regulation of international air transport, such as those contained in Doc 9587, *Policy and Guidance Material on Economic Regulation of International Air Transport*;

5. *Requests* the Council to attach particular importance to the challenge of financing the development of the human and technical resources necessary to ensure the best possible contribution of air transport to the economic and social well-being of Member States, especially developing countries;

6. *Requests* the Council, when it considers it of benefit to the work on any air transport issue, to consult expert representatives from Member States by the most appropriate means, including the establishment of panels or Secretariat study groups of such qualified experts, who would meet or work by correspondence and subsequently report to the Air Transport Committee;
7. *Requests* the Council to convene Conferences or Divisional meetings, in which all Member States may participate, as the principal means of progressing the resolution of issues of worldwide importance in the air transport field, when such meetings are justified by the number and importance of the issues to be dealt with and where there is the likelihood of constructive action upon them;
8. *Requests* the Council and the Secretary General to disseminate and promote ICAO's air transport policies and associated guidance to and amongst Member States;
9. *Requests* the Council and the Secretary General to take necessary action to implement Assembly resolutions and decisions concerning the Organization's air transport activities, and to monitor and assist the implementation by States of ICAO's policies in the air transport field;
10. *Requests* the Council to keep the consolidated statement of ICAO's air transport policies under review and advise the Assembly when changes are required to the statement;
11. *Request* the Council to keep ICAO's policies and guidance material in the air transport field current and responsive to changes and the needs of Member States while preserving the core principles on which they are based; and
12. *Declares* that this resolution supersedes Resolution A38-14.

APPENDIX A

Economic regulation of international air transport

Section I. Basic principles and long-term vision

Whereas the basic principles of sovereignty, fair and equal opportunity, non-discrimination, interdependence, harmonization and cooperation set out in the Convention have served international air transport well and continue to provide the basis for and contribute to its future development;

Whereas multilateralism in commercial rights to the greatest possible extent continues to be an objective of the Organization;

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

Whereas there is a need to adapt to the changing regulatory and operating environment in the air transport field and the Organization has accordingly developed policy guidance for the regulation of international air transport, including model clauses and template air services agreements;

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

Whereas the Organization has adopted the long-term vision for international air transport liberalization which states: *We, the Member States of the International Civil Aviation Organization, resolve to actively pursue the continuous liberalization of international air transport to the benefit of all stakeholders and the economy at large. We will be guided by the need to ensure respect for the highest levels of safety and security and the principle of fair and equal opportunity for all States and their stakeholders;*

Whereas the compliance of Member States with provisions of the Convention and the universal adherence to the *International Air Services Transit Agreement (IATA)* and other ICAO instruments governing international air transport can facilitate and contribute to the achievement of the objectives of the Organization; and

Whereas consumer interest should be given due regard in the development of policy and regulation of international air transport;

The Assembly:

1. *Urges* all Member States to give regard to, and apply, the ICAO long-term vision for international air transport liberalization in policy-making and regulatory practices;
2. *Encourages* Member States to pursue liberalization of market access at a pace and in a manner appropriate to needs and circumstances, giving due regard to the interests of all stakeholders, the changing business environment and infrastructure requirements, as well as to the principles pertaining to safeguard measures designed to ensure the sustained and effective participation of all States, including the principle of giving special consideration to the interests and needs of developing countries;
3. *Urges* Member States to avoid adopting unilateral and extraterritorial measures that may affect the orderly, sustainable and harmonious development of international air transport and to ensure that domestic policies and legislation are not applied to international air transport without taking due account of its special characteristics;
4. *Urges* Member States that have not yet become parties to the *International Air Services Transit Agreement (IATA)*, the Montréal Convention of 1999 and other ICAO instruments governing international air transport to give urgent consideration to so doing;
5. *Urges* all Member States to register all agreements and arrangements relating to international civil aviation with ICAO in accordance with Article 83 of the Convention and the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*, to enhance transparency;
6. *Urges* Member States to keep the Council fully informed of serious problems arising from the application of air services agreements or arrangements and of any significant developments in the liberalization process;
7. *Urges* Member States to give due regard to the distinct features of air cargo services when exchanging market access rights in the framework of air service agreements and grant appropriate rights and operational flexibility so as to promote the development of these services;

8. *Urges* Member States, in dealing with the issues related to slot allocation and night flight restrictions, to give due consideration to the needs and concerns of other States and make every effort to resolve any concerns through consultation between the parties concerned, in a transparent and non-discriminatory manner, and to respect and follow the ICAO Balanced Approach principle in regulatory action on aircraft noise management at airports;

9. *Urges* Member States and concerned stakeholders to give regard to, and apply, the ICAO high-level, non-binding, non-prescriptive core principles on consumer protection in policy-making and regulatory and operational practices, and to keep ICAO informed of the experiences gained or issues encountered in their application;

10. *Encourages* Member States to make use of and benefit from the ICAO Air Services Negotiation (ICAN) facility, which facilitates and improves the efficiency of their air services negotiations and consultations;

11. *Requests* the Council to complete the examination of an international agreement by which States could liberalize market access, and continue the development of an international agreement to liberalize air carrier ownership and control and a specific international agreement to facilitate further liberalization of air cargo services, taking into account the goals of the ICAO long-term vision for international air transport liberalization, and the past experience and achievements of States, including existing market access liberalization agreements concluded at bilateral, regional and multilateral levels, as well as the various proposals presented during the Sixth Worldwide Air Transport Conference (ATConf/6);

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

13. *Requests* the Council to continue the comparative and analytical study of the policies and practices of Member States in the regulation of international air transport, including the provisions of air services agreements, and to share such information with Member States.

Section II. Air carrier ownership and control

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

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

Whereas the broadening or the flexible application of the criteria for airline designation and authorization could help create an operating environment in which international air transport may develop and flourish in a stable, efficient and economical manner, and contribute to the participation objectives of States in the liberalization process, without prejudice to States' obligations for aviation safety and security; and

Whereas the realization of developmental objectives among States is increasingly being promoted by cooperative arrangements in the form of regional economic groupings and functional cooperation symbolic of the affinity and community of interest;

The Assembly:

1. *Urges* Member States to continue to liberalize air carrier ownership and control, according to needs and circumstances, through various existing measures such as waivers of ownership and control restrictions in bilateral air services agreements or designation provisions recognizing the concept of community of interest within regional or sub-regional economic groupings, and those recommended by ICAO;
2. *Urges* Member States to accept such designations and allow such airlines to exercise the route rights and other air transport rights of a State or States, in particular developing States, within the same grouping, under mutually acceptable terms and conditions including air transport agreements negotiated or to be negotiated by the parties concerned;
3. *Urges* Member States to recognize the concept of community of interest within regional or sub-regional economic groupings as a valid basis for the designation by one State or States of an airline of another State or States within the same regional economic grouping where such airline is substantially owned and effectively controlled by such other State or States or its or their nationals;
4. *Urges* Member States to give consideration to the use of alternative criteria for airline designation and authorization, including those developed by ICAO, and to adopt a flexible and positive approach to accommodate other States in efforts to liberalize air carrier ownership and control without compromising safety and security;
5. *Invites* Member States with experience in various forms of joint operation of international air services to submit to the Council, on a continuing basis, information concerning their experience, so that the Organization may have information that might be of assistance to Member States;
6. *Requests* the Council, when approached, to render all feasible assistance to Member States wishing to enter regional or sub-regional economic groupings with respect to the operation of international air services; and
7. *Requests* the Council to give assistance, when approached, to Member States that take the initiative in developing cooperative arrangements for the joint ownership and operation of international air services, directly among themselves or whose airlines develop such arrangements, and to promptly circulate to States information concerning such cooperative arrangements.

Section III. Cooperation in regulatory arrangements and competition

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

Whereas the Organization has developed policy guidance for States to foster harmonization and compatibility of regulatory approaches and practices for international air transport, including on competition matters;

The Assembly:

1. *Urges* Member States to take into consideration that fair competition is an important general principle in the operation of international air transport services;
2. *Urges* Member States to develop competition laws and policies that apply to air transport, taking into account national sovereignty and to consider ICAO guidance on competition;
3. *Urges* Member States to encourage cooperation among regional and/or national competition authorities when dealing with matters relating to international air transport, including in the context of approval of alliances and mergers;
4. *Encourages* Member States to incorporate the basic principles of fair and equal opportunity to compete, non-discrimination, transparency, harmonization, compatibility and cooperation set out in the Convention and embodied in ICAO's policies and guidance in national legislation, rules and regulations, and in air services agreements;
5. *Requests* the Council to develop tools such as an exchange forum to enhance cooperation, dialogue and exchange of information on fair competition between States with a view to promoting compatible regulatory approaches towards international air transport; and
6. *Requests* the Council to continue to monitor developments in the area of competition in international air transport and update, as necessary, its policies and guidance on fair competition.

Section IV. Trade in services

Whereas the General Agreement on Trade in Services (GATS) adopted by the World Trade Organization (WTO) has included certain aspects of international air transport; and

Whereas ICAO has actively promoted an understanding by all parties concerned of the provisions of the *Convention on International Civil Aviation* and of the particular mandate and role of ICAO in international air transport;

The Assembly:

1. *Reaffirms* the need for ICAO to continue to explore future regulatory arrangements and develop recommendations and proposals to meet the challenges facing international air transport, responding to the internal and external changes affecting it;
2. *Recognizes* that such arrangements should create an environment in which international air transport may develop and continue to flourish in an orderly, efficient and economical manner without compromising safety and security, while ensuring the interests of all Member States and their effective and sustained participation in international air transport;
3. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport;
4. *Urges* Member States that participate in trade negotiations, agreements and arrangements relating to international air transport to:

- a) ensure internal coordination in national administrations and, in particular, the direct involvement of aeronautical authorities and the aviation industry in the negotiations;
 - b) ensure that representatives are fully aware of the provisions of the *Convention on International Civil Aviation*, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements;
 - c) take into account rights and obligations vis-à-vis those of ICAO Member States which are not members of the WTO;
 - d) examine carefully the implications of any proposed inclusion of an additional air transport service or activity in the GATS bearing in mind, in particular, the close linkage between economic, environmental, safety and security aspects of international air transport;
 - e) promote a full understanding of the role and mandate of ICAO in developing policy guidance on economic regulation, including liberalization of international air transport, and consider using this guidance; and
 - f) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the GATS;
5. *Requests* the WTO its Member States and Observers to accord due consideration to:
- a) the particular regulatory structures and arrangements of international air transport and the liberalization taking place at the bilateral, sub-regional and regional levels;
 - b) ICAO's constitutional responsibility for international air transport and, in particular, for its safety and security; and
 - c) ICAO's existing policy and guidance material on the economic regulation of international air transport and its continued work in the field; and
6. *Requests* the Council to:
- a) continue to exert a global leadership role in facilitating and coordinating the process of economic liberalization while ensuring safety, security and environmental protection in international air transport;
 - b) pursue in a proactive manner developments in trade in services that might impinge on international air transport and inform Member States accordingly; and
 - c) promote continued effective communication, cooperation and coordination between ICAO, the WTO, and other intergovernmental and non-governmental organizations dealing with trade in services.

APPENDIX B

Taxation

Whereas the imposition of taxes on international air transport, such as on aircraft, fuel, and consumable technical supplies, on the income of international air transport enterprises, and on the sale or use of such services, may have an adverse economic and competitive impact on international air transport operations;

Whereas ICAO's Policies on Taxation in the Field of International Air Transport as contained in Doc 8632 make a conceptual distinction between a charge and a tax in that “a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis”;

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

Whereas the matter of aircraft engine emission-related levies is addressed in Assembly Resolution A39-1, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H, *Aviation impact on local air quality*); and

Whereas the ICAO policies on taxation in Doc 8632 supplement Article 24 of the Convention and are designed to recognize the nature of international civil aviation and the need to accord tax-exempt status to certain aspects of the operations of international air transport;

The Assembly:

1. *Urges* Member States to follow the *ICAO's Policies on Taxation in the Field of International Air Transport* as contained in Doc 8632, and to avoid imposing discriminatory taxes on international aviation;
2. *Urges* Member States to avoid double taxation in the field of air transport; and
3. *Requests* the Council to continue to promote ICAO's policies on taxation, monitor developments, and update its policies as required.

APPENDIX C

Airports and air navigation services

Section I. Charging policy

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

Whereas ICAO's Policies on Charges for Airports and Air Navigation Services as contained in Doc 9082 make a conceptual distinction between a charge and a tax in that “a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis”;

Whereas the matter of aircraft engine emission-related levies and market-based measures is addressed separately in Assembly Resolution A39-1, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H, *Aviation impact on local air quality*), and in Assembly Resolution A39-2, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*;

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

Whereas the development of air transport infrastructure and the global plan for Aviation System Block Upgrades (ASBUs) requires necessary business case justification to secure funding and financing to support implementation;

The Assembly:

1. *Urges* Member States to ensure that Article 15 of the Convention is fully respected;
2. *Urges* Member States to base the recovery of the costs of the airports and air navigation services they provide or share in providing for international civil aviation on the principles set forth in Article 15 of the Convention and in Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services*, regardless of the organizational structure under which the airports and air navigation services are operated;
3. *Urges* Member States to ensure that airport and air navigation services charges are applied towards defraying the costs of providing facilities and services for civil aviation;
4. *Urges* Member States to make every effort pursuant to Article 15 of the Convention to publish and communicate to the Organization any charges that may be imposed or permitted to be imposed by a Member State for the use of air navigation facilities and airports by the aircraft of any other Member State;
5. *Urges* Member States to adopt the principles of non-discrimination, cost-relatedness, transparency and consultation, as set out in Doc 9082, in national legislation, regulation or policies, as well as in air services agreements, to ensure compliance by airports and air navigation services providers;

6. *Urges* Member States to ensure that the current ICAO policies for cost recovery of security measures and functions at airports and by air navigation services providers, as set out in Doc 9082, are implemented so that security user charges are reasonable, cost-effective and foster harmonization worldwide; and

7. *Requests* the Council to continue to develop or refine, as required, guidance on funding of air transport infrastructure, appropriate oversight functions and financing of the air transport system, including mechanisms to support operational improvements as described in the ASBU modules.

Section II. Economics and management of aviation infrastructure

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

Whereas Member States are placing increased emphasis on improving efficiency and cost-effectiveness in the provision of airports and air navigation services;

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

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

Whereas Member States are increasingly assigning the operation of airports and air navigation services to commercialized and privatized entities, which may have less awareness and knowledge of States' obligations specified in the Convention and its Annexes and of ICAO's policies and guidance material in the economic field, and are using multinational facilities and services to meet the commitments they have assumed under Article 28 of the Convention; and

Whereas the Council has adopted policy guidance on the allocation of Global Navigation Satellite System (GNSS) costs to ensure an equitable treatment of all users;

The Assembly:

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

2. *Encourages* Member States to consider the establishment of autonomous entities to operate airports and air navigation services providers, taking into account economic viability as well as the interests of the users and other interested parties;

3. *Urges* Member States to promote quality air navigation services performance through good governance;

4. *Urges* Member States to cooperate in the recovery of costs of multinational air navigation facilities and services and to consider the use of the ICAO policy guidance on the allocation of GNSS costs;

5. *Requests* the Council to continue to develop ICAO's policy and guidance material with a view to contributing to increased efficiency and improved cost-effectiveness in the provision and operation of airports and air navigation services, including the foundation for a sound cooperation between providers and users;
6. *Requests* the Council to continue, as required, refinement of its policy guidance on the allocation of GNSS costs and the coordination of technical, legal and economic aspects, including cost-efficient interoperability; and
7. *Requests* the Council to promote ICAO's policies on user charges and related guidance material in order to increase the awareness of, and implementation by, Member States and their airports and air navigation services entities.

APPENDIX D

Aviation data and statistics

Whereas ICAO's Aviation Data and Statistics Programme provides an independent and global foundation for the purpose of fostering the planning and sustainable development of international air transport;

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

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

Whereas the Council has laid down requirements for data and statistics collection on civil aircraft on register pursuant to Article 21 of the Convention;

Whereas there is a need for the Organization to collect data and statistics from States on annual aviation fuel consumption to monitor and report the potential impact of economic measures linked to the operational aspects of the international aviation services and related infrastructure;

Whereas the Council has adopted a policy of management by objective which requires collection of pertinent data, statistics and analysis to measure the performance of the Organization as a whole and of its constituent parts in meeting the Strategic Objectives of the Organization;

Whereas cooperation amongst international organizations active in the area of collection and distribution of aviation data and statistics may enable expansion of scope, coverage and quality of data, avoidance of duplication of efforts and reduction in the burden on States;

Whereas ICAO's role in processing and disseminating aviation data and statistics allows States to use it as a significant tool for the safe and orderly growth of international civil aviation services that are operated soundly and economically; and

Whereas ICAO has continued its effort to make the processes involving aviation data and statistics efficient and effective through the development of a set of electronic tools in order to answer to the evolving needs of Member States;

The Assembly:

1. *Urges* Member States to nominate focal points for aviation data and statistics, and to make every effort to provide it to ICAO on time and electronically whenever possible;
2. *Encourages* Member States to use the available electronic tools when providing and accessing aviation data and statistics and actively participate in the development of such tools by providing support and by sharing relevant knowledge and experience;
3. *Requests* the Council, calling on national experts in the relevant disciplines as required, to examine on a regular basis the data and statistics collected by ICAO in order to meet more effectively the needs of the Organization and its Member States, and to establish the necessary metrics to monitor the performance of the Organization in meeting its Strategic Objectives, to improve the uniformity of the data and statistics, the completeness and timeliness of reporting by Member States, and the form and content of analyses; and
4. *Requests* the Council to:
 - a) continue to explore ways of closer cooperation with the United Nations (UN), its agencies and other international organizations in the collection and distribution of aviation data, statistics and analysis;
 - b) make arrangements, on an appropriate basis, for assistance to be given upon request to Member States by ICAO for the improvement of aviation data, statistics and analysis and statistical reporting to the Organization;
 - c) develop a process by which to enable harmonization of aviation data and statistics from different sources in order to facilitate the provision of accurate, reliable and consistent data required for informed decision-making by States; and
 - d) create, host, and manage a platform where the aviation community can share and promote its data, statistics and electronic tools in accordance with the principles and provisions as contained in the Convention and relevant decisions of the Organization.

APPENDIX E

Forecasting, planning and economic analyses

Section I. Forecasting and planning

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

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

Whereas the Organization has to regularly assess its performance against its Strategic Objectives with particular focus on safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport and environmental protection; and

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

The Assembly:

1. *Requests* the Council to develop and update forecasts of future trends and developments in civil aviation, and to make these available to Member States;
2. *Requests* the Council to develop and update one single set of long-term traffic forecast, from which customized or more detailed forecasts can be produced for various purposes, such as air navigation systems planning and environmental analysis; and
3. *Requests* the Council to keep forecasting methodologies and procedures reviewed and improved.

Section II. Economic analysis

Whereas there is a continuing interest among Member States, international organizations, financial institutions, as well as aviation, tourism, and trade industries, in the economic analysis of air transport, including aviation's contribution to global, regional and national economies;

Whereas there is an acute shortage of information on the increasingly important role of aviation in national economies worldwide;

Whereas the economic studies conducted by ICAO on international air transport costs and revenues have promoted neutrality and have resulted in a more equitable system of revenue sharing of airlines; and

Whereas ICAO requires economic analyses to assist the Council in assessment of the effectiveness of measures proposed for the implementation of the Strategic Objectives of the Organization, and for environmental planning, investment studies and other purposes;

The Assembly:

1. *Requests* the Council to instruct the Secretary General to develop a methodological framework for the economic measurement of aviation activity, including aviation's contribution to Gross Domestic Product (GDP), the number of jobs created by aviation, aviation consumption, and the impact of aviation on balance of payments;
2. *Requests* the Council to instruct the Secretary General to issue periodically a study on regional differences in the level of international air transport operating costs, analysing how differences in operations and input prices may affect their levels and the impact that changes in costs may have on air transport tariffs;
3. *Requests* the Council to develop methodologies and procedures for the assessment of economic impact of new measures, the analyses of cost-benefit or cost-effectiveness, and the development of business cases to meet the needs of the Organization, the regional air navigation planning groups, and other activities of the Organization; and
4. *Requests* the Council to monitor developments, conduct studies on major issues of global importance, and share its analyses with States, international organizations and the industry.

Section III. Air mail

Whereas air mail is an integral component of international air transport, which is increasingly affected by e-commerce;

The Assembly:

1. *Urges* Member States to take into account the effects on international civil aviation whenever policy is being formulated in the field of international air mail, and particularly at meetings of the Universal Postal Union (UPU); and
2. *Directs* the Secretary General to furnish to the UPU, on request and as stipulated in relevant cooperation arrangements between UPU and ICAO, information of a factual character which may be readily available.

A39-16: Consolidated statement of ICAO policies on technical cooperation and technical assistance

Whereas new policies have been approved by the Council for technical support, in the form of technical assistance and technical cooperation and endorsed by the 38th Session of the Assembly;

Whereas “Technical Cooperation” is any project requested and funded by States and/or Organizations and implemented through the Technical Cooperation Bureau on a cost-recovery basis, where all the direct and indirect costs related to the project are recovered;

Whereas “Technical Assistance” is any assistance provided by ICAO to States, which is funded by the Regular Budget and/or Voluntary Funds, and implemented through any Bureau/Office depending on the nature and duration of the project;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of ICAO policies on technical cooperation and technical assistance, as these policies exist at the close of the 39th Session of the Assembly;
2. *Declares that* this resolution supersedes A36-17.

APPENDIX A

The ICAO Technical Cooperation and Technical Assistance Programmes

Whereas the growth and improvement of civil aviation can make an important contribution to the economic development of States;

Whereas civil aviation is important to the technological, economic, social and cultural advancement of all countries and especially of developing countries and their subregional, regional and global cooperation;

Whereas ICAO can assist States in advancing their civil aviation and at the same time promote the realization of its Strategic Objectives;

Whereas Resolution 222 (IX)A of 15 August 1949 of the United Nations Economic and Social Council, approved by the General Assembly in its Resolution of 16 November 1949 and endorsed by the ICAO Assembly in its Resolution A4-20, entrusted all Organizations of the United Nations system to participate fully in the Expanded Programme of Technical Assistance for Economic Development, and that ICAO, as the United Nations specialized agency for civil aviation, began the execution of technical cooperation and technical assistance projects in 1951 with funding from the United Nations Special Account for Technical Assistance, established pursuant to the above Resolution;

Whereas the large deficits experienced from 1983 to 1995 required the definition of a new policy on technical cooperation and technical assistance and a new organizational structure for the Technical Cooperation Bureau;

Whereas the implementation of the New Policy on technical cooperation and technical assistance, endorsed by the 31st Session of the Assembly, based on the progressive implementation of the core staff concept, the integration of the Technical Cooperation Bureau into the Organization's structure, and the establishment of the ICAO Objectives Implementation Funding Mechanism, as well as the new organizational structure for the Technical Cooperation Bureau implemented in the 1990s, significantly reduced costs and substantially improved the financial situation of the Technical Cooperation and Technical Assistance Programmes;

Whereas the objectives of the New Policy emphasized the importance of the Technical Cooperation and Technical Assistance Programmes in the global implementation of ICAO Standards and Recommended Practices (SARPs) and Air Navigation Plans (ANPs) as well as the development of the civil aviation infrastructure and human resources of developing States in need of technical cooperation or technical assistance from ICAO;

Whereas standardization and monitoring of SARPs implementation remain important functions of the Organization and emphasis has been placed on ICAO's role towards implementation and support to Contracting States;

Whereas A35-21 encouraged the Council and the Secretary General to adopt a structure and mechanism that would use commercially oriented practices to allow fruitful partnerships with funding partners and recipient States;

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

Whereas all technical cooperation activities of the Organization continue to be based on the principle of cost recovery and measures should be taken to minimize administrative and operational costs to the extent possible;

Whereas the Technical Cooperation and Technical Assistance Programmes and related Administrative and Operational Services Cost (AOSC) Fund income for the triennium and beyond cannot be estimated with precision and can vary substantially based on various factors outside ICAO's control;

Whereas the Council adopted a policy on cost recovery concerning the apportionment of costs between the Regular Budget and the AOSC Fund for services provided by the Regular Programme to the Technical Cooperation Bureau and for services provided by the Technical Cooperation Bureau to the Regular Programme.

The Assembly:

Technical Cooperation and Technical Assistance Programmes

1. *Recognizes* the importance of the Technical Cooperation and Technical Assistance Programmes for promoting the achievement of the Strategic Objectives of the Organization;
2. *Reaffirms* that the Technical Cooperation and Technical Assistance Programmes, implemented within the rules, regulations and procedures of ICAO, is a permanent priority activity of ICAO that complements the role of the Regular Programme in providing support to States in the effective implementation of SARPs and ANPs as well as in the development of their civil aviation administration infrastructure and human resources;
3. *Reaffirms* that, within the existing financial means, the ICAO Technical Cooperation and Assistance Programmes should be strengthened, at Regional Office and field level, in order to allow the Technical Cooperation Bureau to play its role more efficiently and effectively with the understanding that no increase in project costs will be incurred;
4. *Reaffirms* that the Technical Cooperation Bureau is one of the main instruments of ICAO to assist States in remedying their deficiencies in the field of civil aviation for the benefit of the international civil aviation community as a whole;
5. *Affirms* that improved coordination of ICAO's technical cooperation and technical assistance activities should be achieved through clear delineation of each Bureau's mandate and activities, and enhanced cooperation, as well as closer coordination of the Technical Cooperation and Technical Assistance Programmes for the avoidance of duplication and redundancy;
6. *Reaffirms* that, in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;
7. *Requests* the Secretary General to implement greater efficiency measures leading to a gradual reduction of administrative support costs charged to technical cooperation and technical assistance projects;
8. *Reaffirms* that that costs recovered by the Organization for support services provided to the Technical Cooperation Bureau must be directly and exclusively related to project operations in order to keep administrative support costs to a minimum;

ICAO as the recognized agency for civil aviation

9. *Recommends* to donor States, financing institutions and other development partners, including the aviation industry and the private sector, wherever appropriate, to give preference to ICAO for the identification, formulation, analysis, implementation and evaluation of civil aviation projects in the field of technical cooperation and technical assistance, and *requests* the Secretary General to continue

communication with such entities and with potential recipient States, with a view to allocating funds for the development of civil aviation, using ICAO as executing agency;

10. *Recommends* to States receiving bilateral or other government-sponsored aid to consider the value of using the ICAO Technical Cooperation and Technical Assistance Programmes in helping to support implement their programmes related to civil aviation;

Expansion of ICAO Technical Cooperation and Technical Assistance Activities

11. *Reaffirms* that in adopting commercially oriented practices for the Technical Cooperation Bureau, there is a need to ensure that the good reputation of ICAO is maintained;

12. *Reaffirms* the need to expand the provision of technical cooperation and technical assistance by ICAO to the non-State entities (public or private) directly involved in civil aviation, in furtherance of ICAO Strategic Objectives, such cooperation and assistance to encompass, inter alia, those activities that were traditionally provided by national civil aviation administrations and are being privatized to some degree, where the State shall, nonetheless, continue to be responsible under the Chicago Convention for the quality of the services provided and their compliance with ICAO SARPs, and *requests* the Secretary General to inform the civil aviation authority concerned of the technical aspects of the project immediately upon the start of negotiations with non-State entities;

13. *Reaffirms* that ICAO should expand the provision of technical cooperation and technical assistance services, upon request, to non-State entities (public and private) that are implementing projects in Contracting States in the field of civil aviation which aim at enhancing the safety, security and efficiency of international air transport, and *directs* the Secretary General to consider, on a case-by-case basis, the requests of such entities for ICAO cooperation and assistance in the traditional technical cooperation and technical assistance areas, with particular regard to project compliance with ICAO SARPs and, as applicable, to relevant national policies and regulations promulgated by the recipient State;

Technical Cooperation and Technical Assistance Agreements

14. *Reaffirms* that ICAO, within the framework of its Technical Cooperation and Technical Assistance Programmes, uses Trust Fund (TF) Agreements, Management Services Agreements (MSA), the Civil Aviation Purchasing Service (CAPS) and other framework agreements and funding arrangements as may be necessary to provide maximum cooperation and assistance to stakeholders implementing civil aviation projects; and

15. *Views with satisfaction* the initiative of States to make greater use of these arrangements to obtain technical cooperation and technical assistance in the field of civil aviation.

APPENDIX B

Funding of the Technical Cooperation and Technical Assistance Programmes

Whereas funds available for technical cooperation and technical assistance in the field of civil aviation are insufficient to meet the needs of civil aviation, especially in the developing countries;

Whereas the Technical Cooperation Programme, with few exceptions, is funded by developing countries providing funds for its own projects;

Whereas the Technical Assistance Programme is funded through ICAO Voluntary Funds and through the Regular Budget of the Organization;

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

Whereas UNDP funding is directed mainly to development sectors other than civil aviation, and its financial contribution to civil aviation activities has considerably decreased to a level where it represents less than one per cent of the ICAO Technical Cooperation and Technical Assistance Programmes, but UNDP continues to provide administrative support to ICAO at the country level;

Whereas rapid technical development in civil aviation requires from developing States substantial expenditures in aviation ground facilities to match that development, and continues to increase requirements for training of national aeronautical personnel that are beyond their financial resources and training facilities;

Whereas the Assembly introduced the ICAO Objectives Implementation Funding Mechanism with a view to mobilizing additional resources for technical cooperation and technical assistance projects identified as required to support the implementation of SARPs and the facilities and services listed in the ANPs, as well as the implementation of ICAO audit-related recommendations and the rectification of identified deficiencies;

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

The Assembly:

1. *Requests* financing institutions, donor States and other development partners, including the industry and the private sector, to give higher priority to the development of the air transport sub-sector in developing countries and *requests* the President of the Council, the Secretary General and the Secretariat to intensify their contacts with the United Nations, including UNDP, to increase their contribution to ICAO's technical cooperation and technical assistance projects;
2. *Draws the attention* of financing institutions, donor States and other development partners to the fact that ICAO is the Specialized Agency of the United Nations concerned with civil aviation and, as such, is accepted by the United Nations as the expert authority in carrying out technical cooperation and technical assistance for developing countries in civil aviation projects;
3. *Urges* Contracting States that are associated with funding sources to draw the attention of their representatives to these organizations towards the value of providing cooperation and assistance to civil aviation projects, particularly where these are necessary for the provision of the vital air transport infrastructure and/or the economic development of a country;
4. *Urges* Contracting States to give high priority to civil aviation development and, when seeking external cooperation and assistance for this purpose, to stipulate to financing institutions through an appropriate level of government that they wish ICAO to be associated as executing agency with civil aviation projects which may be funded;

5. *Encourages* the actions of developing countries in seeking funds for the development of their civil aviation from all appropriate sources to complement funds available from national budgets, financial institutions, donor States and other development partners so that such development may progress at the maximum feasible rate;
6. *Recognizes* that extra-budgetary contributions from donors will allow the Technical Cooperation and Technical Assistance Programmes to expand its services to States in relation to safety, air navigation security, environmental protection and efficiency in civil aviation, thus further contributing to the achievement of the Strategic Objectives, in particular to the implementation of SARPs and the rectification of deficiencies identified by audits;
7. *Authorizes* the Secretary General to receive, on behalf of the ICAO Technical Cooperation and Technical Assistance Programmes, financial and in-kind contributions to technical cooperation and technical assistance projects, including voluntary contributions in the form of scholarships, fellowships, training equipment and funds for training, from States, financing institutions and other public and private sources and to act as an intermediary between States regarding the granting of scholarships, fellowships and provision of training equipment;
8. *Urges* those States which are in a position to do so to provide additional funds to the ICAO Technical Cooperation and Technical Assistance Programmes through the ICAO Voluntary Funds for the implementation of civil aviation projects;
9. *Encourages* States and other development partners, including the industry and the private sector, to contribute to the ICAO Objectives Implementation Funding Mechanism which allows them to participate in the implementation of ICAO's civil aviation projects; and
10. *Requests* the Council to advise and assist developing countries to secure the support of financing institutions, donor States and other development partners in implementing ICAO regional and subregional safety and security programmes, such as the Cooperative Operational Safety and Continuing Airworthiness Programme (COSCAP) and Cooperative Aviation Security Programme (CASP).

APPENDIX C

Implementation of the Technical Cooperation and Technical Assistance Programmes

Whereas the aim of ICAO is to ensure the safe and orderly growth of international civil aviation throughout the world;

Whereas the implementation of technical cooperation and technical assistance projects complements the Regular Programme efforts towards the achievements of ICAO's Strategic Objectives;

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

Whereas, on an urgent basis, there is a need for effective follow-up and remedial action as a result of the ICAO Universal Safety Oversight Audit Programme/Continuous Monitoring Approach (USOAP CMA) and Universal Security Audit Programme (USAP) audits in order to provide support to States in addressing the identified deficiencies, including Significant Safety and Security Concerns;

Whereas extra-budgetary funding provided to the Technical Cooperation and Technical Assistance Programmes allows ICAO, through its Technical Cooperation Bureau, to provide initial support to States to address the deficiencies identified through the USOAP CMA, ICAO Coordinated Validation Missions (ICVMs) and USAP audits;

Whereas implementation of projects in compliance with ICAO SARPs by the Technical Cooperation Bureau or any other third party outside ICAO results in substantially enhanced safety, security and efficiency of civil aviation worldwide;

Whereas ex-post evaluations could constitute a valuable tool for establishing the impact of projects on aviation and for the planning of future projects;

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

The Assembly:

1. *Draws the attention* of Contracting States requesting technical cooperation and technical assistance to the advantages to be derived from well-defined projects based on civil aviation master plans;
2. *Draws the attention* of Contracting States to the cooperation and assistance provided through subregional and regional projects executed by ICAO, such as COSCAPs and CASPs and *urges* the Council to continue to give high priority to management and implementation of such projects through the Technical Cooperation and Technical Assistance Programmes in view of the great benefit such projects represent;
3. *Urges* States to give high priority to the training of their national civil aviation technical, operational and management personnel through the development of a comprehensive training programme and *reminds* States of the importance of making adequate provision for such training and of the need to provide suitable incentives to retain the services, in their respective fields, of such personnel after they have completed their training;
4. *Encourages* States to concentrate their efforts upon the further development of existing training centres and to support Regional Training Centres which are located in their area for the advanced training of their national civil aviation personnel where such training is not available nationally, so as to promote a self-reliant capability within that region;
5. *Urges* States receiving technical cooperation and technical assistance through ICAO to avoid project implementation delays by ensuring timely decisions regarding experts, training and procurement components in accordance with the terms of the project agreements;
6. *Draws the attention* of Contracting States to the Civil Aviation Purchasing Service (CAPS), which is a facility provided by ICAO to developing countries to purchase high value items of civil aviation equipment and to contract for technical services;
7. *Requests* that Contracting States, in particular, developing countries, encourage fully qualified technical experts to apply for inclusion in ICAO's Technical Cooperation and Technical Assistance Programmes' roster of experts;

8. *Encourages* States to make use of the quality assurance services offered by the Technical Cooperation Bureau, on a cost-recovery basis, for the supervision of projects implemented by third parties outside the Technical Cooperation and Technical Assistance Programmes of ICAO, including the review of their compliance with ICAO SARPs; and

9. *Encourages* States and donors to include, and provide funding for, ex-post evaluations of their civil aviation projects as an integral part of project planning and implementation.

A39-17: ICAO Programme for Aviation Volunteers

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

Whereas many States have difficulties meeting their obligations under the Convention and discrepancies in the level of implementation of ICAO Standards and Recommended Practices (SARPs) still exist;

Whereas a number of States are confronted with insufficient financial and human resources capacity and cannot adequately address the deficiencies in their civil aviation systems;

Whereas ICAO plays a leadership role in facilitating the implementation of SARPs and the rectification of civil aviation related deficiencies by coordinating assistance and harnessing resources among aviation partners;

Whereas assistance to States in addressing the shortcomings identified during ICAO safety and security audits, in developing capabilities in the implementation of ICAO SARPs, in responding to emergencies affecting States' aviation systems and in fostering self-reliance and growth is required and desirable;

Recalling the United Nations General Assembly Resolution 70/129 - Integrating volunteering into peace and development: the plan of action for the next decade and beyond;

Recognizing that volunteerism, in its diversity, universality and values, can be a powerful development tool and asset for Governments and partners worldwide, which potential as a complementary resource for technical support, should be fully exploited; and

Whereas skilled and experienced aviation professionals from ICAO, the aviation industry, States and the private sector are an invaluable source of knowledge that could contribute to the sustainable development of Civil Aviation.

The Assembly:

1. *Advances* volunteerism as a significant and meaningful instrument for qualified experts to positively engage in the sustainable development of civil aviation worldwide;

2. *Endorses* the decisions taken by the Council on the establishment and promotion of the ICAO Programme for Aviation Volunteers (IPAV);

3. *Encourages* the meaningful participation and integration, as Volunteers, of skilled and experienced aviation professionals from ICAO, States, the aviation industry and the private sector into ICAO programmes and projects of technical assistance/cooperation through the IPAV;
4. *Invites* Contracting States to consider the IPAV for technical assistance/cooperation, where appropriate;
5. *Emphasizes* that the provision of adequate means for Volunteer action is essential to leverage the full potential of volunteerism and the IPAV;
6. *Encourages* Contracting States and other stakeholders in a position to do so, in coordination with the international civil aviation community, to participate in the IPAV by providing financial and human resources to support developing and least developed States in their efforts to meet their obligations under the *Convention on International Civil Aviation*;
7. *Invites* donor States, financing institutions and other development partners to provide sustained funding in support of the administration, monitoring and implementation of the IPAV through the IPAV Voluntary Fund; and
8. *Calls upon* the Council to continue to support and assist in the promotion of the IPAV.

A39-18: Consolidated statement of continuing ICAO policies related to aviation security

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

Whereas in Resolution A38-15 the Assembly resolved to adopt at each session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

Whereas the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement of continuing ICAO policies in Resolution A38-15, Appendices A to I inclusive, and has amended the statement to reflect the decisions taken during the 39th Session;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, as these policies exist at the close of the 39th Session of the Assembly;
2. *Resolves* to request that the Council submit for review at each ordinary session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and
3. *Declares* that this resolution supersedes Resolution A38-15.

APPENDIX A

General policy

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

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

Whereas the threat of terrorist acts, including those posed by the use of aircraft as a weapon of destruction, by the targeting of aircraft by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket-propelled grenades, by carrying on board liquids, gels and aerosols as component parts of an improvised explosive device, by sabotage or attempted sabotage using an improvised explosive device, by the unlawful seizure of aircraft, or by attack on aviation facilities, including in landside areas, and other acts of unlawful interference against civil aviation, has a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endangering the lives of persons on board and on the ground and undermining the confidence of the peoples of the world in the safety of international civil aviation;

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

Recalling that Resolutions A27-12 and A29-16 remain in force;

Recognizing the exploitation of the aviation sector by a variety of criminal activities, including the illicit transport of narcotics and psychotropic substances by air;

Recalling Assembly Resolutions A33-1 and A36-19 and the recommendations of the High-level, Ministerial Conference on Aviation Security held in February 2002;

Recalling the Declaration on Aviation Security that was adopted by the 37th Session of the Assembly;

Recalling the Joint Statements adopted at ICAO Regional Conferences on Aviation Security held in 2011 and 2012;

Recalling the Joint Communiqués issued by the ICAO-WCO Joint Conferences on Enhancing Air Cargo Security and Facilitation, held in Singapore in July 2012, in Manama, Bahrain in April 2014, and in Kuala Lumpur, Malaysia in July 2016;

Recalling the Communiqué of the High-level Conference on Aviation Security held in Montréal in September 2012, and the conference conclusions and recommendations;

Noting with satisfaction the actions taken to implement the ICAO Comprehensive Aviation Security Strategy (ICASS) and its seven strategic focus areas, as adopted by the Council on 17 February 2010, which provides the framework for ICAO's aviation security activities for the 2011-2016 triennia;

Mindful of the valuable lessons learned in the implementation of the ICASS, which has provided the basis and solid foundation for addressing current and future aviation security challenges, and should be used in developing the Global Aviation Security Plan (GASeP) as the future global framework for progressive aviation security enhancement;

Mindful of United Nations Security Council Resolution 2309 (2016) – Threats to international peace and security caused by terrorist acts: Aviation security;

Recognizing the importance of global consultations and outreach efforts with Member States to elaborate and refine the elements of the GASeP; and

Recognizing that it is necessary for the Organization to continue to implement the ICASS, until the GASeP has been fully developed and approved for implementation.

The Assembly:

1. Strongly condemns all acts of unlawful interference against civil aviation wherever and by whomsoever and for whatever reason they are perpetrated;
2. *Notes with abhorrence* all acts and attempted acts of unlawful interference aimed at the destruction in flight of civil aircraft including any misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;
3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;
4. *Calls upon* all Member States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures, individually and in cooperation with one another, to prevent acts of unlawful interference and to punish the perpetrators, planners, sponsors, and financiers of conspirators in any such acts;
5. *Reaffirms* ICAO's responsibility to facilitate the consistent and uniform resolution of questions which may arise between Member States in matters affecting the safe and orderly operation of international civil aviation throughout the world;
6. *Directs* the Council to continue, as an urgent priority, its work relating to measures for prevention of acts of unlawful interference, on the basis of the strategic direction provided under the ICASS, and ensure that this work is carried out with the highest efficiency and responsiveness;
7. *Expresses appreciation* to Member States for the voluntary contributions in the form of human and financial resources to the ICASS during the 2014-2016 triennium;
8. *Urges* all Member States to continue to financially support the Organization's aviation security activities beyond those budgeted for under the regular programme through the ICASS;

9. *Directs* the Council to consider the lessons learned from ICASS in establishing the GASeP based on clear and collective aviation security goals and targets, and supported by concrete and measurable indicators to guide ICAO, States and stakeholders in ensuring continuous improvement in aviation security;

10. *Directs* the Council to task the Aviation Security Panel to expeditiously develop the GASeP and present the Plan to the Council for approval and consultation with Member States and key stakeholders by the second half of 2017;

11. *Urges* all Member States to take active participation in global and regional consultations in order for the GASeP to be truly global and also reflect aspirations, needs and priorities at the national and regional levels.

APPENDIX B

International legal instruments, enactment of national legislation and conclusion of appropriate agreements for the suppression of acts of unlawful interference with civil aviation

a) *International air law instruments*

Whereas the protection of civil aviation from acts of unlawful interference has been enhanced by the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), by the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), by the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971), by the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1988), by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), by the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), by the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), by the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Montréal, 2014) and by bilateral agreements for the suppression of such acts;

The Assembly:

1. *Urges* Member States which have not yet done so to become parties to the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), to the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), to the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971) and the 1988 *Supplementary Protocol to the Montréal Convention*, to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), to the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), to the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), and to the *Protocol to Amend the Convention*

on Offences and Certain Other Acts Committed on Board Aircraft (Montréal, 2014). Lists of States Parties to aviation security legal instruments can be found on www.icao.int under the ICAO Treaty Collection;

2. *Calls upon* States not yet parties to the *above-mentioned air law instruments* to give effect, even before ratification, acceptance, approval or accession, to the principles of those instruments and calls upon States which manufacture plastic explosives to implement the marking of such explosives as soon as possible; and

3. *Requests* the Council to direct the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague, Montréal and Beijing Conventions, to the 1988 *Supplementary Protocol to the Montréal Convention*, to the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*, to the 2014 *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* and to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* and to provide assistance requested by States encountering any difficulties in becoming parties to these instruments.

b) *Enactment of national legislation and conclusion of appropriate agreements*

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

The Assembly:

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

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

APPENDIX C

Implementation of technical security measures

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

Whereas a clear need exists for the strengthening of security to be applied to all phases and processes associated with the carriage of persons, their cabin and hold baggage, cargo, mail, courier and express parcels, and in protecting civil aviation against cyber-attacks, and threats to the landside areas of airports, as well as attacks carried out or facilitated by insiders;

Whereas Machine Readable Travel Documents strengthen security by improving the integrity of documents which verify the identity of travellers and air crew;

Whereas such Machine Readable Travel Documents also enable high-level cooperation among States to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

Whereas the use of Machine Readable Travel Documents and other passenger information tools can also be employed for security purposes, adding an important layer to the international civil aviation system, in order to detect terrorists and prevent acts of unlawful interference well before the aircraft boarding process;

Whereas threats to the air cargo and mail systems as a whole require a global approach in the development and implementation of security requirements and best practices, including cooperation with relevant international organizations such as the World Customs Organization (WCO), Universal Postal Union (UPU), and International Maritime Organization (IMO);

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

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

Whereas a broad set of risk management strategies and tools must be employed to align security measures with security risk in order to ensure the effectiveness and sustainability of aviation security measures;

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

Whereas technology and process innovations are required to achieve effective and efficient aviation security and facilitation measures, and in defining the future of security screening regimes;

The Assembly:

1. *Urges* the Council to continue to attach the highest priority to the adoption of effective measures for the prevention of acts of unlawful interference commensurate with the current threat to the security of international civil aviation, to take into account the innovative and evolving nature of that threat, and to keep up to date the provisions of Annex 17 to the Chicago Convention from a threat and risk perspective;

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

3. *Urges* all States on an individual basis and in cooperation with other States to take all possible measures for the prevention of acts of unlawful interference, in particular, those required or recommended in Annex 17 as well as those recommended by the Council;

3bis. *Reiterates* the responsibility of all States for the implementation of effective aviation security measures within their territory, taking into account the evolving threat;

4. *Urges* Member States to fully and sustainably implement Annex 17 — *Security* and security-related provisions of Annex 9 — *Facilitation* to intensify their efforts for the implementation of existing Standards and Recommended Practices (SARPs), and procedures relating to aviation security, to monitor such implementation, to rectify any gaps or deficiencies as a matter of urgency, to take all necessary steps to prevent acts of unlawful interference against international civil aviation and to give appropriate attention to the guidance material contained in the *ICAO Aviation Security Manual* (Doc 8973 — Restricted) and other security-related guidance material available on the ICAO restricted website;

5. *Encourages* Member States to promote aviation security as a fundamental component of national, social and economic priorities, planning and operations;

6. *Encourages* Member States to work in partnership with industry to develop, conduct operational trials of, and implement effective security measures;

7. *Encourages* Member States, pursuant to their domestic laws, regulations and aviation security programmes, and in accordance with applicable SARPs and the capacity of each State, to promote the implementation of aviation security measures in a practical manner to:

- a) broaden existing cooperation mechanisms amongst States and industry, as appropriate, for information exchange and the early detection of security threats to civil aviation operations;

- b) share expertise, best practices and information relating to preventive security measures, including screening and inspection techniques, the detection of explosives, airport security behavioural detection, screening and credentialing of airport staff, human resource development and the research and development of relevant technologies;
- c) utilize modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals;
- d) define aviation security measures that are risk-based, appropriate and proportionate to the threat, effective, efficient, operationally viable, economically and operationally sustainable, and take into account the impact on passengers and on legitimate trade;
- e) address the continued threat posed by liquids, aerosols and gels (LAGs) explosives, including the implementation of technological solutions needed to gradually lift restrictions on the carriage of LAGs in cabin baggage;
- f) treat flights arriving from States where LAGs screening is applied in the same way as flights from States where LAGs restrictions are applied;
- g) intensify efforts in securing the air cargo and mail security system by:
 - i. developing a strong, sustainable and resilient air cargo security framework;
 - ii. implementing robust security standards effectively;
 - iii. adopting a total supply chain approach to air cargo and mail security;
 - iv. establishing and strengthening oversight and quality control of air cargo and mail security;
 - v. engaging in bilateral and multilateral cooperative efforts to coordinate actions to harmonize and enhance air cargo and mail security and secure the global air cargo supply chain;
 - vi. sharing best practices and lessons learned with other States to enhance the overall level of air cargo and mail security; and
 - vii. strengthening initiatives to intensify capacity-building in air cargo and mail security;
- h) give consideration to the potential security vulnerability of remotely piloted aircraft systems in order to prevent unlawful interference;
- i) ensure that civil aviation threat and risk assessments in airspace are performed, and that States provide information to relevant stakeholders in a timely manner on all possible risks to civil aviation;
- j) address the risk of attacks in landside areas, including terminal buildings, by working with all stakeholders to:
 - i. maintain a practical balance between the needs of effective and sustainable security measures and passenger facilitation;
 - ii. implement a set of risk-based measures that are flexible and practical, with clearly defined responsibilities among relevant actors;

- iii. avoid the creation of any areas of mass gathering either inside or proximate to the terminal; and
 - iv. sustain a culture of constant vigilance, deterrence, prevention, response and resilience in a coordinated manner in the face of evolving threats; and
- k) ensure the protection of civil aviation against cyber-attacks and cyber threats.
8. *Calls upon* Member States to enhance their use of information exchange mechanisms, particularly Advance Passenger Information (API) provided by air carriers, to strengthen aviation security and reduce the risk to passengers, while ensuring the protection of privacy and civil liberties;
9. *Calls upon* Member States, while respecting their sovereignty, to minimize disruption to air travel resulting from confusion or inconsistent interpretation of standards by cooperating and coordinating actions in order to implement SARPs and guidance consistently, efficiently and effectively and by providing clear, well-timed and readily available information to the travelling public;
10. *Calls upon* Member States, when requesting another State to apply security measures to protect aircraft flying into its territory, to take fully into account the security measures already in place in the requested State and, where appropriate, to recognize those measures as equivalent;
11. Requests the Council to direct the Secretary General to:
- a) ensure that the provisions of Annex 17 and Annex 9 — Facilitation are compatible with and complementary to each other, provided that the effectiveness of security measures is not compromised;
 - b) where relevant, include items dealing with aviation security on the agenda of ICAO meetings;
 - c) continue to promote the development of effective and innovative security processes and concepts, through awareness-raising regional and subregional aviation security events at the request of States concerned, including in cooperation with industry stakeholders and equipment manufacturers to develop the next generation of passenger and cargo screening processes;
 - d) continue to work with the Aviation Security Panel to address new and existing threats to civil aviation, and to develop appropriate preventive measures, including the screening and security control of persons other than passengers with access to secured airport facilities, enhanced screening of passengers and baggage, appropriate security controls for cargo, the supply chain and service providers, as well as the selection and training of persons executing and implementing security measures;

- e) promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements, which recognize the equivalence of their aviation security measures where these achieve the same outcomes, and which are based on an agreed comprehensive and continuous validation process and effective exchange of information regarding their respective aviation security systems; and
 - f) continue to address other threats and risks, including cyber threats to aviation security, risks to landside areas of airports and air traffic management security, in consultation with the Aviation Security Panel;
12. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the Aviation Security Manual and develop new guidance material, including detailed guidance material on liquids, aerosols and gels, and human factors, as required, designed to assist Member States in responding to new and existing threats to aviation and implementing the specifications and procedures related to civil aviation security;
13. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure the periodic review and updating of the *ICAO Global Risk Context Statement*, which provides a risk assessment methodology for aviation security which may be considered by Member States for use in further developing their own national risk assessments and to include risk-based assessments with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document;
14. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure that appropriate fields of expertise are engaged in the assessment of aviation security risks and the development of SARPs, specifications, guidance material, and other mean to address issues of aviation security, including coordination with other panels; and
15. *Directs* the Council to instruct the Aviation Security Panel to continually assess its terms of reference and governing procedures to ensure there are no constraints on the Panel's ability to consider the full scope of aviation security issues.

APPENDIX D

Action of States concerned with an act of unlawful interference

- a) *Acts of unlawful interference*

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

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

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

The Assembly:

1. *Expresses concern* about the challenges posed to security of civil aviation by new and existing threats and the changing modus operandi used in perpetrating acts of unlawful interference;
2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague, Montréal and Beijing Conventions, the 1988 Supplementary Protocol to the Montréal Convention and the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*, and the 2014 *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*;
3. *Recommends* that States take into account the above considerations in the development of their policies and contingency plans for dealing with acts of unlawful interference;
4. *Urges* Member States to provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land;
5. *Urges* Member States to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life;
6. *Recognizes* the importance of consultations between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft as well as notification by the State where the aircraft has landed to the States of assumed or stated destination;
7. *Urges* Member States to cooperate for the purpose of providing a joint response in connection with an act of unlawful interference, as well as utilizing, if necessary, the experience and capabilities of the State of the operator, the State of manufacture and the State of registration of an aircraft which has been subjected to an act of unlawful interference, while taking measures in their territory to free the passengers and crew members of that aircraft;
8. *Condemns* any failure by a Member State to fulfil its obligations to return without delay an aircraft which is being illegally detained and to submit to competent authorities or extradite without delay the case of any person accused of an act of unlawful interference with civil aviation;
9. *Condemns* the reporting of false threats to civil aviation and *calls upon* Member States to prosecute the perpetrators of such acts in order to prevent the disruption of civil aviation operations; and
10. *Calls upon* Member States to continue to assist in the investigation of such acts and in the apprehension and prosecution of those responsible.

b) *Reporting on acts of unlawful interference*

Whereas official reports provided to ICAO in a timely manner by States concerned with acts of unlawful interference should contain comprehensive and credible information and constitute the basis for evaluation and analysis of acts; and

Whereas the ICAO online database of acts of unlawful interference is an effective tool for the prompt dissemination of information related to aviation security incidents, and is readily accessible by Member States through the ICAO Secure Portal (<https://portal.icao.int>);

The Assembly:

1. *Notes with concern* that many States experiencing acts of unlawful interference often do not provide the Council with the official reports on such acts;
2. *Urges* States to fulfil their obligations under Article 11 of The Hague Convention and Article 13 of the Montréal Convention as well as under Annex 17, following occurrences of unlawful interference, to forward to the Council, as soon as possible, all relevant information required by those Articles and SARPs in order to enable the Secretariat to retain accurate and complete information and to analyse trends and new threats to civil aviation;
3. *Directs* the Council to direct the Secretary General, within a reasonable time from the date of a specific occurrence of unlawful interference, to request that concerned States forward to the Council in accordance with their national law all relevant information concerning such an occurrence, including, particularly, information relating to extradition or other legal proceedings; and
4. *Requests* that the Council direct the Secretary General, in conjunction with the Aviation Security Panel, to monitor, collate, verify and analyse reported acts of unlawful interference, inform States of trends and potential and new threats, and develop appropriate guidance to deter new and existing threats.

APPENDIX E

The ICAO Universal Security Audit Programme

Whereas the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution A38-15, Appendix E;

Whereas one of the primary objectives of the Organization continues to be ensuring the security of international civil aviation worldwide;

Whereas Member States are committed to compliance with Annex 17 and the security-related provisions of Annex 9;

Whereas the establishment of an effective security oversight system by States supports the implementation of international aviation security Standards and Recommended Practices (SARPs) and contributes to this objective;

Recalling that the ultimate responsibility to ensure the security of civil aviation rests with Member States;

Considering that the USAP has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution, and that the programme continues to enjoy the support of States, serving as a catalyst for their continued efforts to meet their international obligations in the field of aviation security;

Recognizing that the effective implementation of State corrective action plans to address deficiencies identified through USAP audits is an integral and crucial part of the monitoring process in order to achieve the overall objective of enhancing global aviation security;

Recognizing the importance of a limited level of disclosure with respect to ICAO aviation security audit results, balancing the need for States to be aware of unresolved security concerns with the need to keep sensitive security information out of the public realm;

Considering the approval by the Council of a mechanism to address significant security concerns (SSeCs) in a timely manner;

Recognizing the importance of a coordinated strategy for facilitating assistance to States through the high-level Secretariat Monitoring and Assistance Review Board;

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

Considering the approval by the Council of the application of a Continuous Monitoring Approach (CMA) to the USAP following the completion of the second cycle of audits in 2013; and

Considering that full implementation of the USAP-CMA began on 1 January 2015;

Recalling that the 38th Session of the Assembly requested the Council to report on the overall implementation of the USAP-CMA;

The Assembly:

1. *Notes with satisfaction* that the USAP has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution;
2. *Expresses its appreciation* to Member States for their cooperation in the audit process and for making available security experts to be certified as USAP auditors to serve as short-term experts in the conduct of audits, as well as long-term experts to act as USAP audit team leaders;
3. *Requests* the Council to ensure the continuation of the USAP and to oversee the activities of the USAP-CMA as it monitors States' levels of effective implementation of the critical elements of an aviation security oversight system, compliance with the ICAO security-related SARPs, and implementation of State corrective action plans;

4. *Requests* the Council to direct the ICAO Secretariat to review the scope and methodology of the Universal Security Audit Programme, in consultation with Member States, to ensure that it provides reliable information to Member States regarding the effective implementation of aviation security measures on the ground, and that the methodology takes into consideration a risk-based approach for the implementation of aviation security measures;
5. *Endorses* the policy of a limited level of disclosure of security audit results for the USAP-CMA, particularly relating to the prompt notification of the existence of significant security concerns;
6. *Urges* all Member States to give full support to ICAO by:
 - a) accepting USAP-CMA missions as scheduled by the Organization, in coordination with relevant States;
 - b) facilitating the work of USAP-CMA teams;
 - c) preparing and submitting to ICAO all required documentation; and
 - d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities;
7. *Urges* all Member States to share upon request, if appropriate and consistent with their sovereignty, the results of audits and other USAP-CMA activities carried out by ICAO and the corrective actions taken by the audited State; and
8. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP-CMA.

APPENDIX F

The ICAO Implementation Support and Development – Security Programme (ISD-SEC)

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

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

The Assembly:

1. *Directs* the Council to request the Secretary General to facilitate and coordinate technical assistance and support for States that need to improve their aviation security oversight, through the development of a coordinated, targeted and effective international aviation security capacity-building framework;

2. *Urges* Member States to voluntarily contribute financial and in-kind resources to increase the reach and impact of ICAO aviation security enhancement activities;
3. *Urges* States able to do so to assist in the delivery of effective and targeted capacity development, training and other necessary resources, technical assistance, technology transfers and programmes, where it is needed to enable all States to achieve an enhanced and effective aviation security regime;
4. *Invites* Member States to take advantage of ICAO's capacity to provide, facilitate or coordinate short-term remedial assistance and long-term assistance to remedy deficiencies in their implementation of Annex 17 SARPs, and ICAO's capacity to make best use of USAP audit results for defining and targeting aviation security capacity-building activities for the benefit of Member States in need;
5. *Invites* Member States to also consider requesting assistance from other international organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;
6. *Urges* ICAO, Member States and organizations to share with ICAO information on their assistance programmes and activities in order to promote the efficient and effective use of resources;
7. *Directs* the Council to request the Secretary General to facilitate the coordination of assistance programmes and activities by collecting information on such initiatives;
8. *Directs* the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;
9. *Urges* Member States and relevant stakeholders to partner for the organization and delivery of capacity-building activities, documenting the commitments made by each party ;
10. *Requests* the Council to direct the Secretary General to enhance the ICAO Training Programme for Aviation Security, Aviation Security Training Packages (ASTPs) and Aviation Security Workshops, and promote other methods of aviation security training such as e-learning and blended learning;
11. *Urges* Member States to contribute training documentation to aid in the future development and updates of the ICAO Training Programme for Aviation Security including, *inter alia*, ASTPs and Aviation Security Workshops;
12. *Requests* the Council to direct the Secretary General to oversee, develop, promote, and regularly re-evaluate the Aviation Security Training Centres (ASTCs) network to ensure that training standards are maintained and sound levels of cooperation are achieved;
13. *Urges* Member States to utilize ICAO ASTCs for security training; and

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

APPENDIX G

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

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

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

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

Whereas focussing on security outcomes, recognition of equivalence and one-stop security, and respecting the spirit of cooperation defined in multilateral and/or bilateral air services agreements are policy principles whose implementation can contribute significantly to aviation security sustainability;

The Assembly:

1. *Recognizes* that success in eliminating threats to civil aviation can only be achieved through the concerted effort of everyone concerned and a close working relationship between national agencies and aviation security regulators of all Member States;

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

3. *Urges* all Member States to adopt the following key principles as the basis for international cooperation in aviation security and to ensure effective aviation security cooperation amongst States, ICAO and other relevant international organizations:

- a) respect for the spirit of cooperation defined in bilateral and/or multilateral air services agreements;
- b) recognition of equivalent security measures; and
- c) focus on security outcomes;

4. *Urges* all Member States, who have not yet done so, to participate in the ICAO Aviation Security Point of Contact (PoC) Network, established for the communication of imminent threats to civil air transport operations, with the objective of providing a network of international aviation security contacts within each State, and to intensify their coordination and cooperation to ensure the exchange of best practices through the AVSECPaedia;
5. *Urges* the Council to request the Secretary General to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Member States;
6. *Requests* that the Council continue to:
 - a) gather the results of States' experience in cooperating with each other to prevent acts of unlawful interference with international civil aviation;
 - b) analyse differing circumstances and trends in preventing threats to international civil aviation in different regions of the world; and
 - c) prepare recommendations for strengthening measures to deter and prevent such acts of unlawful interference;
7. *Directs* the Council to act with the requisite urgency and expedition to address new and existing threats to civil aviation, seeking to mitigate unnecessary disruption to air travel as a result of confusion or inconsistent implementation or interpretation of necessary measures, facilitating a common and consistent response by States, and encouraging clear communication by States to the travelling public.

APPENDIX H

International and regional cooperation in the field of aviation security

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

The Assembly:

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the International Maritime Organization (IMO), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Counter-Terrorism Committee Executive Directorate (UNCTED), the United Nations Counter-Terrorism Implementation Task Force (UNCTITF), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the World Customs Organization (WCO), the African Union (AU), the European Union (EU), the Arab Civil Aviation Commission (ACAC), the African Civil Aviation Commission (AFCAC), the European Civil Aviation Conference (ECAC), the Latin American Civil Aviation Commission (LACAC), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Airline Pilots' Associations (IFALPA), the International Business Aviation Council (IBAC), the International Coordinating Council of

Aerospace Industries Associations (ICCAIA), the Global Express Association (GEA), the International Federation of Freight Forwarders Associations (FIATA), The International Air Cargo Association (TIACA) and other stakeholders to continue their cooperation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference;

2. *Directs* the Council to take into account the G8 Secure and Facilitated International Travel Initiative (SAFTI) and to continue its collaboration with this group and other relevant groups of States such as the Asia-Pacific Economic Cooperation Secure Trade in the Asia and Pacific Region (STAR) initiative in its work relating to development of countermeasures against the threat posed by man-portable air defence systems (MANPADS) and encourage their implementation by all Member States; and

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

Declaration on Aviation Security
(as adopted by the 37th Session of the Assembly)

The Assembly, *recognizing* the need to strengthen aviation security worldwide, in light of the continuing threat to civil aviation, including the attempted sabotage of Northwest Airlines flight 253 on 25 December 2009; and *acknowledging* the value of the joint declarations on civil aviation security emanating from regional conferences held with a view to enhancing international cooperation, hereby *urges* Member States to take the following actions to enhance international cooperation to counter threats to civil aviation:

- 1) strengthen and promote the effective application of ICAO Standards and Recommended Practices, with particular focus on Annex 17 — *Security*, and develop strategies to address current and emerging threats;
- 2) strengthen security screening procedures, enhance human factors and utilize modern technologies to detect prohibited articles and support research and development of technology for the detection of explosives, weapons and prohibited articles in order to prevent acts of unlawful interference;
- 3) develop enhanced security measures to protect airport facilities and improve in-flight security, with appropriate enhancements in technology and training;
- 4) develop and implement strengthened and harmonized measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain;
- 5) promote enhanced travel document security and the validation thereof using the ICAO Public Key Directory (PKD) in conjunction with biometric information, and the commitment to report on a regular basis, lost and stolen passports to the INTERPOL Lost and Stolen Travel Documents Database to prevent the use of such travel documents for acts of unlawful interference against civil aviation;

- 6) improve Member States' ability to correct deficiencies identified under the Universal Security Audit Programme (USAP) by ensuring the appropriate availability of audit results among Member States, which would enable better targeting of capacity-building and technical assistance efforts;
- 7) provide technical assistance to States in need, including funding, capacity building and technology transfer to effectively address security threats to civil aviation, in cooperation with other States, international organizations and industry partners;
- 8) promote the increased use of cooperation mechanisms among Member States and with the civil aviation industry, for information exchange on security measures in order to avoid redundancy, where appropriate, and for early detection and dissemination of information on security threats to civil aviation, including through the collection and transmission of advance passenger information (API) and passenger name record (PNR) data, as an aid to security, whilst ensuring the protection of passengers' privacy and civil liberties; and
- 9) share best practices and information in a range of key areas, such as: screening and inspection techniques, including assessments of advanced screening technology for the detection of weapons and explosives; document security and fraud detection; behaviour detection and threat-based risk analysis; screening of airport employees; the privacy and dignity of persons; and aircraft security.

A39-19: Addressing Cybersecurity in Civil Aviation

Whereas the global aviation system is a highly complex and integrated system that comprises information and communications technology critical for the safety and security of civil aviation operations;

Noting that aviation sector is increasingly reliant on the availability of information and communications technology systems, as well as on the integrity and confidentiality of data;

Mindful that the threat posed by cyber incidents on civil aviation is rapidly and continuously evolving, that threat actors are focused on malicious intent, disruption of business continuity and theft of information for political, financial or other motivations, and that the threat can easily evolve to affect critical civil aviation systems worldwide;

Recognizing that not all cybersecurity issues affecting the safety of civil aviation are unlawful and/or intentional, and should therefore be addressed through the application of safety management systems;

Reaffirming the importance and urgency of protecting civil aviation's critical infrastructure systems and data against cyber threats;

Considering the need to work collaboratively towards the development of an effective and coordinated global framework for civil aviation stakeholders to address the challenges of cybersecurity, along with short-term actions to increase the resilience of the global aviation system to cyber threats that may jeopardize the safety of civil aviation;

Acknowledging the value of relevant initiatives, action plans, publications and other media designed to address cybersecurity issues in a collaborative and comprehensive manner;

Recalling initiatives by the principals of Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO), the International Air Transport Association (IATA) and the International Coordinating Council of Aerospace Industries Associations (ICCAIA) and ICAO that recognized the need to work together and be guided by a shared vision, strategy and roadmap to strengthen the global aviation system's protection from and resilience to cyber threats; and

Recognizing the multi-faceted and multi-disciplinary nature of cybersecurity challenges and solutions;

The Assembly:

1. *Calls upon* States and industry stakeholders to take the following actions to counter cyber threats to civil aviation:

- a) Identify the threats and risks from possible cyber incidents on civil aviation operations and critical systems, and the serious consequences that can arise from such incidents;
- b) Define the responsibilities of national agencies and industry stakeholders with regard to cybersecurity in civil aviation;
- c) Encourage the development of a common understanding among Member States of cyber threats and risks, and of common criteria to determine the criticality of the assets and systems that need to be protected;
- d) Encourage government/industry coordination with regard to aviation cybersecurity strategies, policies, and plans, as well as sharing of information to help identify critical vulnerabilities that need to be addressed;
- e) Develop and participate in government/industry partnerships and mechanisms, nationally and internationally, for the systematic sharing of information on cyber threats, incidents, trends and mitigation efforts;
- f) Based on a common understanding of cyber threats and risks, adopt a flexible, risk-based approach to protecting critical aviation systems through the implementation of cybersecurity management systems;
- g) Encourage a robust all-round cybersecurity culture within national agencies and across the aviation sector;
- h) Determine legal consequences for activities that compromise aviation safety by exploiting cyber vulnerabilities;
- i) Promote the development and implementation of international standards, strategies and best practices on the protection of critical information and communications technology systems used for civil aviation purposes from interference that may jeopardize the safety of civil aviation;

- j) Establish policies and allocate resources when needed to ensure that, for critical aviation systems: system architectures are secure by design; systems are resilient; methods for data transfer are secured, ensuring integrity and confidentiality of data; system monitoring, and incident detection and reporting, methods are implemented; and forensic analysis of cyber incidents is carried out; and
 - k) Collaborate in the development of ICAO's cybersecurity framework according to a horizontal, cross-cutting and functional approach involving air navigation, communication, surveillance, aircraft operations and airworthiness and other relevant disciplines.
2. *Instructs* the Secretary General to:
- a) Assist and facilitate States and industry in taking these actions; and
 - b) Ensure that cybersecurity matters are fully considered and coordinated across all relevant disciplines within ICAO.

A39-20: Consolidated statement of continuing ICAO policies related to facilitation

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

Whereas implementation of the Standards and Recommended Practices in Annex 9 is essential to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail and manage challenges in border controls and airport processes so as to maintain the efficiency of air transport operations; and

Whereas it is essential that Member States continue to pursue the objective of maximizing efficiency and security in such clearance operations;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies related to facilitation, as these policies exist at the close of the 39th Session of the Assembly:

Appendix A — Development and implementation of facilitation provisions

Appendix B — National and international action in ensuring the security and integrity of traveller identification and border controls

Appendix C — National and international action and cooperation on facilitation matters

Appendix D — Passenger Data Exchange Systems

2. *Requests* the Council to keep the consolidated statement related to facilitation under review and advise the Assembly as appropriate when changes are needed to the statement; and

3. *Declares* that this resolution supersedes Resolution A38-16: Consolidated statement of continuing policies related to facilitation.

APPENDIX A

Development and implementation of facilitation provisions

Whereas the *Convention on the Rights of Persons with Disabilities* and its Optional Protocol, that had been adopted in December 2006 by the United Nations General Assembly, entered into force on 3 May 2008;

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

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

The Assembly:

1. *Urges* Member States to give special attention to increasing their efforts to implement Annex 9 Standards and Recommended Practices;
2. *Urges* Member States to give due regard to Doc 9984, *Manual on Access to Air Transport by Persons with Disabilities*, in their implementation of the relevant provisions of Annex 9;
3. *Requests* the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of Member States with respect to administration of border controls, cargo and passengers; advances in technologies related to such administration; cargo facilitation; the handling of and responses to health-related and other disruptive events to aviation; and unaccompanied minors;
4. *Requests* the Council to ensure that relevant guidance material is current and responsive to the requirements of Member States;
5. *Requests* the Council to ensure that the provisions of Annex 9 — *Facilitation*, and Annex 17 — *Security*, are compatible with and complementary to each other; and
6. *Requests* the Council to update Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, to ensure that it is current and responsive to the requirements of Member States.

APPENDIX B

National and international action in ensuring the security and integrity of traveller identification and border controls

Whereas Member States recognize the relevance of traveller identification and border control management to aviation security and facilitation;

Whereas Member States recognize that the ability to uniquely identify individuals requires a holistic and coordinated approach, which links the following five interdependent elements of traveller identification and border control management into a coherent framework:

- a) Foundational documents, tools and processes required to ensure authentic evidence of identity;
- b) The design and manufacture of standardized Machine Readable Travel Documents (MRTDs), especially ePassports, that comply with ICAO specifications;
- c) Processes and protocols for document issuance by appropriate authorities to authorized holders, and controls to combat theft, tampering and loss;
- d) Inspection systems and tools for the efficient and secure reading and verification of MRTDs at borders, including use of the ICAO PKD; and
- e) Interoperable applications that provide for timely, secure and reliable linkage of MRTDs and their holders to available and relevant data in the course of inspection operations;

Whereas Member States require capacity to uniquely identify individuals and require tools and mechanisms available to establish and confirm the identity of travellers;

Whereas the ICAO Traveller Identification Programme (ICAO TRIP) Strategy provides the global framework for achieving the maximum benefits of travel documents and border controls by bringing together the elements of identification management, and building on the success of the ICAO MRTDs Programme;

Whereas Member States of the United Nations have resolved, under Resolution 70/1 adopted on 25 September 2015 to adopt a 2030 Agenda for Sustainable Development that includes a set of 17 Sustainable Development Goals (SDGs) supported by 169 targets, the target 16.9 being to provide legal identity for all, including birth registration by 2030;

Whereas the veracity and validity of machine readable travel documents (MRTDs) depends on the readability and protection of these documents, physical securities contributing to them, and electronic securities guaranteeing them;

Whereas the limitation of the number of possible civil status for a person depends on the documentation used to establish identity, confirm citizenship or nationality and assess entitlement of the passport applicant (i.e. breeder documentation);

Whereas the passport is the main official document that denotes a person's identity and citizenship and is intended to inform the State of transit or destination that the bearer can return to the State which issued the passport;

Whereas international confidence in the integrity of the passport is essential to the functioning of the international travel system;

Whereas the use of stolen blank passports, by those attempting to enter a country under a false identity, is increasing worldwide;

Whereas the security of traveller identification and border controls depends on a robust identification management system and the integrity of the travel document issuance process;

Whereas high-level cooperation among Member States is required in order to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of forged or counterfeit passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

Whereas Member States of the United Nations have resolved, under the Global Counter-Terrorism Strategy adopted on 8 September 2006, to step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use;

Whereas Resolution 1373 adopted by the United Nations Security Council on 28 September 2001 decided that all Member States shall prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

Whereas enhanced and intensified cooperation among Member States is required in order to combat and prevent identification and travel document fraud;

Whereas the criminal focus worldwide has been increasingly shifting from travel document fraud to identification fraud;

Whereas Convention Travel Documents (CTDs) are travel documents that States Parties to the 1951 Convention Relating to the Status of Refugees ("the 1951 Convention") and the 1954 Convention Relating to the Status of Stateless Persons ("the 1954 Convention") shall issue to refugees or stateless persons lawfully staying on their territory (see respective Article 28 of both Conventions), and as such are travel documents foreseen in two international treaties for persons benefitting from an internationally recognized status;

Whereas ICAO has set up the Public Key Directory (PKD) to verify, validate and authenticate biometrically-enhanced MRPs (ePassports), thereby strengthening their security and the integrity of border controls; and

Whereas Member States request from ICAO Programmes technical assistance and capacity-building support in strengthening their traveller identification and border control programmes;

The Assembly:

1. *Urges* Member States, through their travel document and border control programmes, to uniquely identify individuals to maximize security and facilitation benefits, including preventing acts of unlawful interference and other threats to civil aviation;
2. *Urges* Member States to implement rigorous processes and tools to safeguard the security and integrity of breeder documentation;
3. *Urges* Member States to intensify their efforts in developing and implementing a robust identification management system and safeguard the security and integrity of the travel document issuance process;
4. *Urges* Member States to intensify their efforts in establishing and implementing a solid verification system of the integrity of electronic passports, in particular by reading their electronic signatures and verifying their validity;
5. *Requests* the Council to direct the Secretary General to implement the ICAO TRIP Strategy to assist Member States to uniquely identify individuals, and to enhance the security and integrity of their travel documents and border controls;
6. *Requests* Member States to intensify their efforts to safeguard the security and integrity of traveller identification and border controls, and to assist one another in these matters;
7. *Urges* those Member States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 4;
8. *Reminds* Member States to ensure that non-machine readable passports are withdrawn from circulation;
9. *Reminds* Member States to ensure that when issuing travel documents for refugees and stateless persons (“Convention Travel Documents (CTDs)”), these CTDs are machine readable, in accordance with the specifications of Doc 9303;
10. *Reminds* Member States to establish controls to safeguard against the theft of blank travel documents and the misappropriation of newly issued travel documents;
11. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;
12. *Requests* the Council to ensure that specifications and guidance material contained in Doc 9303, *Machine Readable Travel Documents*, remain up to date in the light of technological advances;
13. *Requests* the Council to continue to explore technological solutions aimed at enhancing security and facilitation of border controls while improving clearance procedures, such as the Automated Border Control (ABC) gates;

14. *Requests* the Council to update the ICAO/United Nations High Commissioner for Refugees (UNHCR) *Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons*;

15. *Requests* the Council to continue the work on further strengthening the security and integrity of traveller identification and border controls, and developing guidance material to assist Member States to further those objectives;

16. *Urges* the Council to explore ways of intensifying assistance and capacity-building support to Member States in the traveller identification and border control areas, including a proactive leadership role for ICAO in facilitating and coordinating such assistance in the international community;

17. *Urges* all Member States to join the ICAO PKD and to use the information available from the ICAO PKD to validate eMRTDs at border controls;

18. *Reminds* those Member States that are not already doing so to provide routine and timely submissions of stolen, lost, and revoked travel documents data to the Interpol's Stolen and Lost Travel Document (SLTD) Database.

19. *Urges* those Member States that are not already doing so to query, at entry and departure border control points, the travel documents of individuals travelling internationally against the INTERPOL Stolen and Lost Travel Documents (SLTD) database.

20. *Urges* Member States to establish efficient and effective mechanisms in order to implement submissions to, and queries of, the SLTD database.

APPENDIX C

National and international action and cooperation on facilitation matters

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

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

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

Whereas such cooperation has become vital in the light of the proliferation of non-uniform passenger data exchange systems that adversely affect the viability of the air transport industry;

Whereas the threat of worldwide transmission of communicable diseases by means of air transport has increased in past years; and

Whereas Annex 9 provides for the facilitation of assistance to aircraft accident victims and their families;

The Assembly:

1. *Urges* Member States to establish and utilize national facilitation programmes and facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;
2. *Urges* Member States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;
3. *Urges* Member States to take all necessary steps, through national facilitation programmes and facilitation committees or other appropriate means, for:
 - a) regularly calling the attention of all interested departments of their governments to the need for:
 - i. making the national regulations and practices conform to the provisions and intent of Annex 9; and
 - ii. working out satisfactory solutions for day-to-day problems in the facilitation field; and
 - b) taking the initiative in any follow-up action required;
4. *Urges* Member States to encourage the study of facilitation problems by their national and other facilitation programmes and committees and to coordinate the findings of their committees on facilitation problems with those of other Member States with which they have air links;
5. *Urges* neighbouring and bordering Member States to consult one another about common problems that they may have in the facilitation field whenever it appears that these consultations may lead to a uniform solution of such problems;
6. *Urges* Member States, aircraft operators and airport operators to continue to cooperate intensively as regards:
 - a) identification and solution of facilitation problems; and
 - b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration, the spread of communicable diseases and other threats to national interests;
7. *Urges* Member States to call upon aircraft and airport operators and their associations to participate in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of cargo traffic at international terminals;
8. *Urges* Member States to implement the provisions of Annex 9 to facilitate assistance to aircraft accident victims and their families;
9. *Urges* Member States and aircraft and airport operators, in cooperation with interested international organizations, to make all possible efforts to speed up the handling and clearance of air cargo, while ensuring the security of the international supply chain; and
10. *Urges* Member States to undertake dialogue and cooperation between national and regional facilitation and security-related bodies.

APPENDIX D

Passenger Data Exchange Systems

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

Whereas UN Security Council, in Resolution 2178 (2014), at paragraph 9, has called upon Member States “to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) (“the Committee”), and further calls upon Member States to report any such departure from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State or residence or nationality, as appropriate and in accordance with domestic law and international obligations.”

The Assembly:

1. *Urges* Member States to call upon aircraft operators offering international air transport services to participate in electronic data interchange systems by providing advance passenger information in order to achieve maximum efficiency levels in the processing of passenger traffic at international terminals; and
2. *Urges* Member States, in the use of electronic data interchange systems, to ensure that the passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose, and to ensure the security, fair processing and safeguarding of such data; and
3. *Urges* Member States to assist and share best practices, as appropriate, with other Member States in the establishment of passenger data exchange systems.

A39-21: Addressing the low response rate by Member States to ICAO State letters

Whereas Article 37 of the *Convention on International Civil Aviation* (Chicago Convention) requires the Organization to adopt and amend international Standards and Recommended Practices and Procedures and each Contracting State to collaborate in securing the highest possible degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

Recognizing that a State letter is a medium through which the Organization, under the authority of the Secretary General, officially communicates its Standards and Recommended Practices and policies and interacts with its Member States and with others concerned;

Concerned that the low response rate by Member States to State letters is a long-standing issue that can adversely impact the fulfilment of obligations under Articles 37, 38, 54, 57 and 90 of the Chicago Convention;

Recalling that Resolution A29-3 urged States to respond to the ICAO Council's requests for comments and agreement or disagreement on ICAO proposed Standards to prevent decisions being taken on the basis of a small number of responses;

The Assembly:

1. *Calls* on Member States to reaffirm the necessity and honour their commitment to responding to all State letters issued by the ICAO in a complete and timely manner and to share best practices, through ICAO Regional Offices and/or regional civil aviation commissions, in order to promote continuous improvement, mobilize resources and build capacity within Member States in concert with ICAO's *No Country Left Behind* (NCLB) initiative;
2. *Instructs* the Secretary General to implement a registry attributes scheme for State letters that identifies the category, priority, discipline or subject matter and response needs, to facilitate improved processing of the State letters by Member States and other recipients;
3. *Requests* the Secretary General to review and, as necessary, revise the format of State letters and Electronic Bulletins, including design layout, as a means to more effectively communicate their content with Member States and other recipients;
4. *Requests* the Secretary General to investigate and, as necessary, introduce new communications tools, including web-based solutions, as a means to improve communication and interaction with Member States and other recipients of State letters and the recording of replies in the ICAO Records Management System;
5. *Instructs* the Secretary General to implement an automated and interactive web-based system capable of reporting the response rates to State letters, thus improving visibility of the status of State letter responses by Member States, by regions and/or globally, and promoting awareness and capacity building among Member States;
6. *Instructs* the Secretary General to introduce follow-up procedures at all ICAO Regional Offices, as a component of the Regional Office Manual as necessary, as a means to further inform and interact with focal points within the Member States in their area of accreditation where responses to State letters are low or absent, and to take advantage of the presence of delegations at ICAO Headquarters in this connection also;
7. *Directs* the Council to monitor and analyse the response rate to State letters on a periodic basis, to make recommendations where the response rate of Member States is below the global average;
8. *Calls* on Member States to consider establishing focal points for internal (State-level) coordination and follow-up to State letters, continuously review the ICAO Directors General of Civil Aviation (DGCA) Directory and ensure that the contact details of the State letter recipients is kept up-to-date with changes notified to ICAO in a complete and timely manner; and
9. *Requests* the Secretary General to conduct an awareness campaign through ICAO Regional Offices, regional DGCA conferences and/or other fora such as regional civil aviation commissions targeted at Member States to increase the level of awareness of the importance of responding to all State letters issued by ICAO and in maintaining up-to-date contact details.

A39-22: Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences

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

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

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

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

Recognizing the effective implementation of SARPs and PANS promotes safe, secure and sustainable development of international civil aviation;

Recognizing that making differences information easily available to all stakeholders in a timely manner is important to promote safety, regularity and efficiency in international civil aviation;

Noting that many Member States experience difficulty in fulfilling their obligations under Articles 37 and 38 of the *Convention* and keeping pace with frequent amendments to Annexes;

Recognizing that up-to-date ICAO technical guidance material provides valuable assistance to Member States in the effective implementation of SARPs, PANS and Regional Plans;

Recognizing that substantial resources are required to develop and maintain all ICAO technical guidance material for SARPs and PANS;

Noting the increase of the number of notified differences to ICAO;

Recognizing that there is a strong need for all available means to be sought and employed in encouraging and assisting Member States in overcoming their difficulties in implementation of SARPs and PANS; and

Recognizing that implementation of a Standard is increased globally through a development process that encourages inclusion of perspectives among all States and relevant industry stakeholders;

The Assembly:

1. *Calls on* Member States to reaffirm their commitment to abide by the obligations under Articles 37 and 38 of the *Convention*;
2. *Resolves* that SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, inter alia, to provide a sound basis for global and regional planning and implementation;

3. *Agrees* that subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to enable the Member States to maintain stability in their national regulations. To this end amendments shall be limited to those significant to safety, regularity and efficiency and editorial amendments shall be made only if essential;
4. *Reiterates* that SARPs and PANS shall be drafted in clear, simple and concise language. SARPs shall consist of broad, mature and stable provisions specifying functional and performance requirements that provide for the requisite levels of safety, regularity and efficiency. Supporting technical specifications, when developed by ICAO, should be translated in all working languages of ICAO in a timely manner and shall be placed in separate documents to the extent possible;
5. *Instructs* the Council to utilize, to the maximum extent appropriate and subject to the adequacy of a verification and validation process, the work of other recognized standards making organizations in the development of SARPs, PANS and ICAO technical guidance material. Material developed by these other standards-making organizations may be deemed appropriate by the Council as meeting ICAO requirements; in this case such material should be referenced in ICAO documentation;
6. *Resolves* that to the extent consistent with the requirements of safety regularity and efficiency, SARPs specifying the provision of facilities and services shall reflect a proper balance between the operational requirements for such facilities and services and the economic implications of providing them;
7. *Instructs* the Council to consult Member States on proposals for the amendment of SARPs and PANS before the Council acts on them, except when the Council may deem urgent action to be necessary. Furthermore, subject to the adequacy of the verification and validation process, technical specifications may be acted upon by the Council without consultation with Member States. Such material shall however be made available to Member States upon request;
8. *Resolves* that the applicability dates of amendments to SARPs and PANS shall be so established as to allow Member States sufficient time for their implementation;
9. *Agrees* that no Annex or PANS document shall be amended more frequently than once per calendar year;
10. *Reminds* Member States of the requirement in Annex 15 to publish any significant differences in their Aeronautical Information Publication (AIP) and to include English text for those parts expressed in plain language;
11. *Encourages* Member States to use the Electronic Filing of Differences (EFOD) System when notifying their differences to ICAO;
12. *Instructs* the Secretary General to continue improving the EFOD system and assist Member States in transitioning from the paper-based processes to the use of the EFOD system;
13. *Directs* the Council to monitor and analyse the differences between the regulations and the practices of Member States and the SARPs and PANS with the aim of encouraging the elimination of those differences that are important for the safety, regularity and efficiency of international air navigation and taking appropriate actions;

14. *Instructs* the Council to explore possibilities to make differences information more easily available to all interested stakeholders and assess appropriate mechanism and form in which this information is made available;
15. *Resolves* that Member States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means and provided as soon as possible with more guidance in respect of the notification and publication of differences;
16. *Calls* on all Member States able to do so to provide requesting States with technical cooperation in the form of financial and technical resources to enable those States to carry out their obligations under Articles 37 and 38 of the Convention;
17. *Instructs* ICAO to establish priorities for the continuing updating of the contents of present ICAO technical guidance material and the development of additional guidance material thus ensuring optimum value for Member States in their planning and implementation of SARPs and PANS;
18. *Resolves* that the associated practices in this Resolution constitute guidance intended to facilitate and ensure implementation of this Resolution;
19. *Urges* Member States to review their procedures related to the development of SARPs with a view to enhance the involvement of a broader set of aviation stakeholders”;
20. *Requests* ICAO to consider development of a transition and communication strategy throughout planning and implementation phases for Member States, who in turn should facilitate outreach to stakeholders;
21. *Directs* ICAO to enhance the role of its Regional Offices in facilitating and monitoring the SARP amendment review process;
22. *Calls* upon Member States to respond to ICAO State letters regarding proposed Annex and PANS amendments; and
23. *Declares* that this resolution supersedes Resolution A38-11.

A39-23: No Country Left Behind (NCLB) Initiative

Whereas Article 44 of the *Convention on International Civil Aviation* states that among the aims and objectives of ICAO are development of the principles and techniques of international air navigation and fostering of the planning and development of international air transport so as to meet the needs of the people of the world for safe, regular and economical air transport;

Whereas to realize these goals, the Organization has established Strategic Objectives on safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport and environmental protection;

Recalling that several Assembly resolutions, including A38-5, A38-11, A38-12, A38-15, A38-16, A38-17, and A33-9, urge States to increase the implementation of ICAO Standards and Recommended Practices (SARPs);

Recognizing that all States should effectively implement ICAO's Standards and Recommended Practices (SARPs) and policies so that all States have safe, secure, efficient, economically viable and environmentally sound air transport systems which support sustainable development and socio-economic prosperity, and which ultimately help to create and preserve friendship and understanding among the nations and peoples of the world;

Whereas the findings of the Universal Safety Oversight Audit Programme (USOAP) and the Universal Security Audit Programme (USAP) activities continue to indicate that many States experience difficulties in the implementation of ICAO SARPs;

Recognizing that due to a varying level of capacity to meet and sustain their compliance with SARPs, States are not always able to effectively implement SARPs in a timely manner at the rate in which they are adopted by ICAO;

Recognizing that the Council has established the *No Country Left Behind* (NCLB) initiative;

Recognizing that the successful implementation of the *No Country Left Behind* (NCLB) initiative will enhance States' air transport systems and align with the achievement of the United Nations (UN) Sustainable Development Goals (SDGs);

Recognizing that further progress in improving civil aviation, including the efficient human and financial resources for the implementation of assistance activities that are tailored to the needs of individual States, is best achieved through a cooperative, collaborative and coordinated approach in partnership with all stakeholders; and

Recognizing that all ICAO assistance activities and mechanisms have the common objective of supporting the effective implementation of SARPs and policies;

The Assembly:

1. *Urges* Member States to endorse the *No Country Left Behind* (NCLB) initiative;
2. *Urges* Member States to improve their civil aviation systems by actively participating in ICAO's work and by effectively implementing ICAO SARPs and policies so that they can foster sustainable local and regional prosperity and fully benefit from improved global connectivity;
3. *Directs* the Council to maintain the focus of the community on the global contribution and value of aviation through support of NCLB efforts and future ICAO World Aviation Forums;
4. *Directs* the Secretary General to coordinate, facilitate and implement comprehensive assistance programmes, in partnership with all stakeholders, that will help Member States in enhancing their civil aviation systems and oversight capabilities;
5. *Urges* Member States, the industry, financial institutions, donors and other stakeholders to coordinate and cooperate amongst themselves and through ICAO, and to support the implementation of

assistance activities in line with the global and regional priorities established by ICAO, thereby avoiding duplication of efforts;

6. *Urges* Member States, international and regional organizations, and financial institutions to use ICAO data-driven decision-making tools and services to assist in identifying the deficiencies in aviation, implementing ICAO projects and programmes, mapping solutions, developing business cases, and identifying funding needs to facilitate finding potential donors and investors;

7. *Encourages* Member States to include within their aviation infrastructure development projects elements of training and capacity building aimed at strengthening their civil aviation authorities to enable an effective oversight of such infrastructure;

8. *Encourages* Member States to establish partnerships with other Member States, industry, financial institutions, donors and other stakeholders through ICAO to enhance their civil aviation systems and oversight capabilities;

9. *Encourages* Member States to make use of and benefit from the ICAO Air Services Negotiation (ICAN) facility, as a forum for Member States to negotiate and conclude bilateral and/or multilateral air services agreements, which contributes to enhancing air transport connectivity and consequently the development of tourism, trade, and national and global economies;

10. *Calls* on all Member States and relevant partners able to do so to provide States in need with financial and technical resources to assist them in enhancing their civil aviation systems by implementing SARPs and fulfilling their oversight responsibilities;

11. *Instructs* the Secretary General to further enhance its coordinated and comprehensive implementation and evaluation mechanisms to assist States in implementing ICAO SARPs, policies, plans and programmes;

12. *Requests* the Secretary General to coordinate with States, international organizations, industry and donors on the implementation of assistance activities by establishing partnerships through an ICAO network for aviation development;

13. *Requests* the Secretary General to engage States and financial institutions to secure their support for strengthening the safety, security and efficiency of the global aviation system;

14. *Urges* industry and financial institutions to develop and present to ICAO their own action plans in support of the full implementation of this resolution.

A39-24: Strategy on Disaster Risk Reduction and Response Mechanisms in Aviation

Whereas Article 44 of the *Convention on International Civil Aviation* states that among the aims and objectives of ICAO are to foster the planning and development of international air transport so as to meet the needs of the people of the world for safe, regular, efficient and economical air transport;

Whereas the General Assembly of the United Nations endorsed the Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015–2030 adopted by the Third United Nations World Conference on Disaster Risk Reduction;

Mindful that natural disasters damage the social and economic infrastructure of all countries, and the long-term consequences of natural disasters are especially severe for developing countries and hamper their sustainable development;

Mindful that States are primarily responsible for prevention and reduction of disaster risk and any response undertaken by the Organization should be guided by, and in concert with, the State(s) affected;

Recognizing that Annex 1 — Personnel Licensing, Annex 6 — Operation of Aircraft, Annex 9 — Facilitation, Annex 11 — Air Traffic Services, Annex 14 — Aerodromes and Annex 19 — Safety Management provide Standards and Recommended Practices (SARPs) for States relating to emergency planning and response, as well as border control formalities relating to relief flights following natural or man-made disasters;

Recognizing that disaster risk reduction is an important function of the United Nations System and should receive continued attention, and stressing the need for the international community to demonstrate the firm political determination required to utilize scientific and technical knowledge to reduce vulnerability to natural disasters and environmental hazards, taking into account the particular needs of developing countries;

Recognizing that all States have a vital need for disaster-resilient aviation infrastructure to promote socio-economic development and, in times of need, to support the timely and efficient distribution of aid; and

Recognizing that all States can benefit from integrating disaster risk reduction strategies into their Air Transport Sector Strategic Plans.

The Assembly:

1. *Urges* States to recognize the significant role of aviation in the context of disaster risk reduction at the national level, including in their Air Transport Sector Strategic Plans;
2. *Urges* States to take into consideration the disaster risk reduction priorities as contained in the Sendai Framework for Disaster Risk Reduction 2015–2030, as well as the best practices of member States, in the development of their State emergency response plans as well as in the emergency response plan requirements for aviation service providers;
3. *Directs* the Council to establish a crisis response policy and disaster risk reduction strategy in aviation that would institutionalize and guide the Organizations strategic approach and tactical responses to aviation-specific crises that could affect the safety or continuity of international civil aviation;
4. *Directs* the Council to assist States in implementing disaster risk reduction strategies in aviation with priority given to Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDS);
5. *Instructs* the Secretary General to establish an ICAO mechanism, in coordination with the States affected and neighbouring States, for crises response and assistance;
6. *Instructs* the Secretary General to continue working collaboratively within the United Nations System to ensure timely, coordinated and high quality assistance to all States where disaster losses pose a threat to people's health and development; and
7. *Instructs* the Secretary General to ensure that ICAO participate, when applicable and in alignment with its Strategic Objectives, in appropriate mechanisms put in place to support the cross-sectorial implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 and the United Nations Plan of Action on Disaster Risk Reduction for Resilience

A39-25: Aviation's contribution towards the United Nations 2030 Agenda for Sustainable Development

Recognizing that air transport is a catalyst for sustainable development and that it represents an essential lifeline for least developed countries (LDCs), and especially for landlocked developing countries (LLDCs) and small island developing States (SIDS) to connect to the world;

Recognizing that air transport connectivity is of utmost importance for the economic, social and territorial cohesion of Member States and their populations;

Recognizing that the benefits enabled by air transportation can only materialize if States have a safe, efficient, secure, economically viable and environmentally sound air transport system;

Whereas the *No Country Left Behind* (NCLB) initiative aims at assisting States in effectively implementing ICAO Standards and Recommended Practices (SARPs), plans, policies and programmes, as well as addressing Significant Safety and Security Concerns so as to ensure that all States have access to the significant socio-economic benefits of air transport;

Whereas the General Assembly of the United Nations adopted the *Transforming our World: The 2030 Agenda for Sustainable Development* that includes a set of seventeen universal and transformative goals supported by 169 targets that balance the economic, social and environmental dimensions of sustainable development;

Recalling that the scale and ambition of the 2030 Agenda for Sustainable Development call for a global partnership that will bring together Governments, the private sector, civil society, the United Nations system and other actors to mobilize all available resources for its implementation;

Whereas the delivery of ICAO Strategic Objectives on safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport, and environmental protection contribute to the attainment of the United Nation Sustainable Development Goals (SDGs);

The Assembly:

1. *Urges* Member States to recognize the significant contributions of aviation to sustainable development realized by stimulating employment, trade, tourism and other areas of economic development at the national, regional and global levels, as well as by facilitating humanitarian and disaster response to crises and public health emergencies;
2. *Directs* the Council and the Secretary General, within their respective competencies, to demonstrate that ICAO continues to serve as an advocate for aviation by raising awareness among Member States, including relevant authorities beyond the air transport sector, the United Nations system, the donor community and all relevant stakeholders about aviation's contributions to sustainable development and the attainment of the SDGs;
3. *Urges* Member States to enhance their air transport systems by effectively implementing SARPs and policies while at the same time including and elevating the priority of the aviation sector into their national development plans supported by robust air transport sector strategic plans and civil aviation master plans, thereby leading to the attainment of the SDGs;

4. *Directs* the Secretary General to consider the special needs and characteristics of LDCs, LLDCs and SIDS, identified within the framework of the United Nations, in the coordination, prioritization, facilitation and implementation of assistance programmes aimed at enhancing their air transport systems;
5. *Directs* the Secretary General to continue monitoring and reviewing, when applicable, the contributions made towards the attainment of the SDGs through the implementation of ICAO Strategic Objectives and work programmes;
6. *Directs* the Secretary General to ensure that ICAO participate, when applicable and in alignment with its Strategic Objectives, in appropriate mechanisms put in place to support the implementation of the 2030 Agenda for Sustainable Development so that aviation is recognized and prioritized as such by Member States in their development plans; and
7. *Requests* the Secretary General to enhance existing and establish new partnerships with Member States, the aviation industry, the United Nations system, international and regional organizations, financial institutions, donors and other actors to assist Member States in enhancing their air transport systems with a view to contributing, consequently, to the attainment of the SDGs.

A39-26: Resource Mobilization

Recognizing that air transport is a catalyst for sustainable development and that despite its socio-economic significance, it receives limited funds from existing international funding mechanisms to support its development;

Recognizing that the successful implementation of the *No Country Left Behind* (NCLB) initiative will rely on an increased level of funding and investments supported by all Member States;

Considering that, in some cases, Member States may not have access to the necessary resources to remedy the deficiencies identified through ICAO audit programmes and to enhance their air transport systems;

Whereas most developing States experience difficulties in gaining access to many financial market sources, particularly foreign capital markets, for funding sustainable development of civil aviation;

Whereas the Council has established, based on ICAO Strategic Objectives, thematic and multi-donor trust funds with the objective of assisting Member States in enhancing civil aviation;

Recalling that several Assembly resolutions, including A38-2, A38-5, A38-7, A38-15, A37-16, A36-17, A36-18, A35-15, A33-1, A33-9, A29-13 and A22-19, urge States, international organizations and financial institutions to establish partnerships, mobilize resources for technical assistance and make voluntary contributions to ICAO Funds;

Acknowledging Member States, international and regional organizations and other donors' significant contributions to ICAO Funds associated with the fulfilment of the objectives of ICAO;

Recognizing that a holistic and purposeful resource mobilization capacity has the potential for increasing ICAO's support to States in facilitating access to funds to enhance their civil aviation systems;

Whereas ICAO has a Resource Mobilization Policy aimed at achieving adequate, more predictable and sustainable voluntary contributions to realize the Organization's mission, to complement the ICAO Regular

Programme Budget, and to assist States in facilitating access to funds to enhance their safety, efficient, secure, economically viable and environmentally sound air transport system;

The Assembly:

1. *Directs* the Council and Secretary General, within their respective competencies, to ensure that ICAO continue its role as an advocate for aviation by raising awareness among Member States, the United Nations system, international and regional organizations, financial institutions, the private sector and the donor community about the benefits of mobilizing resources for and investing in the sustainable development of air transport systems of all Member States;
2. *Urges* Member States, the industry, international and regional organizations, financial institutions, donors and other stakeholders to support the implementation of assistance activities in line with the global and regional aviation plans and priorities established by ICAO while avoiding duplication of efforts;
3. *Requests* the Secretary General to develop guidance material to assist States in including and elevating the priority of the aviation sector into their national development plans and developing robust air transport sector strategic plans and civil aviation master plans;
4. *Urges* Member States to secure national funding for the sustainable development of air transport and *encourages* them to seek assistance from ICAO when appropriate;
5. *Urges* Member States providing Official Development Assistance (ODA) to recognize the significant contributions of aviation to sustainable development by considering commitments and disbursements of financial flows to the enhancement of air transport of States in need and *encourages* the Secretary General to assist them in realizing this endeavour;
6. *Urges* all Member States, the industry, international and regional organizations financial institutions, donors and other stakeholders able to do so to continue making voluntary contributions to ICAO Funds and to partner with States in need with a view to providing financial and technical resources to assist in enhancing their civil aviation systems, including their oversight capabilities;
7. *Directs* the Council and Secretary General, within their respective competencies, to continue fostering ICAO's partnership with financial institutions seeking the prioritization or inclusion of aviation in their agendas and work programmes in order to facilitate States' access to fund or finance their aviation development projects;
8. *Directs* the Secretary General to develop strategies and means to mobilize resources among Member States, the UN system, international and regional organizations, financial institutions, the private sector and related mechanisms to assist States in need, especially Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDS), in enhancing their air transport systems when appropriate and consistent with the NCLB initiative;
9. *Directs* the Secretary General to work with international organizations to ensure that aviation priorities and opportunities are properly represented in global and regional initiatives related to the mobilization of resources for the development of air transport; and
10. *Directs* the Secretary General to work with international organizations to ensure that ICAO Resource Mobilization initiatives are harmonized and integrated in relevant funding and development frameworks.

A39-27: Assistance to victims of aviation accidents and their families

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

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

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

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

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

Recalling the provision of Article 28 of the Montréal Convention of 1999 as well as Resolution No. 2 adopted by the Montréal Conference, which called for the provision of advance payments, without delay, to aircraft accident victims, and their families;

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

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

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

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

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

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

Recalling the issuance of ICAO *Guidance on Assistance to Aircraft Accident Victims and their Families* (Circ 285) in 2001 as well as the inclusion, in 2005, of provisions in Annex 9 to enable expeditious entry into the State in which an accident occurs for family members of victims of aircraft accidents; and

Acknowledging the approval by the Council of the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) in March 2013 and the issuance of the *Manual on Assistance to Aircraft Accident Victims and their Families* (Doc 9973) in December 2013; and

Noting the inclusion, in 2015, of a provision in Annex 9 for States to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families;

The Assembly:

1. *Calls on* Member States to reaffirm their commitment to support victims of civil aviation accidents and their family members;
2. *Urges* Member States to establish legislation, regulations and/or policies to support victims of civil aviation accidents and their family members, in consideration of the ICAO Policy in Doc 9998 and of Annex 9, and pursuant to Article 28 of the Montréal Convention of 28 May 1999 and Resolution No. 2 adopted by the Montréal Conference;
3. *Encourages* States that have legislation, regulations and/or policies to support civil aviation accident victims and their families to review these documents, as necessary, in consideration of the ICAO Policy in Doc 9998 and of the guidance material in Doc 9973;
4. *Urges* Member States to inform ICAO, through the compliance checklist (CC) in the Electronic Filing of Differences (EFOD), of the level of implementation of the provisions in Annex 9 associated with family assistance plans;
5. *Directs* the Council, when considering the extent of the level of implementation of family assistance plans obtained through the CC, to give further consideration to the development of Standards and Recommended Practices to support victims of civil aviation accidents and their family members; and
6. *Declares* that this resolution supersedes Resolution A38-1.

A39-28: Performance-based criteria and guidance material on aircraft disinsection and vector control measures

Whereas the most recent outbreaks of vector-borne diseases have resulted in Contracting States imposing chemical disinsection requirements;

Whereas the World Health Organization has not issued recommendations regarding non-chemical disinsection methods;

Whereas there is strong evidence that chemicals are becoming increasingly ineffective in combatting vector-borne diseases as insect resistance to chemicals increases;

Whereas the lack of World Health Organization-recommended non-chemical disinsection methods leads to Contracting States continuing to require only chemical disinsection methods;

Whereas despite past Assemblies having encouraged development of performance-based criteria for disinsection requirements, in collaboration with the World Health Organization, insufficient progress has been made in this regard;

The Assembly:

1. *Directs* that the Council engage with the World Health Organization to develop:
 - a) performance-based criteria to evaluate all disinsection methods, including non-chemical means of disinsection;
 - b) recommendations regarding non-chemical disinsection methods; and
 - c) guidance on the components of a scientifically-based risk assessment model for Contracting States to use in determining whether to employ vector control measures that include but are not limited to aircraft disinsection.
2. *Urges* Contracting States to require pest management control programmes around airports and related facilities, which would mitigate the need to impose aircraft disinsection requirements;
3. *Urges* Contracting States to encourage airport reporting to the ICAO Airport Vector Control Registry and to keep the information current;
4. *Requests* the Council to report on the implementation of this Resolution at the next Assembly; and
5. *Declares* that this Resolution supersedes Resolution A37-14.

A39-29: Next Generation of Aviation Professionals

Recognizing that aviation is a growing industry that is critical for promoting global connectivity while supporting economic development and growth around the world;

Recognizing that in order to support growing aviation needs and ensure the safe and efficient operation of the air transportation system, qualified and competent aviation professionals, as well as a diverse aviation workforce, are required;

Considering that, to meet current and future human resources needs, it is important for States and industry to engage the next generation of aviation professionals;

Noting that partnerships between government, regional organizations, industry and educational organizations are important to attracting, educating and retaining the next generation of aviation professionals, considering gender equality;

The Assembly:

1. *Urges* Member States to work with the aviation community to identify long-term human resources needs and establish strategies to attract, educate and retain in the sector aviation professionals, considering gender equality;

2. *Encourages* Civil Aviation Authorities to communicate and cooperate with government education and labour bodies, the TRAINAIR PLUS Programme (TPP) network and the aviation industry to develop strategies for promoting aviation and developing competent aviation professionals and retaining them within States;
3. *Encourages* Member States to facilitate, through internationally agreed upon guidance and assessment practices for mutual recognition of qualifications and licenses, administrative procedures to allow for the free flow of professionals across borders;
4. *Instructs* the Council to ensure a continued leadership role for ICAO, in facilitating communication and collaboration with States and industry to support the development of forecasts, strategies, sharing of best practices, planning tools, and guidelines for engaging and cultivating the next generation of aviation professionals;
5. *Encourages* Member States to promote best practices that focus on meeting the needs and values of the next generation of aviation professionals to enable employee productivity, performance, recruitment, retention, and safety; and
6. *Encourages* Member States, international and regional organizations, academia and industry to support the NGAP Programme, as one of the integral elements of capacity building, by providing technical expertise and guidance, and resources (human, financial and data) to help achieve the Programme's objectives.

A39-30: ICAO Gender Equality Programme promoting the participation of women in the global aviation sector

Recognizing that half of the world's population is made up of women.

Acknowledging that at the Twenty-third Special Session of the United Nations General Assembly (UNGA) in June 2000, upon reviewing the implementation of the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women in September 1995, Governments committed to further actions to accelerate the implementation of the Platform for Action and to ensure that commitments for gender equality, development and peace were fully realized;

Considering that UNGA Resolution A/RES/69/151, adopted on 18 December 2014, highlights the need raised in previous resolutions regarding "*Strengthening the institutional arrangements for support of gender equality and the empowerment of women*" and calls upon all actors, including the UN specialized agencies and the private sector, to intensify and accelerate action to achieve the full and effective implementation of the Beijing Declaration and the Platform for Action;

Noting that in September 2015, at the United Nations Sustainable Development Summit 2015, world leaders came together at UN Headquarters in New York to adopt the *2030 Agenda for Sustainable Development*, committing their nations to a new global partnership to reduce extreme poverty and setting out a series of goals and targets known as the Sustainable Development Goals, of which Goal 5 is to achieve gender equality and empower all women and girls;

Welcoming the outcomes of the September 2015 Global Leader's Meeting on Gender Equality and Women's Empowerment: *A Commitment to Action*, in which more than 80 world leaders committed to end discrimination against women and further measures and targets to accelerate the achievement of women's empowerment and gender equality;

Welcoming also the UN Women's theme for International Women's Day 2016: *Planet 50-50 by 2030: "Step It Up" for Gender Equality*, as a timely initiative to assist national leaders in intensifying their commitments to gender equality and women's empowerment and in accelerating momentum for effective implementation;

Stressing that in 2016, 21 years after the adoption of the Platform for Action, significant levels of inequality between women and men persist in critical areas including, but not limited to, access to decent work and closing the gender pay gap;

Recalling ICAO Assembly Resolution A36-27: Gender Equality, in particular its resolving clause 1 b), which states that "every effort should continue to be made by ICAO to attain gender equality and equity, with full respect for the principle of equitable geographical representation";

Recalling also, the 1995 Beijing Platform for Action, in which the Secretary General of the United Nations urged International Organizations and Specialized Agencies of the United Nations, such as ICAO, to establish programmes in order to achieve the goal of 50/50 gender balance at all levels;

Welcoming achievements made by ICAO and States pursuant to ICAO Assembly Resolution A36-27;

Acknowledging that appointments to the ICAO Secretariat are based on merit, while having due regard to the importance of recruiting staff on as wide a geographical basis as possible and ensuring equal gender representation; and

Recognizing that, notwithstanding the extant challenges, ICAO should continue to focus greater attention on women's rights and gender equality by playing its part in furthering the goals of the Beijing Declaration and Platform for Action and UN Sustainable Development Goal 5.

The Assembly:

1. *Reaffirms* its commitment to enhancing gender equality and the advancement of women's development by supporting UN Sustainable Development Goal 5: *Achieve gender equality and empower all women and girls* including by aiming to achieve an aspirational goal of 50-50 (women-men) by 2030 at all professional and higher levels of employment in the global aviation sector;
2. *Urges* States, regional and international aviation organizations and the international aviation industry to demonstrate strong, determined leadership and commitment to advance women's rights and to take the necessary measures to strengthen gender equality by supporting policies, as well as the establishment and improvement of programmes and projects, to further women's careers within ICAO's governing and technical bodies, the ICAO Secretariat and the global aviation sector;
3. *Urges* States, as part of national commitments to gender equality, to work cooperatively with ICAO by sharing best practices and working in partnership with ICAO on programmes and projects aimed at increasing the pool of women in the aviation sector and encouraging women to further develop their aviation careers, including through the promotion of women in aviation careers by State Ministries responsible for higher education;
4. *Instructs* the Secretary General to establish an *ICAO Gender Equality Programme* by mid-2017 with the primary aim of facilitating and coordinating targeted programmes and projects to enable and make regular reports on progress toward the goal of gender equality by 2030, especially in professional and higher levels of employment, within ICAO, and within States and the global aviation sector;

5. *Requests* the Secretary General to report annually to the Council on the measures implemented and the progress being made in promoting gender equality within all levels of staff categories in the ICAO Secretariat, and on aviation gender equality statistics, to the extent that they are provided on a voluntary basis, in States and the international aviation industry; and
6. *Declares* that this Resolution supersedes Resolution A36-27.

A39-31: Discharge by Member States of financial obligations to the Organization and action to be taken in case of their failure to do so

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

The Assembly:

Considering that Article 6.5 a) of the *ICAO Financial Regulations* provides that contributions from Member States shall be considered due and payable in full as of the first day of the financial year to which they relate and Article 6.5 b) which stipulates that as of 1 January of the following financial year, any unpaid balance due shall be considered to be one year in arrears;

Noting that the delays in payment of current year contributions have constituted an obstacle to the implementation of the work programme and created serious cash flow difficulties;

Urges that all Member States in arrears make suitable arrangements for liquidating their arrears; and

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

Resolves that, with effect from 1 January 2017:

1. All Member States should recognize the necessity to pay their contributions at the beginning of the year in which they fall due, in order to avoid the need for the Organization to draw on the Working Capital Fund to make good the shortfall;
2. The Secretary General be directed to dispatch to all Member States, at least three times in the year, schedules showing the current amounts due for the current year and up to 31 December of the previous year;
3. The Council be authorized to discuss and conclude arrangements with Member States, whose contributions are in arrears for three or more years, for the settlement of accumulated arrears to the Organization, any such settlements or arrangements to be reported to the next session of the Assembly;
4. All Member States that are three years or more in arrears in the payment of their contributions should:
 - a) effect without delay payment of the amounts outstanding with respect to advances to the Working Capital Fund, the current year contribution, and partial settlement of their arrears in the amount of 5 per cent of the arrears; and
 - b) conclude within six months of the date of the payment referred to in sub-paragraph a) above, if they have not already done so, an agreement with the Organization for the

settlement of the balance of their arrears, such agreement to provide for the payment annually, in full, of their current contributions and the balance of the arrears in instalments over a period of no more than ten years, which period may, at the discretion of the Council, be extended, to a maximum of twenty years in respect of special cases, i.e. those Member States which are classified by the United Nations as Least Developed Countries;

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

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

7. The voting power in the Council be suspended for those Council Member States that have annual assessed contributions or part thereof, in arrears for longer than 18 months, such suspension to be revoked immediately upon the settlement of outstanding amounts due; and

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

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

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

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

- a) lose eligibility to host meetings, conferences, workshops and seminars which are funded, in whole or in part, by the Regular Programme;
- b) receive only the same free documentation as that provided to non-Member States, including those available in electronic media, and any other documents that are essential for safety, regularity or efficiency of international air navigation;
- c) Nominees or Representatives lose eligibility to be voted into any office;

- d) for purposes of recruitment to posts in the Secretariat, if all other circumstances are equal, candidates from States in arrears would be considered as having the status of candidates from a State that has already achieved the desired level of representation (under equal geographical representation principles), even if it has not achieved that level; and
 - e) lose the right to participate in the ICAO Familiarization course;
11. Only those States which have no outstanding annual assessed contributions except for the current year's assessment will be eligible for election to the Council, Committees, and bodies;
12. The Secretary General be directed to report to Council any voting rights deemed to be suspended and suspension revoked under Clauses 6 and 7, as well as any non-eligibility for election to the Council, Committees and bodies under Clause 11, and to apply measures stipulated in Clause 10 accordingly; and
13. This Resolution supersedes Assembly Resolution A38-24.

A39-32: Assessments to the General Fund for 2017, 2018 and 2019

The Assembly:

Resolves that the amounts to be assessed on Member States for 2017, 2018 and 2019 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out in the Table below:

	2017	2018	2019
	%	%	%
Afghanistan	0.06	0.06	0.06
Albania	0.06	0.06	0.06
Algeria	0.13	0.13	0.13
Andorra	0.06	0.06	0.06
Angola	0.09	0.09	0.09
Antigua and Barbuda	0.06	0.06	0.06
Argentina	0.69	0.69	0.69
Armenia	0.06	0.06	0.06
Australia	2.06	2.06	2.06
Austria	0.60	0.60	0.60
Azerbaijan	0.06	0.06	0.06
Bahamas	0.06	0.06	0.06
Bahrain	0.09	0.09	0.09
Bangladesh	0.08	0.08	0.08
Barbados	0.06	0.06	0.06
Belarus	0.06	0.06	0.06
Belgium	0.76	0.76	0.76
Belize	0.06	0.06	0.06
Benin	0.06	0.06	0.06
Bhutan	0.06	0.06	0.06
Bolivia (Plurinational State of)	0.06	0.06	0.06
Bosnia and Herzegovina	0.06	0.06	0.06
Botswana	0.06	0.06	0.06
Brazil	2.94	2.94	2.94
Brunei Darussalam	0.06	0.06	0.06
Bulgaria	0.06	0.06	0.06
Burkina Faso	0.06	0.06	0.06
Burundi	0.06	0.06	0.06
Cabo Verde	0.06	0.06	0.06
Cambodia	0.06	0.06	0.06
Cameroon	0.06	0.06	0.06
Canada	2.61	2.61	2.61
Central African Republic	0.06	0.06	0.06
Chad	0.06	0.06	0.06
Chile	0.42	0.42	0.42

	2017	2018	2019
	%	%	%
China	7.95	7.95	7.95
Colombia	0.31	0.31	0.31
Comoros	0.06	0.06	0.06
Congo	0.06	0.06	0.06
Cook Islands	0.06	0.06	0.06
Costa Rica	0.06	0.06	0.06
Côte d'Ivoire	0.06	0.06	0.06
Croatia	0.07	0.07	0.07
Cuba	0.06	0.06	0.06
Cyprus	0.06	0.06	0.06
Czechia	0.27	0.27	0.27
Democratic People's Republic of Korea	0.06	0.06	0.06
Democratic Republic of the Congo	0.06	0.06	0.06
Denmark	0.45	0.45	0.45
Djibouti	0.06	0.06	0.06
Dominican Republic	0.06	0.06	0.06
Ecuador	0.07	0.07	0.07
Egypt	0.22	0.22	0.22
El Salvador	0.06	0.06	0.06
Equatorial Guinea	0.06	0.06	0.06
Eritrea	0.06	0.06	0.06
Estonia	0.06	0.06	0.06
Ethiopia	0.16	0.16	0.16
Fiji	0.06	0.06	0.06
Finland	0.43	0.43	0.43
France	4.13	4.13	4.13
Gabon	0.06	0.06	0.06
Gambia	0.06	0.06	0.06
Georgia	0.06	0.06	0.06
Germany	5.48	5.48	5.48
Ghana	0.06	0.06	0.06
Greece	0.35	0.35	0.35
Grenada	0.06	0.06	0.06
Guatemala	0.06	0.06	0.06
Guinea	0.06	0.06	0.06

	2017	2018	2019
	%	%	%
Guinea-Bissau	0.06	0.06	0.06
Guyana	0.06	0.06	0.06
Haiti	0.06	0.06	0.06
Honduras	0.06	0.06	0.06
Hungary	0.18	0.18	0.18
Iceland	0.06	0.06	0.06
India	0.85	0.85	0.85
Indonesia	0.55	0.55	0.55
Iran (Islamic Republic of)	0.38	0.38	0.38
Iraq	0.09	0.09	0.09
Ireland	0.60	0.60	0.60
Israel	0.41	0.41	0.41
Italy	2.75	2.75	2.75
Jamaica	0.06	0.06	0.06
Japan	7.50	7.50	7.50
Jordan	0.06	0.06	0.06
Kazakhstan	0.17	0.17	0.17
Kenya	0.07	0.07	0.07
Kiribati	0.06	0.06	0.06
Kuwait	0.25	0.25	0.25
Kyrgyzstan	0.06	0.06	0.06
Lao People's Democratic Republic	0.06	0.06	0.06
Latvia	0.06	0.06	0.06
Lebanon	0.06	0.06	0.06
Lesotho	0.06	0.06	0.06
Liberia	0.06	0.06	0.06
Libya	0.11	0.11	0.11
Lithuania	0.06	0.06	0.06
Luxembourg	0.27	0.27	0.27
Madagascar	0.06	0.06	0.06
Malawi	0.06	0.06	0.06
Malaysia	0.60	0.60	0.60
Maldives	0.06	0.06	0.06
Mali	0.06	0.06	0.06
Malta	0.06	0.06	0.06

	2017	2018	2019
	%	%	%
Marshall Islands	0.06	0.06	0.06
Mauritania	0.06	0.06	0.06
Mauritius	0.06	0.06	0.06
Mexico	1.16	1.16	1.16
Micronesia (Federated States of)	0.06	0.06	0.06
Monaco	0.06	0.06	0.06
Mongolia	0.06	0.06	0.06
Montenegro	0.06	0.06	0.06
Morocco	0.11	0.11	0.11
Mozambique	0.06	0.06	0.06
Myanmar	0.06	0.06	0.06
Namibia	0.06	0.06	0.06
Nauru	0.06	0.06	0.06
Nepal	0.06	0.06	0.06
Netherlands	1.58	1.58	1.58
New Zealand	0.31	0.31	0.31
Nicaragua	0.06	0.06	0.06
Niger	0.06	0.06	0.06
Nigeria	0.16	0.16	0.16
Norway	0.76	0.76	0.76
Oman	0.13	0.13	0.13
Pakistan	0.13	0.13	0.13
Palau	0.06	0.06	0.06
Panama	0.12	0.12	0.12
Papua New Guinea	0.06	0.06	0.06
Paraguay	0.06	0.06	0.06
Peru	0.16	0.16	0.16
Philippines	0.30	0.30	0.30
Poland	0.62	0.62	0.62
Portugal	0.41	0.41	0.41
Qatar	0.83	0.83	0.83
Republic of Korea	2.18	2.18	2.18
Republic of Moldova	0.06	0.06	0.06
Romania	0.14	0.14	0.14
Russian Federation	2.77	2.77	2.77

	2017	2018	2019
	%	%	%
Rwanda	0.06	0.06	0.06
Saint Kitts and Nevis	0.06	0.06	0.06
Saint Lucia	0.06	0.06	0.06
Saint Vincent and the Grenadines	0.06	0.06	0.06
Samoa	0.06	0.06	0.06
San Marino	0.06	0.06	0.06
Sao Tome and Principe	0.06	0.06	0.06
Saudi Arabia	1.12	1.12	1.12
Senegal	0.06	0.06	0.06
Serbia	0.06	0.06	0.06
Seychelles	0.06	0.06	0.06
Sierra Leone	0.06	0.06	0.06
Singapore	1.01	1.01	1.01
Slovakia	0.11	0.11	0.11
Slovenia	0.06	0.06	0.06
Solomon Islands	0.06	0.06	0.06
Somalia	0.06	0.06	0.06
South Africa	0.39	0.39	0.39
South Sudan	0.06	0.06	0.06
Spain	2.03	2.03	2.03
Sri Lanka	0.08	0.08	0.08
Sudan	0.06	0.06	0.06
Suriname	0.06	0.06	0.06
Swaziland	0.06	0.06	0.06
Sweden	0.71	0.71	0.71
Switzerland	1.04	1.04	1.04
Syrian Arab Republic	0.06	0.06	0.06
Tajikistan	0.06	0.06	0.06
Thailand	0.59	0.59	0.59
The former Yugoslav Republic of Macedonia	0.06	0.06	0.06
Timor-Leste	0.06	0.06	0.06
Togo	0.06	0.06	0.06
Tonga	0.06	0.06	0.06
Trinidad and Tobago	0.06	0.06	0.06
Tunisia	0.06	0.06	0.06

	2017	2018	2019
	%	%	%
Turkey	1.30	1.30	1.30
Turkmenistan	0.06	0.06	0.06
Uganda	0.06	0.06	0.06
Ukraine	0.10	0.10	0.10
United Arab Emirates	2.25	2.25	2.25
United Kingdom	4.27	4.27	4.27
United Republic of Tanzania	0.06	0.06	0.06
United States	20.24	20.24	20.24
Uruguay	0.06	0.06	0.06
Uzbekistan	0.06	0.06	0.06
Vanuatu	0.06	0.06	0.06
Venezuela (Bolivarian Republic of)	0.41	0.41	0.41
Viet Nam	0.14	0.14	0.14
Yemen	0.06	0.06	0.06
Zambia	0.06	0.06	0.06
Zimbabwe	0.06	0.06	0.06
	100.00	100.00	100.00

A39-33: Working Capital Fund

The Assembly:

1. *Notes that:*

- a) in accordance with Resolution A38-27, the Council has reported upon, and the Assembly has considered, the adequacy of the level of the Working Capital Fund and the related borrowing authority;
- b) the accumulation of contributions in arrears has constituted, together with the delays in payment of current year contributions, a growing obstacle to the implementation of the work programme while creating financial uncertainty;
- c) based on past trends, there is only a limited risk that the level of the Working Capital Fund may not be sufficient to cover the needs in the foreseeable future;
- d) experience has shown that in general payments are not made at the beginning of the year when contributions are due and that ICAO cannot rely on contributions being paid even by the end of the year to which they relate and that such unacceptable avoidance of their financial obligations under the Convention by some Member States is leading to a potential financial crisis within the Organization that could impact all Member States;

- e) as long as the cash flow remains uncertain, ICAO would need the Working Capital Fund as a buffer on which it could draw to meet its unavoidable cash commitments; and
- f) the Council reviewed the financial situation of the Organization and the level of the Working Capital Fund in February 2016 and noted that it has not been necessary to use the Working Capital Fund in 2015.

2. *Resolves that:*

- a) the level of the Working Capital Fund remain at USD 8.0 million;
- b) the Council shall continue to monitor the level of the Working Capital Fund no later than November 2017, 2018 and 2019 to determine if an increase is urgently needed during that year or for the following year;
- c) if the Council determines that it is warranted, the level of the Working Capital Fund shall be established at a level no higher than USD 10.0 million, subject to increases resulting from advances paid by new States becoming members of the Organization after approval of the scales. Such adjustment to the Working Capital Fund will be based on the scales of assessment in effect for the year for which the increase in the level of the Working Capital Fund is approved;
- d) the Secretary General be authorized, with the prior approval of the Finance Committee of the Council, to finance regular and supplementary appropriations that cannot be financed from the General Fund and the Working Capital Fund, by borrowing externally amounts needed to meet immediate obligations of the Organization, and that the Secretary General be required to repay such amounts as rapidly as possible; the outstanding total of such indebtedness of the Organization at no time to exceed CAD 3.0 million during the triennium;
- e) the Council shall report to the next ordinary session of the Assembly:
 - i) on the adequacy of the level of the Working Capital Fund in the light of experience during 2016, 2017 and 2018;
 - ii) whether the financial position of the General Fund and the Working Capital Fund would indicate the need for assessing Member States for cash deficits caused by arrears of contributions; and
 - iii) on the appropriateness of the level of the borrowing authority; and
- f) Resolution A38-27 is no longer effective and is hereby superseded; and

3. *Urges:*

- a) All Member States to pay their assessments as early as possible in the year in which they fall due in order to lessen the likelihood of the Organization having to draw on the Working Capital Fund and resort to external borrowing; and
- b) The Member States in arrears to meet their obligations to the Organization as promptly as possible, as called for by Resolution A39-31.

A39-34: Amendment of the Financial Regulations

Whereas the Council is respectful of the position of the Assembly in approving the Budgets and Appropriations of the Organization;

Whereas the Council is able to meet on a regular basis to deal with exigencies and developments affecting the amounts appropriated;

Whereas the Council requires the flexibility between Assembly sessions to accommodate changes in the financing needs;

The Assembly resolves that the amendments as set out below to Financial Regulations 5.9, 7.3 and 11.4 are confirmed pursuant to Financial Regulation 14.1.

Reg. No.	Edited changes	New revised text
5.9	Transfers from one Strategic Objective or Supporting Strategy to another may be effected by the Secretary General up to an amount not exceeding 40 20 per cent of the annual appropriation for each of the Strategic Objectives or Supporting Strategies to which the transfer is made. Above this percentage, transfers between Strategic Objectives or Supporting Strategies may be effected by the Secretary General, with the prior approval of the Council after obtaining the advice of the Finance Committee. All transfers, including those that fall within the authority of the Secretary General, shall be reported to the Assembly.	Transfers from one Strategic Objective or Supporting Strategy to another may be effected by the Secretary General up to an amount not exceeding 20 per cent of the annual appropriation for each of the Strategic Objectives or Supporting Strategies to which the transfer is made. Above this percentage, transfers between Strategic Objectives or Supporting Strategies may be effected by the Secretary General, with the prior approval of the Council after obtaining the advice of the Finance Committee. All transfers, including those that fall within the authority of the Secretary General, shall be reported to the Assembly.
7.3	b) the Working Capital Fund shall be utilized to make advances as necessary: i) to the General Fund to finance temporary cash deficits as a result of delays in receipt of income, the sums so advanced to be reimbursed as soon as receipts are available for the purpose; ii) to the relevant Joint Financing Fund for the operation of projects under agreements concluded under Chapter XV of the Convention, for the purpose of defraying expenses pending receipt of contributions assessable to participating States by virtue of these agreements, the outstanding balance of the sums so advanced not to exceed \$100 000 at any time and to be reimbursed as soon as receipts from participating States are available for the purpose; and iii) in cases where the Council has approved appropriations under Regulations 5.2 a) and b), to the relevant special fund created under Regulation 8.4 subject to the limit therein specified.	b) the Working Capital Fund shall be utilized to make advances as necessary: i) to the General Fund to finance temporary cash deficits as a result of delays in receipt of income, the sums so advanced to be reimbursed as soon as receipts are available for the purpose; ii) to the relevant Joint Financing Fund for the operation of projects under agreements concluded under Chapter XV of the Convention, for the purpose of defraying expenses pending receipt of contributions assessable to participating States by virtue of these agreements, the outstanding balance of the sums so advanced not to exceed \$100 000 at any time and to be reimbursed as soon as receipts from participating States are available for the purpose; and iii) in cases where the Council has approved appropriations under Regulations 5.2 a) and b), to the relevant special fund created under Regulation 8.4 subject to the limit therein specified.
11.4	The Secretary General may write off losses of cash, stores and other assets provided that a statement of all such accounts written off shall be submitted to	The Secretary General may write off losses of cash, stores and other assets provided that a statement of all such accounts written off shall

Reg. No.	Edited changes	New revised text
	the External Auditors with the annual accounts. For individual write-off actions exceeding CAD 20 000 in original value Net Book Value, prior approval of the Finance Committee must be obtained.	be submitted to the External Auditors with the annual accounts. For individual write-off actions exceeding CAD 20 000 in Net Book Value, prior approval of the Finance Committee must be obtained.

A39-35: Approval of the accounts of the Organization for the financial years 2013, 2014 and 2015 and examination of the Audit Reports thereon

Whereas the accounts of the Organization for the financial years 2013, 2014 and 2015 and the Audit Reports thereon, submitted by the Cour des Comptes of France (2013) and Corte dei Conti of Italy (2014 and 2015) - members of the Joint Panel of External Auditors of the United Nations and Specialized Agencies - as the External Auditor of ICAO, have been submitted to the Assembly after being circulated to Member States;

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

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

The Assembly:

1. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's Comments to the Report of the External Auditor for the financial year 2013;
2. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's Comments to the Report of the External Auditor for the financial year 2014;
3. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's Comments to the Report of the External Auditor for the financial year 2015;
4. *Approves* the audited Financial Statements for the financial year 2013;
5. *Approves* the audited Financial Statements for the financial year 2014; and
6. *Approves* the audited Financial Statements for the financial year 2015.

A39-36: Appointment of the External Auditor

The Assembly:

1. *Notes that:*

- a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization; and
- b) the Council approved the extension of appointment to the President of the Corte dei Conti as External Auditor of ICAO for 2017, 2018 and 2019.

2. *Confirms* the action taken by the Council in appointing Mr. Raffaele Squitieri, President of the Corte dei Conti of Italy, as the External Auditor of ICAO for the financial years 2017, 2018 and 2019.

A39-37: Budgets for 2017, 2018 and 2019

A. *The Assembly*, with respect to the Budget 2017-2018-2019, *notes that:*

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates [indicative estimates for the Administrative and Operational Services Costs of the Technical Co-operation Programme (AOSC)] for each of the financial years 2017, 2018 and 2019;

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

B. *The Assembly*, with respect to the Technical Cooperation Programme:

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

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

Recognizing that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars (CAD) for the years 2017, 2018 and 2019 represent indicative budget estimates only:

	2017	2018	2019
Estimated Expenditures	9,560,000	9,700,000	9,930,000

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

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

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

Resolves that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Co-operation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations.

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

Resolves that:

1. separately for the financial years 2017, 2018 and 2019, the following amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution:

	2017	2018	2019	Total
Strategic Objective (Programmes)				
SAFETY	22,962,000	23,181,000	24,008,000	70,151,000
AIR NAVIGATION CAPACITY AND EFFICIENCY	14,627,000	15,116,000	15,320,000	45,063,000
SECURITY AND FACILITATION	8,773,000	8,878,000	9,173,000	26,824,000
ECONOMIC DEVELOPMENT OF AIR TRANSPORT	3,112,000	3,182,000	3,494,000	9,788,000
ENVIRONMENTAL PROTECTION	3,432,000	3,484,000	3,883,000	10,799,000
Programme Support	30,957,000	31,774,000	34,076,000	96,807,000
Management & Administration	13,779,000	14,253,000	14,589,000	42,621,000
TOTAL PROPOSED APPROPRIATION	97,642,000	99,868,000	104,543,000	302,053,000
Operational	96,568,000	98,922,000	103,778,000	299,268,000
Capital	1,074,000	946,000	765,000	2,785,000

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

	2017	2018	2019	Total
a) Assessments on States	89,344,000	91,540,000	96,181,000	277,065,000
b) Reimbursement from AOSC Fund	1,202,000	1,202,000	1,202,000	3,606,000
c) Transfer from ARGF Surplus	6,415,000	6,415,000	6,416,000	19,246,000
d) Transfer from Incentive Scheme for Long- Outstanding Arrears Account	333,000	333,000	334,000	1,000,000
e) Miscellaneous Income	348,000	378,000	410,000	1,136,000
TOTAL:	97,642,000	99,868,000	104,543,000	302,053,000

A39-38 Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa

Whereas it is essential that there be increased coordinated efforts under ICAO leadership to reduce serious aviation security and facilitation deficiencies in the Africa-Indian Ocean (AFI) Region which are detrimental to the functioning and further development of international civil aviation;

Noting that the Council of ICAO has taken steps to address aviation security and facilitation issues through the development of a Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa (the AFI SECFAL Plan) as an ICAO Programme;

Noting that significant effort has been made towards reaffirming political commitment in Africa, in collaboration with the African Union Commission (AUC) and African Civil Aviation Commission (AFCAC), and the Windhoek Declaration and specific targets have been adopted by the Ministerial Conference on Aviation Security and Facilitation in Africa held in April 2016 in Windhoek, Namibia and will be presented to the African Union Assembly of Heads of States and Government for endorsement;

Recognizing that many Contracting States in the AFI Region may not have sufficient technical or financial resources to comply with the requirements of the Chicago Convention and its Annexes and therefore rely on ICAO, development partners, industry and other stakeholders for expertise and assistance;

Recognizing the need to coordinate, under the ICAO umbrella, activities of all stakeholders providing assistance to States in the AFI Region;

Recognizing that ICAO may require additional resources to successfully carry out its coordination role; and

Considering the willingness of the international community to assist the AFI Region in giving, as soon as possible, a concrete and substantial commitment to the AFI SECFAL Plan;

The Assembly:

1. *Urges* Member States of the AFI Region to commit to the achievement of the goals and objectives of the AFI SECFAL Plan;

2. *Encourages* Member States of the AFI Region to strengthen cooperation across the region in order to optimize the use and sharing of available resources through regional and sub-regional projects in all aspects of aviation security and facilitation oversight;

3. *Encourages* all Member States, UN Organizations (especially UNDP, UNODC, Security Council Counter Terrorism Committee, and others), aviation industry, and financial and other donors to support the AFI SECFAL Plan and work with ICAO for its implementation;
4. *Instructs* the Council to ensure a strong ICAO leadership role in coordinating activities, initiatives and implementation strategies aimed specifically at meeting the goals and objectives of the Plan, in order to achieve sustained improvement of aviation security and facilitation in the AFI Region and to allocate resources to the relevant Regional Offices accordingly;
5. *Instructs* the Council to implement the AFI SECFAL Plan in line with business plan principles, programme management practices and available resources; and
6. *Instructs* the Council to monitor and measure the status of implementation in the AFI Region throughout the triennium and to report to the next Assembly on the progress made.

— END —

