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**Agenda item 3: Results of the 39<sup>th</sup> Session of the ICAO Assembly (A/39)**

**RESULTS OF THE 39<sup>th</sup> SESSION OF THE ICAO ASSEMBLY  
REGARDING AIR NAVIGATION ACTIVITIES**

(Presented by the Secretariat)

**SUMMARY**

This working paper presents information on the analysis of air navigation activities contemplated in the 39<sup>th</sup> session of ICAO Assembly with emphasis in those working papers related to air navigation presented by SAM Region States and supported by all SAM States.

**References**

- Report of the Third meeting of Air Navigation and Safety Directors of the SAM Region (Lima, Peru, 22 - 24 August 2016)
- Report of the 39<sup>th</sup> session of ICAO Assembly (27 September – 7 October 2016)

**ICAO strategic  
objectives:**

*A – Safety  
B – Air navigation capacity and efficiency  
D – Environmental protection*

**1 Introduction**

1.1 The Third meeting of Air Navigation and Safety Directors of the SAM Region agreed that the SAM Region contribution to the A39 would consist on the preparation of three working papers, one on agenda item 15 – Technical cooperation and technical cooperation activities; one on agenda item 26 - Multilingualism at ICAO; and the last one on agenda item 33 – Aviation safety and air navigation – Control and analysis. Agenda items 15 and 26 correspond to the Executive Committee, while agenda item 33 corresponds to the Technical Commission.

1.2 The working paper concerning agenda item 15 refers to regional technical cooperation projects and their positive contribution to the implementation of air navigation systems and continuing safety oversight, and could serve as a reference for States in other ICAO Regions. The working paper addresses regional air navigation projects RLA/03/901 and RLA/06/901, and project RLA/99/901 on safety. This working paper was prepared by Peru and is supported by all SAM States.

1.3 The working paper on agenda item 26 deals with the importance of having ICAO documentation in Spanish in the Region, and the difficulties currently being faced in the planning and implementation of air navigation and safety oversight services, procedures, and facilities due to the absence of such documentation. The working paper was prepared by Colombia in coordination with Brazil, and is supported by all SAM States.

1.4 The working paper on agenda item 33 deals with the mechanism used in the SAM Region to identify air navigation and safety oversight implementation priorities for the 2014-2016 period (Declaration of Bogota), the status of implementation of priorities and the plans foreseen following completion of the aspects contemplated in the Declaration of Bogota. This working paper was prepared by Chile, and is supported by all SAM States.

## **Analysis**

2.1 Follows a summary on the results of the analysis of the air navigation working papers presented in the A39 by the SAM Region regarding Agenda Items 15 and 26 on Executive Committee and Agenda Item 33 of Technical Commission.

## **Executive Committee**

2.2 Six Working Papers were presented by the ICAO Council under Agenda Item 15. WP/45 *The ICAO programme for aviation volunteers*, WP/47 *Policy and activities on Technical Cooperation during the period 2013-2015*, WP/105 *Addressing challenges in the field of capacity building* presented by Slovakia and supported by European Union and its Member States, the other Member States of the European Civil Aviation Conference; and Eurocontrol; WP/244 *The value of cooperation and the promotion of financing instruments for environmental protection*, presented by Indonesia, WP/292 *Regional technical cooperation projects in the South American Region*, presented by Peru and supported by all SAM Region States, and WP/383 *Improvement of the contracting and purchasing processes carried out with assistance from the Technical Cooperation Bureau* presented by the Dominican Republic.

2.3 WP/45 presents the ICAO Programme for Aviation Volunteers (IPAV) approved under the *No Country Left Behind* (NCLB) initiative, a detailed description of the programme including its framework, duration of assignments, participation, selection of Volunteers and agreements, and elaborates on the programme's funding and monitoring mechanisms. The WP proposes a draft resolution concerning the ICAO Programme for Aviation Volunteers for adoption by the Assembly.

2.4 WP/47 is organized in three parts. The first part provides an update on the implementation of ICAO's policy and strategy for technical assistance and technical cooperation, including the delineation of responsibilities for the implementation of these activities. The second part of the paper presents an analysis of the performance results in the 2013-2015 triennium from the financial and non-quantifiable operational perspectives. In its third part, the paper presents the Administrative and Operational Services Cost (AOSC) Fund results for the 2013-2015 period, complemented by information on the apportionment of costs between the AOSC Fund and the Regular Budget in the reporting period. The WP proposes an update to Assembly Resolution A36-17 - *Consolidated Statement on ICAO Policies on Technical Cooperation* in the form of a Consolidated Statement of ICAO Policies on Technical Cooperation and Technical Assistance for adoption by the Assembly.

2.5 WP/105 reports capacity-building activities whether organized by ICAO, individual States, regional organisations or industry play a crucial role in supporting Member States' efforts to reach effective and sustainable compliance with ICAO Standards and Recommended Practices. Effective management of capacity building activities is therefore key in ensuring tangible results.

2.6 WP/244 highlights the role of international cooperation for the implementation of the Indonesian State Action Plan for greenhouse gas (GHG) emissions reductions in aviation, aiming to showcase a successful model of cooperation which can be suitable for other Member States. It also calls on the need of facilitating financing support for the development of environmental programmes in

developing economies, including the realization of Technical Cooperation, which will be required for an effective implementation of the ICAO Global Market-Based Measures (GMBM). Such Technical Cooperation should be supported by contributions from Member States and stakeholders to the ICAO Environment Fund and be implemented through close cooperation and coordination between the ICAO Environment Branch (ENV) and the ICAO Technical Cooperation Bureau (TCB).

2.7 WP/292 provides information regarding the technical cooperation projects that the ICAO South American (SAM) Regional Office supports in the Region. It also outlines the achievements in the Region, such as the implementation of services, technologies, and preparation of standardized Latin American Aviation Regulations (LARs), with the intention of increasing safety in SAM States and Effective Implementation (EI) scores related to the Universal Safety Oversight Audit Programme (USOAP). This WP invites the Assembly to inform States of the advantages of working towards common goals through ICAO Technical Cooperation Regional Projects.

2.8. With a view to safeguarding the interests of the various civil aviation authorities of the Organization's Member States, in WP/383 the Dominican Republic proposes the implementation of a consultation system which allows States to verify the performance of the various suppliers available for the various assistance projects run by the ICAO Technical Cooperation Bureau. The Dominican Republic also proposes the implementation of a system entailing consequences for contractors which do not fulfill their contractual obligations to States or are involved in legal action as a result of such failure to fulfill. The working papers proposes to the Assembly to:

- a) request that contractors which do not fulfill their contractual obligations and/or are involved in legal action detrimental to States be removed from the ICAO Supplier List and be excluded from active participation in activities sponsored by ICAO; and
- b) request that the identity of contractors which do not fulfill their contractual obligations and/or are involved in legal action detrimental to States be made public.

2.9 As a result of the analysis of working papers presented under Agenda Item 15, the Executive Committee recognized the importance of regional cooperation for the enhancement of civil aviation systems and related infrastructure and human resources, in accordance with the Regional Air Navigation Plans, through the sharing of expertise, harmonization of regulations and capacity building efforts, particularly in view of the tangible achievements by South American States, which resulted in the significant improvement of Effective Implementation (EI) scores in the region.

2.10 The Committee therefore recommended that the Assembly encourage ICAO Member States to work collaboratively towards the achievement of common goals through the implementation of regional and sub-regional technical cooperation projects.

2.11 In light of its deliberations, the Executive Committee invited the Assembly to:

- a) encourage Member States, financing institutions, the aviation industry and other stakeholders to participate in the ICAO Programme for Aviation Volunteers by providing sustained financial and human resources;
- b) request the Secretary General to refer the legal issues arising from the proposal put forward by the Dominican Republic in A39-WP/244 to the Legal Bureau for review;
- c) request that a Technical Cooperation Environmental Programme be established in close coordination between the ICAO Environment Branch and the

Technical Cooperation Bureau; and

- d) encourage Member States to work collaboratively towards the achievement of common goals through the implementation of regional and sub-regional technical cooperation projects.

2.12 In this sense, the Assembly approved two resolutions. Resolution A39-16 *Consolidated statement of ICAO policies on technical cooperation and technical assistance* and Resolution A39-17 *ICAO Programme for Aviation Volunteers*.

2.13 Under Agenda Item 26, Multilingualism at ICAO, three working papers were presented. WP/43 *Multilingualism at ICAO*, presented by the ICAO Council; WP/355 *ICAO policy on languages services*, presented by Colombia and supported by the Latin American Civil Aviation Commission – LACAC, and WP/357 *Multilingualism – one of the fundamental principles to achieve the goals of ICAO as a specialized agency of the United Nations*, presented by The Russian Federation.

2.14 WP/43 reports on the implementation of the policies and decisions adopted to enhance efficiency and effectiveness on language service matters. Guided by Assembly Resolution A37-25: *ICAO Policy on the language services*, which stated that “the provision of adequate levels of services in the working languages of ICAO are important for the world-wide dissemination of ICAO documentation, in particular the Standards and Recommended Practices (SARPs), and to the proper functioning of the Organization and its standing bodies” and United Nations Resolution A/RES/69/250, this working paper outlines the measures implemented to promote multilingualism in ICAO through parity and quality of services, optimization of available resources, adherence to UN best practices related to language services and through the development and use of enhanced technical tools. This paper proposed the Assembly to:

- a) note ICAO activities supporting multilingualism at ICAO; and
- b) urge Member States to actively collaborate with the ICAO Secretariat in the promotion of multilingualism as an integral part of the Organization’s programmes and activities.

2.15 WP/355 states that the provision of all ICAO documentation is essential to the safety and security of international civil aviation as well as to work in other important fields. It is therefore of vital importance that an adequate level of services be provided in the working languages of the Organization for the global distribution of ICAO documentation. In this respect, the Spanish-speaking region with its 400 million inhabitants is crucial to the achievement of the objectives of ICAO. The Assembly was invited to:

- a) Reaffirm the need to uphold multilingualism in the work of ICAO of concern to the Spanish speaking region;
- b) Further explore new methods and procedures to enhance efficiency and ensure that ICAO can continue to provide quality services to its Member States; and
- c) empower the Regional Offices to develop cost-recovery mechanisms enabling them to produce official ICAO translations.

2.16 WP/357 draws the attention of the ICAO Assembly to the decisions laid down in Assembly Resolutions A22-29, A24-21, as well as A37-25, on matters related to compliance with the multilingualism principle and the provision of adequate language services at ICAO. A situation in

which non-English-speaking experts from different countries are unable to fully participate in the development process of ICAO Standards and Recommended Practices (SARPs) undermines the core principles of the Convention on International Civil Aviation (Chicago Convention), including the equality of opportunity principle. Inadequate compliance with the multilingualism principle calls into question the feasibility of the *"No Country Left Behind"* (NCLB) initiative, the main goal of which is to highlight ICAO's efforts in *"assisting Member States to ensure that SARP implementation is better harmonized globally so that all States have access to the significant socio-economic benefits of safe and reliable air transport."* In the same way, it is believed to be inconsistent with the United Nations' principle of multilingualism, which is one of the fundamental principles to achieve the goals of ICAO as a specialized agency of the United Nations in the field of civil aviation.

2.17 During the analysis of working papers related to Agenda Item 26, the Committee recognized that language services are an integral part of every ICAO programme, that they are essential to all Strategic Objectives of the Organization and to the global implementation of SARPs and PANS, and that they are a key requirement of the No Country Left Behind (NCLB) initiative. It also acknowledged the support provided by some countries for the translation of the ICAO websites into various languages.

In light of the discussions, the Committee recommended that the Assembly:

- 1) request the Council to closely monitor the implementation of the policies and decisions it has adopted to enhance efficiency and effectiveness on language service matters, recognizing multilingualism as a fundamental principle to achieve ICAO goals; and
- 2) request the Council to further analyse and reassess the resources required to ensure that ICAO documentation related to the implementation of standards is available on a timely basis in all ICAO working languages, and to further review the level of outsourcing required for these objectives, whilst taking into consideration the best practice of other similar UN organizations.

### **Technical Commission**

2.18 The Technical Commission examined among other, WP/113 *Compliance with the Declaration of Bogota*, presented by Chile and supported by Argentina, Bolivia (Estado Plurinacional de), Brazil, Colombia, Ecuador, Guyana, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela (República Bolivariana de), that included a report on the progress made in the implementation of safety and air navigation goals established for 2016 by the Declaration of Bogota.

2.19 Taking into account the needs of South American States, the Commission recommended the Council to deem the development of a national or regional validating system for data and classification of accidents/incident. Such system shall allow the classification of the events according to the causes and the contributing factors, bearing in mind the existing priorities financed under 2017-2019 budget and the availability of extra budgetary resources.

### **Other resolutions**

2.20 Through the A39-12 Resolution *ICAO global planning for safety and air navigation* the Assembly endorsed the second edition of The Global Aviation Safety Plan (GASP) and the fifth edition of the Global Air Navigation Plan (GANP) (Doc. 9750), to serve as global strategic direction for safety and air navigation respectively, and that both plans GASP and GANP serve as a framework for the elaboration and implementation of regional, subregional and national implementation plans,

thus ensuring the harmonization and coordination of efforts to enhance the safety, capacity and efficiency of international civil aviation.

2.21 Taking into account the 5th edition of the GANP and the progress made in its regional implementation, the Performance-based air navigation systems implementation plan for the SAM Region was amended (version 1.5). The preliminary plan was presented for its review during the Workshop on the implementation of the aviation system block upgrades (ASBU) and the alignment of regional and national performance-based air navigation systems implementation plans (Lima, Peru, from 14 to 18 August 2017). SAM Region States that have already developed their air navigation national plan in the framework of the ASBU should update it, and those that still not, should do so to comply to the (GREPECAS conclusion 17/6 paragraph a) *follow-up on the implementation of resolutions of the A38 related to air navigation*.

2.22 By Resolution A39-19 *Addressing Cybersecurity in Civil Aviation*, the Assembly has recognized the presence of cyber treats and the 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. Also noting 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. A study has been carried out by SAM Sates to protect the South American digital network, establishing actions to mitigate external and internal treats. States should identify systems in danger that could be affected by cyber attach and take measures to reduce risks.

2.23 Resolution A39-22 – *Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences* provides guidelines for SARPS and PANS formulation, amendments and application by States and noncompliance notification of regulations to ICAO. States must publish any significant difference in their aeronautical information (AIP) and notify their differences to ICAO through electronic Filing of Differences (EFOD) system.

2.24 The list of resolutions adopted by the A38 Assembly can be found in the link <https://www.icao.int/Meetings/a39/Pages/resolutions.aspx>

### 3 **Suggested actions**

3.1 The meeting is invited to:

- a) take note on the information presented in this working paper; and
- b) take the necessary actions to comply with A39 Assembly resolutions, considered in Section 2 of this paper.