ASSEMBLY
23rd Session
Montreal, 16 September — 7 October 1980

TECHNICAL COMMISSION

Volume 2 — Minutes

Approved by the Technical Commission of the Assembly and published by authority of the Secretary General

INTERNATIONAL CIVIL AVIATION ORGANIZATION
Published in separate English, French, Russian and Spanish editions by the International Civil Aviation Organization. All correspondence, except orders and subscriptions, should be addressed to the Secretary General of ICAO, P.O. Box 400, Place de l'Aviation internationale, 1000 Sherbrooke Street West, Montreal, Quebec, Canada H3A 2R2.

Orders for this publication should be sent to one of the following addresses, together with the appropriate remittance (by bank draft or post office money order) in U.S. dollars or the currency of the country in which the order is placed.

International Civil Aviation Organization.
(Attention: Distribution Officer),
P.O. Box 400, Place de l'Aviation internationale,
1000 Sherbrooke Street West,
Montreal, Quebec, Canada H3A 2R2

Egypt (Arab Republic of). ICAO Representative, Middle East and Eastern African Office,
16 Hassan Sabri, Zamalek, Cairo.

France. Représentant de l'OACI, Bureau Europe, 3bis, villa Emile-Bergerat,
92200 Neuilly-sur-Seine.

India. Oxford Book and Stationery Co., Scindia House, New Delhi
or 17 Park Street, Calcutta.

Japan. Japan Civil Aviation Promotion Foundation, No. 38 Shiba Kotohira-Chō,
Minato-Ku, Tokyo.

Mexico. Representante de la OACI, Oficina Norteamérica y Caribe,
Apartado postal 5-377, México 5, D.F.

Peru. Representante de la OACI, Oficina Sudamérica, Apartado 4127, Lima.

Senegal. Représentant de l'OACI, Bureau Afrique, Boîte postale 2356, Dakar.


Thailand. ICAO Representative, Far East and Pacific Office, P.O. Box 614, Bangkok.

United Kingdom. Civil Aviation Authority, Printing and Publications Services,
Greville House, 37 Gratton Road, Cheltenham, Glos., GL50 2BN.

---

Do you receive the ICAO BULLETIN?

The ICAO Bulletin contains a concise account of the activities of the Organization as well as articles of interest to the aeronautical world.

The Bulletin will also keep you up to date on the latest ICAO publications, their contents, amendments, supplements, corrigenda, and prices.

Available in three separate editions: English, French and Spanish.

Annual subscription: U.S.$15.00 (surface mail); U.S.$20.00 (air mail).
# TABLE OF CONTENTS

## MINUTES OF THE FIRST MEETING, 18 September 1980

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening of the meeting</td>
<td>1</td>
</tr>
<tr>
<td>Introduction of Officers of the Secretariat</td>
<td>2</td>
</tr>
<tr>
<td>General working arrangements</td>
<td>2</td>
</tr>
<tr>
<td>Review of the agenda</td>
<td>2</td>
</tr>
<tr>
<td>Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary (Agenda Item 7)</td>
<td>2</td>
</tr>
</tbody>
</table>

## MINUTES OF THE SECOND MEETING, 19 September 1980

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Election of 1st and 2nd Vice-Chairman</td>
<td>9</td>
</tr>
<tr>
<td>Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary (Agenda Item 7)</td>
<td>10</td>
</tr>
</tbody>
</table>

## MINUTES OF THE THIRD MEETING, 22 September 1980

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary (Agenda Item 7)</td>
<td>15</td>
</tr>
<tr>
<td>Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation (Agenda Item 16)</td>
<td>17</td>
</tr>
</tbody>
</table>

## MINUTES OF THE FOURTH MEETING, 23 September 1980

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation (Agenda Item 16)</td>
<td>21</td>
</tr>
</tbody>
</table>
MINUTES OF THE FIFTH MEETING, 24 September 1980

Approval of the minutes of the first and second meetings

Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary (Agenda Item 7)

MINUTES OF THE SIXTH MEETING, 25 September 1980

Approval of draft report on Agenda Item 7

Assembly resolutions to be consolidated or to be declared no longer in force (Agenda Item 17)

Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary (Agenda Item 7)

MINUTES OF THE SEVENTH MEETING, 26 September 1980

Approval of the minutes of the third meeting

Approval of draft report on Agenda Item 7

Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation (Agenda Item 16)

MINUTES OF THE EIGHTH MEETING, 29 September 1980

Approval of draft report on Agenda Item 7

Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation (Agenda Item 16)

Assembly resolutions to be consolidated or to be declared no longer in force (Agenda Item 17)

Approval of the minutes of the fourth and fifth meetings
### MINUTES OF THE NINTH MEETING, 30 September 1980

Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation (Agenda Item 16) .......................................................... 55

### MINUTES OF THE TENTH MEETING, 1 October 1980

- Approval of draft report on Agenda Item 17 .......................................................... 61
- Approval of draft report on Agenda Item 16 .......................................................... 62
- Approval of draft general section of the report ....................................................... 63
- Approval of the minutes of the sixth meeting ....................................................... 64

### MINUTES OF THE ELEVENTH MEETING, 2 October 1980

- Approval of draft report on Agenda Item 16 .......................................................... 65
- Approval of the minutes of the seventh meeting ................................................... 67
- Delegation of authority to approve minutes ......................................................... 67
- Other business ........................................................................................................ 68
- Closure of the session ............................................................................................ 69

(iii)
Minutes of the First Meeting

(Thursday, 18 September 1980 at 1430 hours)

SUBJECTS DISCUSSED

1. Opening of the Meeting
2. Introduction of Officers of the Secretariat
3. General Working Arrangements
4. Review of the Agenda
5. Agenda Item 7: Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary

SUMMARY OF DISCUSSION

Opening of the Meeting

1. The Chairman, Mr. N.C. Jelier of the Kingdom of the Netherlands, declared the first meeting of the Technical Commission in session, and announced his intention not to make a lengthy opening speech in view of the amount of work with which the Commission was faced. He intended to do his utmost to bring the work of the Commission to a successful conclusion.

2. The Delegate of France then congratulated the Chairman on his nomination, expressing confidence that he would perform excellent work, and assuring him of his own co-operation.
Introduction of Officers of the Secretariat

3. The Secretary, Mr. D.W. Freer, introduced officers of the Secretariat who would be assisting the Commission. Mr. J.F. Montgomery (Chief, Ground Branch) was the Deputy Secretary of the Technical Commission; Mr. R.B. Ferris (Chief, Flight Branch) and Mr. Z. Munzar (Assistant to the Director, Air Navigation Bureau) were Assistant Secretaries. Other officers who would be assisting the Commission were Dr. S. Finkelstein, Chief, Aviation Medicine Section, Mr. O. Fritsch, Chief, AIG Section, Mr. B. Gaustad, Chief, RAC/SAR Section, Mr. J.H. Legere, Chief, COM Section, Mr. J. Marrett, Chief, AVSEC Section, Mr. U. Schwarz, Chief, NET Section, Mr. K.W. Sharer, Chief, OPS/AIR Section, Mr. R. Slade, Chief, AIS/HAP Section, Mr. I.E. Suren, Chief, PEL/TRG Section, Mr. F.W. These, Chief, Regional Affairs Office, Mr. E. Vuille, Chief, AVSYS Section, Mr. K.K. Wilde, Chief, AGA Section, and Mr. B. Beyene, the Liaison Officer for the Technical Commission. The Précis Writers were Miss E. Paton and Miss A. Craig. He then introduced Mr. F. Carcano, President of the Air Navigation Commission, who would be available to advise the Technical Commission as necessary.

General Working Arrangements

4. The Secretary, in outlining the working arrangements, indicated that it was hoped to adhere, as much as possible, to the suggested schedule for consideration of agenda items. Meetings of the Commission would normally take place in the mornings, although the first meeting and the second meeting scheduled for the next day were afternoon meetings to avoid conflicting with those of other bodies. Delegates were invited to familiarize themselves with the Rules of Procedure for the Assembly (Doc 7600/3), particularly Section VIII devoted to voting procedures. Suggestions or proposals for modifications to existing working papers should be presented in writing in advance of meetings, if possible. WP/33 described the progressive procedure which would be followed for Assembly approval of reports and the manner in which they would be issued. The draft minutes would be submitted for approval only after all four versions had been available for at least twenty-four hours.

Review of the Agenda

5. The Chairman introduced the Agenda (WP/1 and two Addenda) of which Items 16 and 17 had been referred to the Technical Commission, as well as those parts of Item 7 referred to it by the Plenary.

Agenda Item 7: Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary

6. The Chairman suggested that consideration of Agenda Item 7 begin with the Annual Reports of the Council taken year by year, and he invited comments on the report for 1977 (Doc 9233 and Corrigendum).
7. The Delegate of the United Kingdom adding his congratulations to the Chairman referred to the section on "Aerodromes" under "Projects given special attention during 1977" in which, on page 62, there was a reference to a study to determine whether Annex 14 should continue to specify the installation of visual approach slope indicator systems on runways equipped with non-visual aids. As a result of that study the Air Navigation Commission had approved continuation of the effort to develop appropriate guidance material concerning priorities for installation of visual approach aids on instrumented and other runways. However, there appeared to be a contradiction between the provisions of Annex 14, paragraph 5.3.6 which was a Standard requiring the provision of a visual approach slope indicator (VASI) for a runway intended for use by turbo-jet aircraft, and paragraph 1.4.3 of Attachment B to Annex 14 which suggested that a runway already equipped with instrument landing system (ILS), but nevertheless intended for turbo-jet aircraft, should have third priority in the allocation of visual approach slope facilities. In view of scarce financial and technical resources, Standards and Recommended Practices and advice on their implementation should not be ambiguous; the United Kingdom therefore felt that a review should be made during the coming triennium with the aim of resolving these apparent contradictions.

8. The Delegate of France felt that while the Standards in Annex 14 were what might be termed the ideal, financial limitations did not always allow their implementation. The guidance material dealt with the real world. He therefore felt that the Commission should simply note that such contradictions existed because of inevitable differences between the ideal and the actual state of affairs.

9. Recalling the wish expressed by his delegation at the last Assembly that technical manuals and training manuals be published and revised more speedily, the Delegate of Iran thanked the Secretariat for having since achieved this objective.

10. On behalf of his organization, the Observer of the International Air Transport Association (IATA), expressed congratulations to the Chairman on his election. He believed that the problem raised by the Delegate of the United Kingdom was more apparent than real. The body of Annex 14 reflected the basic operational requirements, the guidance material reflected the implementation programming. He saw no difficulty in re-aligning the present specification and guidance material so that both reflected the basic operational requirement. Implementation programming was another matter altogether.

11. Mr. Wilde confirmed the IATA Observer's analysis of the situation. The white pages of the Annex outlined under what condition VASIS should be installed. The green pages contained guidance on installation of these systems when inter alia the financial situation did not permit all the requirements to be met at once. The material should be complementary not contradictory.
12. The Delegate of Denmark wondered whether this topic could be considered at the AGA Divisional Meeting to be held in 1981. He was informed that the Agenda approved by the Air Navigation Commission did not include the subject.


14. Commencing the discussion the Delegate of Denmark referred to page 65 of Doc 9285, and requested information on the status of the proposed amendment to Annex 1 on which States had been requested to comment by May 1980.

15. Mr. Ferris replied that States' comments were now being analyzed by the Secretariat and would be submitted to the Air Navigation Commission, together with suggestions on how the Organization should proceed. Some States had indicated opposition, some unconditional agreement, the majority seeming to fall between the two. It appeared that considerable further work would be required.

16. The Delegate of Denmark commented that his administration felt that the manner in which the amendment to Annex 1 had been processed was not the best one. Such a complete revision should not be handled merely by the Secretariat and a study group—it required either a panel or a divisional meeting.

17. The Delegate of the United Kingdom concurred with this view. The licensing of air crew, air traffic control and maintenance personnel was one of the cornerstones in the standardization of procedures and qualifications. At the Twenty-second Session of the Assembly, his delegation had sought confirmation that should the Secretariat experience difficulty in the revision of Annex 1 serious consideration should be given to holding a divisional meeting. He now reiterated his administration's written view in reply to the State letter, that a panel be set up without delay to consider the proposed revision of Annex 1 and that the results be referred to a divisional meeting within three to four years at the most.

18. Congratulating the Secretariat on the quality of its work on this subject, the Delegate of France nevertheless agreed with the views expressed by the Delegates of Denmark and the United Kingdom—a panel or a divisional-type meeting was required.

19. The Delegates of Canada and of the United States associated themselves with the views expressed by the previous speakers; both had expressed their views in writing to the Secretariat.

20. Mr. Ferris assured the delegates that the Organization had not ruled out the possibility that this complex issue might well end up in the hands of a panel or a world-wide meeting. In reply to a query by the Delegate of Denmark, he stated that the views which had just been expressed would be incorporated in the working paper on the subject which was being prepared for the Air Navigation Commission.
21. Turning to another item, the Delegate of the United Kingdom referred to page 50 of the Report for 1979 (Doc 9285) dealing with the AFI/6 RAN Meeting. His administration welcomed the initiative in setting up an AFI Planning and Implementation Regional Group. Citing the achievements of the European Regional Air Navigation Planning Group, he expressed confidence that this new group could contribute both to implementation of the regional plan and to a reduction in costs and complexity of future full-scale regional air navigation meetings. He was supported by the IATA Observer, who considered that the establishment of such machinery was urgently required.

22. Mr. Thesen drew the Commission's attention to the fact that it would have an opportunity later to discuss the item in greater detail under Agenda Item 16.

23. The Delegate of the United States then referred to page 47 of Doc 9285, in which it was stated that eight meetings dealing with air navigation subjects had been held—one divisional, two regional, four panels and one Council technical committee. However, the records of his administration showed attendance at no less than fifty-seven meetings on air navigation subjects. He wondered whether this part of the report could be reworded to reflect the fact that these were not the only meetings held.

24. The Secretary thanked the Delegate of the United States for his suggestion; pointing out that the meetings referred to in the report were those classified as formal and did not include informal meetings, however this point was not clear in the report and he would review the procedure for assembling future reports.

25. The Delegate of France referred to page 65 of Doc 9285 where mention was made of the intention of the Secretariat to undertake a study of the operational, technical and economic advantages of a new visual approach slope indicator known as the precision approach path indicator (PAPI). He hoped that the Air Navigation Commission and States, as well as the Secretariat, would be involved in any possible standardization of a new system.

26. The Secretary and Mr. Wilde assured him that this would be done. The Visual Aids Panel would be considering the report of a working group on PAPI at its meeting in November 1980. Its report would be presented to the Air Navigation Commission in December and would be discussed at the AGA Divisional Meeting in May 1981.

27. Referring to the Supplement to Doc 9285 covering the activities of the Organization during the first six months of 1980 (page 14, Operation of Aircraft), the Delegate of Denmark congratulated the Organization on the establishment of workshops to facilitate the implementation of the new provisions in Volume II of the PANS-OPS. The Chairman concurred that the workshops were proving to be very helpful.

28. The Delegate of the United Kingdom indicated that the second sub-paragraph under Aerodromes (page 14) should be rephrased to state that the Air Navigation Commission, with the advice and assistance of the Aerodrome Reference Code Panel, had completed its study of a new reference code for Annex 14.
29. The Delegate of France, noting the intention stated on page 3 of the Supplement that the work of the Dangerous Goods Panel be completed in February 1981, stressed the importance his State accorded the realization, without any further delay, of this intention. As it was, the new Annex 18 which should have been ready by July 1981 could not now become applicable before 1983. The Chairman, citing his membership in the Dangerous Goods Panel, gave assurance that the panel was doing its utmost to complete and submit its work to the Air Navigation Commission on schedule.

30. The Chairman having opened discussion on the Work Programme of the Organization for 1981 to 1983 (Doc 9290), the Delegate of Denmark expressed a reservation regarding further work by the Aviation Systems Study Section (AVSYS) (Doc 9290, pages 24, 25). Acting on a suggestion by the Delegate of France, the Chairman indicated that approval of the work programme item on AVSYS would be set aside until the subject was taken up under Agenda Item 17.

31. In response to a query by the Delegate of Australia regarding the staffing of the Aviation Medicine (HED) Section (page 11), the Secretary explained that the number of staff recorded there reflected the establishment levels of the Air Navigation Bureau rather than the actual on-board situation. The Delegate of the United Kingdom drew attention to the statement, in paragraph 7 on page 4 of Doc 9290, that staffing and staff costs were shown at 1979 authorized levels.

32. The Delegate of France, speaking of the possibility of merging the existing committees dealing with protection of the environment as mentioned in paragraph 24.3 (page 9), stressed France's support for such action. The Secretary confirmed that the Council had recently decided that the Sonic Boom Committee should be disbanded on the understanding that the Secretary would continue to monitor that aspect of the protection of the environment and, should there be a need to take further action, to so report to the Council. The possibility of combining the committees on aircraft noise and aircraft engine emissions would be considered again in about two years' time.

33. The Delegate of the United Kingdom, indicating concern that there were significant changes to the meeting programme of the Organization (page 45) in the light of events since it had been formulated, felt that it should be given close consideration by the Technical Commission particularly in so far as it related to the budget provisions to be formulated by the Budget Committee of the Administrative Commission. He mentioned several meeting changes, including deferment of the proposed full-scale ASIA/PAC RAN Meeting to 1982, and the deferment of the EUR RAN Meeting to 1984 or later. The Delegate of Malaysia voiced the concern of his delegation with respect to such a postponement. The Chairman confirmed the tentative nature of the meeting programme given in Doc 9290 which was stated in the lead-in sentence in paragraph 60. Mr. Thesen explained that the Council had referred the proposal for the ASIA/PAC RAN Meeting back to the Air Navigation Commission and that it was currently envisaged that that meeting would be convened in 1982. However, before a final decision to convene any of the proposed regional meetings was made, the States of the Regions concerned would, in accordance with established
practice, be consulted. The Delegate of the United Kingdom reiterated his delegation's concern at the implications of the meeting programme for the budget estimates for the coming triennium which showed a substantial increase over those for the current triennium. The Secretary pointed out that the updating of the meeting programme would be considered by the Administrative Commission and that its members would be fully aware of the changes made. Mr. Munzar, in response to the Chairman's suggestion, said that the latest available information with respect to the meeting programme would be provided by the Secretariat for the next meeting.

The Chairman adjourned the meeting at 1705 hours.
Minutes of the Second Meeting
(Friday, 19 September 1980 at 1500 hours)

SUBJECTS DISCUSSED

1. Election of 1st and 2nd Vice-Chairman

2. Agenda Item 7: Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary

   - Work Programme for 1981-83
   - Search and rescue satellite aided tracking (SARSAT)

SUMMARY OF DISCUSSION

Election of 1st and 2nd Vice-Chairman

1. The Chairman invited nominations for First and Second Vice-Chairman of the Technical Commission. The Delegate of Mexico nominated the Delegate of New Zealand for First Vice-Chairman. In the absence of any further nominations, the Chairman declared Mr. E.T. Kippenberger, the Delegate of New Zealand, the First Vice-Chairman. The Delegate of the United States nominated the Delegate of Nigeria for Second Vice-Chairman. In the absence of further nominations, the Chairman declared Mr. E.A. Olaniyan, the Delegate of Nigeria the Second Vice-Chairman. Messrs. Kippenberger and Olaniyan thanked the members of the Technical Commission for their election.
Agenda Item 7: Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary

- Work Programme for 1981-83

2. The Chairman recalled that at the end of the previous meeting the Commission had been dealing with the meeting programme of the Organization for 1981-83 as shown on page 45 of the Work Programme of the Organization for 1981-83 (Doc 9290). He announced that TE/Flimsy 1 had been prepared and distributed by the Secretariat. That flimsy reflected decisions taken by the Council affecting the programme, since the date of publication of Doc 9290.

3. The Delegate of the United Kingdom welcomed the availability of the flimsy. He recalled his intervention at the previous meeting concerning the effect on the budget estimates of the probable deferment of the full-scale ASIA/PAC RAN Meeting to 1982 and the full-scale Seventh EUR RAN Meeting to 1984. He proposed that the Technical Commission anticipate a request by the Administrative Commission and consider what the effect of these changes would be on the budget estimates.

4. The Chairman expressed doubt that the Technical Commission was the proper forum for dealing with budgetary aspects.

5. The Delegate of Denmark believed that it would be difficult for delegates to make specific proposals as to when meetings should take place. This was the responsibility of Council and of States in the regions involved. He saw no need to specify exactly when specific meetings should be held during the next three years; it was enough to make provision for them to be held some time during that period. He was supported by the Delegate of the Kingdom of the Netherlands.

6. The position of the Delegate of Nigeria was similar to that of the two previous speakers. Meetings were a major part of the work of the Organization, but they were increasing in cost every year. His delegation would appreciate proposals for ways to cut this cost, but felt it would be difficult for a body such as the Technical Commission to go into any detail.

7. The Secretary pointed out that the Council was empowered to transfer money for a meeting from one year's budget to another within a triennium should there be a cancellation or deferment. At the end of the triennium any remaining unobligated appropriations were cancelled.

8. The Delegate of Malaysia noted that funds had been allocated for an ASIA/PAC RAN Meeting and, recalling what the leader of his delegation had already had to say about the unsatisfactory state of the flight information region (FIR) plan in his area, urged that that meeting be held as soon as possible.
9. Acknowledging the interventions of the Delegates of Denmark, the Kingdom of the Netherlands and Nigeria regarding the need for flexibility in the planning of meetings in the air navigation field, the Delegate of the United Kingdom announced that he would not press his request for a decision on the budgetary implications of the programming of such meetings. He merely wished to record the fact that the full-scale EUR RAN Meeting would almost certainly not be held until 1984, and that this would influence the proposed budget estimates in Doc 9287 by $338,000.

10. The Delegate of Spain was of the opinion that the Commission should deal only with the work programme, updating it with the latest information and send to the other Commissions any material relevant to their work.

11. The Delegate of Venezuela expressed his country's desire to maintain the proposed LIM CAR/SAM RAN Meeting in the programme for 1981.

12. The Delegate of France reminded the Commission that regional plans could be amended by correspondence. It was only when problems arose which could not be handled in this way that there was a need to hold a regional air navigation meeting. As far as the ASIA/PAC RAN Meeting was concerned, his delegation had complete confidence in the wisdom and experience of the Secretariat, the Air Navigation Commission and the Council to decide after examining all aspects of the problem, on the most appropriate date.

13. Accepting the probability that the full-scale EUR RAN Meeting would be postponed to 1984, the Delegate of Denmark sought reassurance that the money could be used for another meeting in the triennium. The Secretary confirmed this.

14. The Chairman suggested that the information on the revised meeting programme for 1981-83, as reflected in TE/Flimsy 1, be passed immediately to the Administrative Commission who would be dealing with the budgetary aspects of the meeting programme. There being no objection, this was agreed.

- Search and rescue satellite aided tracking (SARSAT)

15. The Chairman invited the Delegate of Canada to introduce WP/47 on the subject of search and rescue satellite aided tracking (SARSAT) which his administration was presenting on behalf of France, the United States and Canada.

16. The Delegate of Canada recalled Resolution A22-20 of the previous Assembly and the Annual Reports of the Council for the last three years which had referred to the evolution of SARSAT and its importance to international civil aviation. The intention in presenting WP/47 was to ensure that civil aviation authorities took note of developments in the application of satellite technology to search and rescue. Delegates would be aware that this was a field of interest shared by the maritime authorities whose work and that of the Inter-governmental Maritime Consultative Organization (IMCO) in this area had been progressing rapidly. The SARSAT partners realized that this highly technical and still experimental subject was not suitable for detailed discussion in the Technical Commission.
Nevertheless, it was their hope that the Assembly would request the Council to ensure that the progress of activities in SARSAT and similar projects throughout the world was monitored and that reports were circulated on future developments. This would ensure that the interests of civil aviation would be taken into account should any system eventually be proposed for regional or world-wide use.

17. The Delegate of the United Kingdom congratulated the authorities of Canada, France and the United States on what was obviously very costly work. He wished to know if the application of satellites to the detection of emergency locator transmitters (ELTs) was in any way hazarded by the extremely high incidence of spurious operation of ELTs. He also enquired to what extent the three States concerned considered that the application of research would improve an alleged 75% malfunction rate of ELTs.

18. The Delegate of Canada confirmed that the partners were aware of the problems raised and were taking them into consideration in the development and evolution of the system. The initial satellite launch was not planned until 1982 and, in the meantime, approaches to solve these problems would continue to be considered.

19. The Delegate of New Zealand added his congratulations on the development of this project. His country's FIR was very large and mainly over ocean, and many searches were undertaken every year, mainly for ocean going yachts. These yachts increasingly carried ELTs; any improvement in the ability to pinpoint these ELTs would be an enormous advantage for countries with ocean areas. He strongly supported the suggestion that ICAO should monitor and report on developments in the field.

20. The Delegate of Venezuela confirmed that this was a subject which was of great importance in extensive water or mountainous areas such as South America. He agreed that it would be of benefit to all Contracting States for ICAO to disseminate information on the system.

21. There being no further speakers on the subject, the Commission agreed to request the Council to monitor the progress of SARSAT and to keep States informed.

22. At the invitation of the Chairman, Mr. Sharer introduce WP/31 on the legal status of the aircraft commander. He explained that the paper stemmed from a proposal concerning the authority and responsibility of the pilot-in-command subjected to acts of unlawful interference which had been taken up by the Council in 1977 and subsequently referred to the Air Navigation Commission, the Committee on Unlawful Interference, the Legal Committee and, ultimately, to a Panel of Experts on the Legal Status of the Aircraft Commander. The majority view expressed by the panel of experts in its report was that there was no need for new legal regulations of the legal status of the aircraft commander and the panel had not identified any specific operational or legal problems that required a solution. The Council, after considering the panel's report, had decided to defer further action pending a review by the Twenty-third Session of the Assembly.
The Delegate of the Kingdom of the Netherlands called attention to WP/23 on the work programme in the legal field wherein the complete report of the Panel of Experts on the Legal Status of the Aircraft Commander was included. He expressed support for the view that in Annexes 2 and 6 and other relevant ICAO documents the status of the aircraft commander under normal circumstances was adequately defined, and that the various conventions gave sufficient description of the status of the aircraft commander under exceptional circumstances. It would not be feasible to attempt to further regulate the status under exceptional circumstances. However, he did suggest the possibility of publication of the survey of all the relevant specifications concerning the status of the aircraft commander in ICAO publications, as prepared by the informal working group on operational problems related to the legal status of the aircraft commander. The Delegate of France expressed appreciation of the quality of the work carried out by the panel of experts. The Delegates of New Zealand, the United Kingdom, France and Denmark supported the views expressed by the Delegate of the Netherlands that further regulations were not necessary. The Delegate of Chile added his support to the suggested publication of the survey of relevant specifications.

The Observer of the International Federation of Air Line Pilots' Associations (IFALPA) expounded the difficulty of trying to separate legal from operational aspects of the subject. Referring to the conclusions reached by the panel of experts, which included the rejection of IFALPA's proposal for a new convention on the legal status of the aircraft commander, he said that as far as his federation was concerned, certain operational problems still did exist. These centered on the fact that the aircraft commander's authority, except for the time actually spent in flight which was covered in the definition of commander, did not correspond to his responsibility. He cited situations in which the commander's authority might not allow him to adequately discharge his responsibilities in the pre- and post-flight stages.

The Delegate of New Zealand said he had great difficulty in understanding the dilemma of the Observer of IFALPA. As far as he could see, the definitions and the areas of the commander's responsibility were clear and he knew of no problems that had arisen over the years concerning them.

The Delegate of Spain expressed the opinion that Attachment C of WP/23 was relevant to the task referred at the request of the Council to the Technical Commission (WP/31, page 3, paragraph 4) and he called attention to references therein to requirements for improvement of some definitions and provisions, albeit by normal processes of amendment. His delegation could accept in toto the report of the panel including Attachment C to that report. The Delegate of Denmark, while agreeing with the opinion expressed by the Delegate of New Zealand, felt that the relevant parts of WP/23 might warrant some consideration.

The Delegates of Kenya and Iran were of the opinion that with respect to the technical and operational aspects of the subject, the conclusions reached by the Air Navigation Commission were acceptable, and that WP/23 was not relevant to the technical consideration. The Delegate of the United States could not agree that the operational aspects had yet been adequately covered.
28. The Delegate of the United Kingdom, in response to the IFALPA Observer's description of difficulties the aircraft commander might experience with regard to the ejection of unwanted passengers or cargo in the pre-flight stage, stated that while some of these problems might be covered by the new Annex on the carriage of dangerous goods, others went beyond the scope of the ICAO Annexes and would more likely be covered by national legislation as reflected in the operator's manual.

29. The Chairman, in view of the hour, deferred further discussion and adjourned the meeting at 1700 hours.
Minutes of the Third Meeting
(Monday, 22 September 1980, at 1000 hours)

SUBJECTS DISCUSSED

1. Agenda Item 7: Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary

   - Legal status of the aircraft commander

2. Agenda Item 16: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation

SUMMARY OF DISCUSSION

Agenda Item 7: Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary

   - Legal status of the aircraft commander

The Chairman reopened the discussion, carried over from the previous meeting, of WP/31 on the legal status of the aircraft commander. The Delegate of Denmark was of the opinion that given the scope and complexity of the subject, it would be difficult for the Technical Commission, in the short time available, to reach any definite conclusions and that the best course of action would be to request the Council to continue its study of the subject. The Delegate of Spain suggested that the Technical Commission note WP/23 including the report of the Panel of Experts on the Legal Status of the Aircraft Commander as Appendix C of WP/23 deserved more attention and the Technical Commission had not had time to examine it thoroughly. The Chairman explained that WP/23 was assigned to the Legal Commission but that the operational aspects of the subject were covered in WP/31.
2. The Delegate of France pointed out that the Council had already studied the subject and, following its review of the report of the panel of experts, had requested that the Assembly identify operational aspects that required further study. He suggested that the areas that did warrant further consideration included the transport of dangerous goods and the interception of civil aircraft. Also, as the degree to which States applied the Standards and Recommended Practices (SARPS) seemed to be relevant to the interpretation of the legal status of the aircraft commander, more uniform implementation of the SARPS by States should be urged.

3. The Delegate of Japan stated that his delegation felt that the existing provisions were adequate, and that it was important to maintain some degree of flexibility in dealing with acts of unlawful interference. The Delegate of Saint Lucia cautioned against granting the commander of the aircraft authority that properly belonged to the State.

4. The Delegate of the Union of Soviet Socialist Republics supported the opinion that it would be extremely difficult for the Technical Commission to make specific recommendations at this time, and that further study of the subject was needed. He maintained that the problems that remained were primarily legal rather than operational. The Delegates of Argentina and Ecuador concurred with this statement and supported the view that the operational aspects had been adequately covered.

5. The Observer of the International Federation of Air Line Pilots' Associations (IFALPA), reiterating the concern of his federation, stressed the need to resolve existing operational problems associated with the legal status of the aircraft commander. He cited the fact that the Air Navigation Commission's recommendations for dealing with problems arising from acts of unlawful interference had not yet been implemented. Furthermore, a majority of the States surveyed during the preparation for the establishment of the panel of experts had indicated a need for further work on the subject, as had a number of organizations. The material submitted to the panel and its conclusions, which reflected only the majority point of view, indicated numerous outstanding operational problems. He pointed out instances in which the Annexes did not provide adequate coverage. Nor, he insisted, could the operators' manuals be counted on to cover these deficiencies. To deal properly with the situations to which he had referred, the aircraft commander would have to be free to exercise his own judgement on technical and operational matters.

6. The Delegate of France said that the problems described by the IFALPA Observer might be alleviated if his earlier suggestion that States be urged to implement the relevant SARPS were acted upon.

7. The Delegates of Canada, Australia and Denmark were in agreement that there were still operational problems outstanding that could best be resolved by the
Council and the Air Navigation Commission. The Delegate of Canada felt that the comments of the Technical Commission should be taken into account in the course of future consideration. The Delegate of the United Kingdom suggested that if, as suggested by the Observer of IFALPA, further study was in fact considered necessary in relation to operational and technical problems during the pre-and post-flight phases, then that Organization should be requested to submit details of specific problems. These could then be taken into account in any further review by the ICAO Council. The Delegates of Malaysia, Guyana and Kenya added their support to the suggestion that the Council be requested to study the subject further.

Accordingly, the Technical Commission, agreed that in the time available it was not in a position to define specific operational problems but that existing provisions may still need refinement. The Commission therefore considered that the matter should be studied further by ICAO taking into account the work of the Panel of Experts on the Legal Status of the Aircraft Commander. The Technical Commission also agreed that ICAO should publish and distribute to States a comprehensive list of references which are contained in the Chicago Convention, its Annexes and Procedures for Air Navigation Services (PANS) documents relating to the status of the aircraft commander.

**Agenda Item 16: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation**

9. At the invitation of the Chairman, Mr. Munzar introduced Agenda Item 16, according to which the Commission was expected to develop an up-to-date consolidated statement of continuing air navigation policies and practices. The existing consolidated statement was contained in Assembly Resolution A22-18, Appendices A to U, reproduced in Doc 9275. The up-to-date consolidated statement should include any necessary amendments to the existing consolidated statement in Resolution A22-18, as well as any new policies and practices agreed upon during the present session of the Assembly.

10. To date, three working papers had been issued, namely WP/17 presented by the Council, WP/32 presented by the International Federation of Air Line Pilots' Associations and WP/44 presented by the United States. In WP/17 the Council had suggested a specific procedure and certain principles to be followed in the development of the up-to-date consolidated statement. These had been based on experience with the preparation of previous consolidated statements and provided for a three-stage approach to the task. Any decisions taken during Stage 1 would be agreed upon in principle only, while actual wording of the agreed changes would be drafted by the Secretariat and presented to the Technical Commission for approval towards the end of the session, under Stage 3. The Technical Commission might wish to decide first on the procedure to be followed and thereafter to consider the various proposals for specific amendments of the Appendices to Resolution A22-18 contained in the three working papers before it. Those proposals concerned only some of the Appendices to Resolution A22-18 and the Commission was free to discuss the need to amend any of the other Appendices.

11. There having been no objections to following the procedure described in WP/17 which, the Delegate of Denmark remarked, had worked well at the previous sessions of the Assembly, the Chairman invited comments on the Council's proposals for amendment of the Appendices to Resolution A22-18 commencing with Appendix B. The introductory part of
the resolution would be left for Stage 3 since it would require changes to reflect proposals by the United States and any other States that may propose changes to Resolution A22-18.

12. Before proceeding with consideration of Appendix B, the Commission heard a statement by the Delegate of the United Kingdom expressing full support for the procedures covered in Appendix A dealing with the formulation of SARPS and PANS. He laid particular stress on Resolving Clause 6; regardless of the source from which proposed amendments to SARPS and PANS arose, all member States should be given adequate opportunity to comment before firm proposals were considered by the Council.

13. The Delegate of Kenya commented on Appendix A, Resolving Clause 8 which stated that “the applicability dates for amendments to Annexes and PANS shall be so established as to avoid the need for Contracting States to amend their national regulations more often than twice per calendar year”. He would like to see this reduced to once per calendar year, in view of the amount of work which more frequent amendments caused to States, particularly those with small technical administrations.

14. The Delegate of the United Kingdom expressed sympathy with this point of view, but believed that unless some degree of flexibility was retained, implementation of urgent Standards might be hampered. In practice, the Council only established one applicability date each year for Annex and PANS amendments unless there were exceptional circumstances. This was confirmed by Mr. Munzar.

15. The Chairman requested delegates to confine their remarks at this time to those Appendices of the consolidated statement covered in WP/17. When the review of this paper was completed, Appendix A and other Appendices not included in WP/17 could then be considered.

16. The proposed amendment to Appendix B – Air navigation meetings of worldwide scope, was approved without change, the Delegate of the United States reserving the right to return to the matter at the time of consideration of his delegation's WP/44 dealing with the use of study groups.

17. Appendix D – Implementation of Standards and Recommended Practices (SARPS) and Procedures for Air Navigation Services (PANS), as amended in WP/17 was agreed, the Delegates of the United States and the United Kingdom speaking in its support. The proposed amendment to Appendix E – ICAO technical manuals and circulars was approved without change.

18. Turning to Appendix F – Units of measurement, the Delegate of the United Kingdom suggested an editorial improvement to the third Whereas Clause shown in the recommended amendment on page A-8 of WP/17. He believed that in the sixth line the words “but by permitting the use of certain non-SI units ...” should be replaced. As written
the phrase suggested a qualifying clause would follow, which was not the case. Substituting the words "but permits the use of ..." would avoid this. His suggestion was supported by the Delegate of Denmark.

19. In reply to questions from the Delegates of Ecuador and the Union of Soviet Socialist Republics concerning the effect of this change on the other language versions of the text, Mr. Munzar assured the Commission that the Secretariat would arrange for consequential amendments to be made to those versions as necessary. The Chairman also reminded delegates that this was only an initial review; the final wording in all working languages of the Organization would come before the Commission at a later stage, and any translation problems could be dealt with at that time. The proposed amendment to Appendix F was then approved subject to the editorial improvement suggested by the Delegate of the United Kingdom.

20. In a general statement on Appendix F, the Delegate of the United Kingdom said that his administration agreed in principle that units of measurement used in international air navigation should be the subject of international Standards. However, the proposed resolution appeared to go further and suggested that on certain dates all States should adopt a standardized system of units. He was particularly concerned with the proposed changes relating to nautical miles and to the use of feet in vertical measurement where more appropriate units of measurement had still to be found. Any changes must be considered very carefully both in terms of their effect on such matters as separation criteria, changes to maps and charts, inertial navigation systems, etc., and the cost/benefit implications. He was supported by the Delegate of Malaysia.

21. The recommended amendments to Appendix H - Aviation training, were approved without change. The Chairman then invited comments on Appendix K - Formulation of regional plans including regional supplementary procedures, where the recommended amendment dealt with the establishment by the Council of regional planning groups.

22. The Delegate of the United States doubted that the intention of the Twenty-second Session of the Assembly, which had called for a study of regional planning methods, processes and machinery, had been for Council to set up regional planning groups; rather they should be established by the regions themselves if they so wished. However, he did not have Doc 9211 A22-TE available to refer to, and at his request Mr. Munzar read aloud paragraphs 19:6, 19:6.1 and 19:6.2 of the Report of the Technical Commission of the Twenty-second Session of the Assembly where the subject was dealt with.

23. The Delegate of Malawi expressed his support for the amendment to the extent that it reflected the views of the API/6 RAN Meeting. He trusted that Council would consult States of a region in establishing regional and implementation planning groups.
24. The Delegate of the United Kingdom based his support of the proposed amendment on experience with the planning groups of the European and North Atlantic regions. Such groups enabled timely identification and efficient resolution of problems in implementation and in the planning of air traffic and navigational services within a region, problems which might otherwise have to await the convening of a full-scale regional air navigation meeting. Referring to the intervention by the Delegate of the United States, he believed that experience had shown that the authority to establish regional planning groups must lie with the Council since their establishment made considerable calls on the financial and other resources of the Organization, particularly those of the regional offices concerned.

25. The Delegate of Canada suggested that the difficulty felt by the Delegate of the United States might be resolved by changing the proposed amendment to read: “The Council should provide for the establishment of regional planning groups ...”. However, in view of the hour, the Chairman deferred further discussion on the subject until the next meeting.

The meeting was adjourned at 1240 hours.
Minutes of the Fourth Meeting
(Tuesday, 23 September 1980 at 1000 hours)

SUBJECTS DISCUSSED

1. Agenda Item 16: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation
   - Amendments recommended by the Council
   - Air traffic services contingency planning
   - Purposes and working methods of ICAO study groups

SUMMARY OF DISCUSSION

Agenda Item 16: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation
   - Amendments recommended by the Council

1. The Chairman recalled that at the end of the previous meeting the Commission had been dealing with a proposed amendment to Appendix K to the consolidated statement (WP/17). The Delegate of Canada had suggested a change to the proposed amendment to take care of a difficulty expressed by the Delegate of the United States. The Delegate of Canada confirmed that his suggestion was to reword the text to read "The Council should provide for the establishment of regional planning groups ...".

2. The Delegate of Denmark felt that, if this suggestion was adopted, it would not be clear who, in fact, would establish regional planning groups. Mr. Thesen recalled that the regional planning groups under consideration were of a special type and that two such regional planning groups existed and another was being set up. All arose from recommendations of regional meetings which presented their recommendations to the Council
for action. The overall authority rested with the Council and had not been delegated. In his opinion this was reflected both in the original text in WP/17 and in the suggested alteration by Canada.

3. The Delegate of France said that Mr. Thesen's explanation confirmed his understanding that the Council would continue to have the authority to establish or refuse to accept any proposals for the establishment of regional planning groups, and that the Canadian suggestion would not change this. The Delegate of Spain was in favour of retaining the text as it stood in WP/17, as were the Delegates of the United Kingdom and Denmark.

4. In response to a question by the Delegate of Venezuela who wondered whether regional planning groups included experts in search and rescue, fire fighting and accident prevention, Mr. Thesen informed him that this was not the case; the members of such groups were normally high-level air navigation systems planners.

5. In view of the preference shown by several speakers for retention of the text proposed by the Council, the Delegate of Canada withdrew his suggested amendment. The Delegate of the United States explained that his State had interpreted the wording as written to mean that regional planning groups were to be merely a means of keeping regional plans up to date. He now understood that what was meant was that they would perform implementation work. On that basis he could accept the original wording.

6. There being no further speakers, the proposed amendments to Appendix K—Formulation of regional plans including regional supplementary procedures, and Appendix R—Ground and flight testing of radionavigation aids, were approved without change. This completed consideration of WP/17.

- Air traffic services contingency planning

7. The Chairman invited the Observer of the International Federation of Air Line Pilots' Associations (IFALPA) to introduce WP/32 presented by his federation, and dealing with air traffic services contingency planning.

8. The IFALPA Observer explained that the paper stemmed from difficulties experienced during past disruptions of air traffic services, and from a belief that there was a need for an ICAO capability to react positively and rapidly to States' requests for assistance when emergency situations arose. Basic to the concept was that ICAO should be advised whenever a situation arose which significantly affected the normal flow of international air traffic for a protracted period. Of course, ICAO involvement in ATS contingency planning could occur only after a specific request for assistance had been received and remedial measures could only be implemented with States' approval. ICAO's role could probably encompass several aspects. The planning functions could involve members of the ICAO Secretariat of various specialties, together with experts from States and appropriate international organizations. Specific contingency planning would occur
only after details of the situation were known and defined; planning guidelines would be used. The final plan could cover procedures to be followed, the facilities needed to implement remedial measures, and co-ordination with States able to provide assistance. Some aspects could probably be delegated to ICAO regional offices which could provide valuable "on the scene" assistance. If it was decided that the basic concept was valid, he suggested that the Commission request the Secretariat to reflect its ideas in a form which could subsequently serve as a basis for determining the structure of ATS contingency planning.

9. The Delegate of the United Kingdom believed that the phrasing of paragraph 2.2 of WP/32 could be read as suggesting that groups of States should attempt to provide service within the sovereign airspace of another State, which would be to usurp that State's sovereign authority and functions. While he welcomed IFALPA's proposal in principle, the wording of any resolution must make clear that it related only to international airspace over non-territorial waters.

10. The Delegate of Guyana expressed his support for both the IFALPA proposal and the point made by the Delegate of the United Kingdom. However, he thought that in the case of an emergency due to military or political unrest a United Nations resolution might carry greater weight.

11. The Delegate of Canada associated himself with those speakers who had supported the IFALPA paper, and, on behalf of his administration, offered to provide assistance to ICAO based on the expertise of the Canadian contingency planning service. As far as that portion of paragraph 2.3 dealing with notification was concerned, he took note that in relation to requests for assistance, such should not be interpreted to mean that the Organization would substitute itself for the State or States affected.

12. Supporting the concept outlined in WP/32, the Observer from the International Air Transport Association (IATA) commented that should contingency planning be limited to international waters, it would not be fully effective. It should be possible under Article 1 of the Convention for one State to assign responsibility to another for a limited period of time.

13. The Delegate of Spain was concerned that the IFALPA suggestion might have legal implications. He believed the Technical Commission could only recommend to the Assembly that the Council undertake a study of the question.

14. The Delegate of France was concerned that acceptance of the IFALPA suggestion might create a precedent and lead the Organization to deviate from its objectives by placing responsibility for operational matters on the Secretariat. However, if the idea was to make available to States planning criteria to enable them to face emergency situations, he could accept it.

15. Expressing appreciation of the objective of the IFALPA paper, the Delegate of Ecuador reiterated the concern expressed by the Delegate of Spain as to the legal
implications, particularly when the emergency situation arose from a domestic labour problem. He was supported by the Delegate of Venezuela.

16. The Delegate of the Union of Soviet Socialist Republics expressed concern about the implications of the suggestion on the question of national sovereignty. He believed it would be difficult to find a solution at this stage. The best that could be done was to report to States and invite them to comment.

17. Referring to paragraph 2.3 a) of the paper, the Delegate of the United States suggested that not only ICAO, but users too, should be notified of disruptions, and notified early. With regard to paragraph 2.3 b), while the development by ICAO of a set of basic planning principles was admirable in theory, it would be difficult to achieve in practice, and he referred to the LIN/NAT RAN Meeting (1976) which had explored the subject at length but had been unable to come up with any firm proposals.

18. The Delegates of Japan and Kenya associated themselves with the concern felt about the legal implications. In addition, the Delegate of Kenya pointed out that while it might be helpful for ICAO to work out a contingency plan, it was up to the States in the region concerned to implement it; a resolution might better be directed at them.

19. The Delegate of the United Kingdom hoped that the Technical Commission would not attempt to develop hard and fast rules which might subsequently be found embarrassing. However, there was a need for contingency planning criteria, and he believed that the material developed by the CAR/SAM RAN Meeting (1976) and referred to in paragraph 2.3 b) of the IFALPA paper was a useful starting point.

20. The Delegate of Niger believed that it would be difficult for the Technical Commission itself to develop detailed guidelines. As previous speakers had pointed out, it was up to the States concerned to take the necessary measures in an emergency. Nevertheless, he recalled that in his region, when emergency measures had had to be taken, the various countries concerned had co-operated under the aegis of ICAO and had found a satisfactory solution, and this was how he envisaged the IFALPA suggestion being carried out.

21. Mr. Gaustad then provided background information on past air traffic services disruptions in various parts of the world, which were due to labour conflicts, civil disorder, military conflict or natural disasters. These disruptions were often accompanied by breakdown of supporting communications, meteorological and aeronautical information services. In cases of labour conflicts, the national administrations had been able to take action to cope with the air traffic problems by such means as re-routing international air traffic, restricting domestic traffic, imposing flow restrictions or providing interim services by military or supervisory staff. In some cases ICAO had been informed, in others the information had been received through the news media or through other international organizations. Assistance from ICAO had not normally been called for nor been required. In cases where the disruption was caused by civil disorder and
military conflicts, national administrations had not been able to function properly and ICAO had been called upon to develop, promulgate and implement contingency measures for the area concerned. Such action had been taken on an ad hoc basis under the authority of the President of the Council. To differentiate between territorial airspace and airspace over the high seas was not a very practical suggestion because an air traffic control centre might be responsible for providing services over both national territory and the high seas; for traffic to continue to flow one had to look at both aspects. There had been cases when international traffic had been permitted to continue to operate over national territories without the benefit of air traffic services. In such cases arrangements had to be made to provide for automatic separation as far as possible. It was admittedly difficult to develop in advance contingency plans sufficiently detailed to cater for every possible situation, but one could develop certain basic criteria to be applied in an emergency, such as those described by the CAR/SAN RAN Meeting in paragraph 7.88 of its Report (Doc 9194). Referring to those criteria, he remarked that temporary assignment of responsibility to adjacent area control centres/flight information centres (ACCs/FICs) was difficult in cases of labour conflicts, but was a distinct possibility in other cases. Fixed flight level assignments and fixed routings had been applied in a number of cases and had been reasonably successful. The possible need for additional temporary communications links was important both in cases of temporary reassignment of responsibility and in cases of breakdown of essential communication links, as was the development of procedures for the activation and subsequent cancellation of the contingency measures. As far as ICAO’s role was concerned, the Secretariat believed that it could help to develop contingency plans and assist in their activation, particularly when national administrations were not in a position to take appropriate steps, or when there were problems of co-ordination between the States concerned.

22. The Delegate of Trinidad and Tobago recalled that communications within the Piarco Flight Information Region had been disrupted by the recent hurricane Allen, although the air traffic control centre itself was not affected. All the steps mentioned by Mr. Gaustad had been taken, but only on an ad hoc basis. From this experience, there is a basis for recommending contingency planning such as that called for by IFALPA in which ICAO would be involved.

23. The Delegate of Denmark found Mr. Gaustad’s explanation very helpful. As a user State his administration had great sympathy with IFALPA’s paper, but believed it would be difficult to plan ahead for many different contingencies which could really only be dealt with on an ad hoc basis.

24. The Delegate of France believed the problem revolved around paragraph 2.3 of WP/32, not all of which seemed to be sufficiently mature. For instance, the problem of notification was not so much that notification should be made, but rather by whom it should be made. It was not enough to specify that the State directly involved should be the one, since there were sometimes emergency situations in which the whole communications system of a State broke down and that State could not send any notification. On the other
hand, to delegate authority to an adjacent State might require new legal measures to be set up. He doubted whether this was within the purview of the Assembly.

25. The Delegate of Ecuador recognized the importance of the problem with respect to air traffic services contingency planning to which the IFALPA Observer had drawn attention in WP/32. He felt the matter might well have legal implications, particularly where it involved labour problems, and that any solution that was proposed would have to respect the sovereignty of States. He therefore suggested that the subject be referred first to the Legal Commission of the Assembly and then to the Council with a request that, in consultation with States, it carry out an in-depth study.

26. The Delegate of the Kingdom of the Netherlands, referring to work done at the Twenty-second Session of the Assembly (Assembly Resolution A22-18, Appendix N, Associated Practice 3), suggested that a fourth associated practice be drafted to cover the proposed study by the Council. Mr. Munzar pointed out that the Appendices were associated with the consolidated statement of continuing policies and associated practices related specifically to air navigation. Initial studies, as in this case, were normally dealt with in separate resolutions.

27. The Delegates of Barbados, Lebanon, Venezuela and Spain supported the suggestions of the Delegate of Ecuador. The Delegate of Barbados cited conditions experienced in the Caribbean and South America which gave emphasis to the need for contingency planning. The Delegate of Spain concurred with a comment of the Chairman to the effect that the Legal Commission might not be able to accept the task at the current Session of the Assembly and that referral should be directly to the Council. The Delegate of Lebanon believed that the question under discussion was purely technical and involved solely the safety of the aircraft in regions experiencing an emergency.

28. The Delegate of the United Kingdom was of the opinion that it would not be appropriate to refer this subject to the Legal Committee. Rather it should be referred to the Council with a view to the development, taking into account the sovereignty of States, of co-ordinated procedures and the publication of basic contingency planning criteria. This suggestion was supported by the Delegates of Norway, Canada, Trinidad and Tobago, New Zealand, Spain, the United States and Argentina. Mr. Thesen indicated that the Council, in its study, would also need to define the role intended to be played by ICAO in the matter of contingency planning.

29. The Chairman perceived a majority opinion in favour of directing the subject to the Council for further study, leaving it to that body as to how the various aspects, including the legal, could best be handled. The Technical Commission agreed that a resolution be drafted to that effect.

30. The IFALPA Observer expressed the sincere thanks of his federation for the excellent discussion and the support given its proposal by the Technical Commission.
31. The Delegate of the United States, at the invitation of the Chairman, introduced WP/44 on the development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation with respect to study groups. He called attention to an editorial correction to page 2, the fifth line from the bottom, to insert "working panels and" after "of" at the end of the line. The paper, he stated, had been prepared by the Federal Aviation Administration (FAA), an organization that was responsible for the participation of many of the study group members, after extensive consultation with aviation interests throughout the United States. It was based on the Air Navigation Commission and Council working papers (AN-WP/3011 and C-WP/5072, respectively) which first proposed the use of study groups. Quoting from the minutes of the Council meeting at which that proposal had been discussed, he highlighted differences between the interpretation of the concept given in WP/44 and that presented in related DP/1TE submitted by the Secretary. He mentioned particularly the nature of the tasks assigned to study groups which should not concern regulatory matters nor be of predominantly national concern, and the proliferation of study groups. The United States had always supported the use of study groups where they could serve as a useful tool for the Secretariat, but it was concerned that their use not be abused. Again quoting the minutes of the Council meeting, he specified two conditions prescribed for the creation of study groups -- that the subjects for which they were created should have a high priority on the work programme of the Air Navigation Commission and that the Secretariat must convince the Air Navigation Commission that a study group was necessary.

32. The Secretary presented DP/1TE which provided background information as well as the history of some of the current working groups. As far as the abuse of study groups was concerned, he emphasized that study groups were not established without prior agreement of the Air Navigation Commission and the knowledge of the Council. Calling attention to the enormous growth of civil aviation in the 15 years since the first working groups were established and, consequently, to the changed technological environment which existed today, he explained that it was with the help of small groups of highly skilled advisers that the Air Navigation Commission and the Secretariat were managing to cope with ever-increasing technological complexity and to prepare material so that it could be used by panels or even by world-wide divisional-type meetings attended by the greatly increased membership of ICAO. Another factor that should be borne in mind with regard to the use of study groups was the current zero-growth posture of the Organization with regard to its staffing (establishment). He felt that the pressures for increasing dependence on the help of small, highly specialized study groups might be even stronger in the future.

33. In view of the hour, the Chairman suspended further discussion of WP/44 and DP/1TE until the next meeting.

The meeting was adjourned at 1235 hours.
THIS PAGE INTENTIONALLY LEFT BLANK
Minutes of the Fifth Meeting

(Wednesday, 24 September 1980 at 1000 hours)

SUBJECTS DISCUSSED

1. Approval of the minutes of the first and second meetings

2. Agenda Item 7: Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary

    - Approval of the draft report material

SUMMARY OF DISCUSSION

Approval of the minutes of the first and second meetings

1. The minutes of the first meeting were approved subject to two amendments proposed by the Delegate of the United Kingdom. In the first line of paragraph 20 the word "Secretariat" was replaced by the word "Organization". In paragraph 33 the words "and the deferment of a European regional air navigation meeting to 1984 or later" were added at the end of the second sentence.

2. A number of changes were made to the minutes of the second meeting. In paragraph 8, the Delegate of Malaysia amended the word "planning" to read "plans", in paragraph 19, the Delegate of New Zealand wished the word "largest" to be deleted and in paragraph 20, the Delegate of Venezuela requested that the word "desert" be replaced by "mountainous". At the request of the Delegate of Canada, paragraph 18 was amended to read: "... the partners were aware of the problems raised and were taking them into consideration in the development and evolution of the system. The initial satellite launch was not planned until 1982 and ... these problems would continue to be considered." The minutes of the second meeting were approved subject to these amendments and to the incorporation of amendments submitted to the Secretary by the Delegates of Spain and of France.
Agenda Item 7: Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commissioner by the Plenary

- Approval of draft report material

3. At the commencement of the Commission's consideration of that part of the Draft Report on Agenda Item 7 presented in WP/62, Mr. Montgomerie explained that the report traditionally only contained enough information to convey to the Plenary a brief understanding of the substance of the Commission's debate. It was intended to be read together with the minutes which were more extensive and detailed.

4. Commencing the debate on the paper, the Delegate of Denmark noted that the need to undertake further processing of the amendment to Annex I by means of a panel or a divisional meeting was touched upon only briefly in paragraph 7:2, and was not shown as one of those subjects receiving special attention. The subject was a special concern of his and he believed it had received extensive support by the Commission. However, in view of Mr. Montgomerie's remarks that the report was to be read in connexion with the minutes, he would not press for a change.

5. The Delegate of Canada agreed that the paragraph seemed to suggest that the subjects contained in it were less important than those in paragraphs 7:3 and 7:4. He suggested that it would be preferable to delete the final sentence and reword the first sentence to read: "Under this item several matters were deemed to require special attention. These included ...". His suggestion having been supported by the Delegate of Denmark, the change was agreed.

6. Referring to the same paragraph, the Delegate of Spain remarked that he believed the meaning of the clause reading: "the need for ICAO to ensure that Secretariat posts demanding scarce skills were not permitted to remain vacant for long periods" was misleading. It could be understood as suggesting that posts demanding skills which were not scarce could be allowed to remain vacant.

7. The Delegate of New Zealand believed that a positive rather than a negative statement would be better and suggested rewording "were not permitted to remain vacant" to read "were kept filled so far as is practicable".

8. The Delegate of the United Kingdom believed that the discussion on the matter at the first meeting had been restricted to the staffing of the Aviation Medicine (MED) Section, a point raised by the Delegate of Australia. Confirming this impression, the Delegate of Australia expressed his satisfaction with the text in paragraph 7:2; however he could appreciate the point made by the Delegate of Spain, and he suggested using the words "especially those demanding scarce skills". He was supported by the Delegate of the United Kingdom. The Delegate of Nigeria suggested replacing "demanding scarce skills" by "especially those demanding special skills".
9. Declaring that he could agree to either suggestion, the Delegate of Norway said that the real issue was whether to put something on this subject in the report or not. No objection to its inclusion being received, a preference for using the word "special" or "specialized" was expressed by the Delegates of Canada and Cuba. The Delegates of New Zealand and France were confident that the Secretariat would be able to find wording to satisfy everyone. This being agreed, the Commission turned to paragraph 7:3 of WP/62 dealing with the air navigation meeting programme for 1981-83.

10. The Delegate of the United Kingdom requested that the third sentence of paragraph 7:3.1 be amended to read: "One delegation considered that the Commission should alert the Administrative Commission to the fact that two meetings now programmed were unlikely to be held during the triennium ...". This would reflect the change agreed to in paragraph 33 of A23-Min. TE/1.

11. The Delegate of Kenya felt that this sentence and the one following could be deleted. He had understood that the Secretariat was to pass the matter directly to the Administrative Commission. By including it in the report, it would only appear before the Plenary and the Administrative Commission would not be able to take it into consideration. The Delegates of Spain, Nigeria and Niger supported the proposed deletion.

12. The Secretary pointed out that in fact a memorandum had been delivered to the Secretary of the Administrative Commission during the weekend, alerting him to the Technical Commission's concern about this point.

13. The Delegate of the Union of Soviet Socialist Republics was of the opinion that the Commission's concern about the effect on the budget, and on the work of other bodies, of the postponement of two air navigation meetings should be reflected in the report. The Delegate of France agreed with this view, particularly as the budget for the next triennium would be voted within the next few days. Contracting States should know from the report what meetings were to be taken into account.

14. Noting that a majority of speakers supported the idea of deleting the third and fourth sentences of paragraph 7:3.1, the Chairman asked if the Commission could accept such a proposal. The Delegate of the United Kingdom objected. The two sentences reflected facts that could affect the meeting programme of the coming triennium. The Technical Commission had a responsibility to the Organization to ensure that the budgets relating to meeting programmes were as accurate as possible. Furthermore, as far as he was aware, the memorandum submitted to the Administrative Commission covered only those changes to the meeting programme which had been approved by the Council. The two sentences in question gave additional information concerning the probable postponement of two meetings, postponements likely to have a strong influence on the budget. He believed it was vital that they appear in the Report of the Technical Commission as the basis for action to be taken by the Assembly.

15. The Delegate of the Federal Republic of Germany associated himself fully with the views expressed by the Delegates of France and the United Kingdom and supported
the retention of the whole of paragraph 7:3.1. The Delegates of Barbados, the United States, Norway and Canada were of the same opinion. The Delegate of Spain said he still wondered whether or not the Technical Commission found the work programme adequate. The Chairman indicated that the point could best be covered in the latter part of the report and he requested the Secretary to prepare a paragraph to be reviewed in conjunction with the latter part of the report.

16. The Technical Commission accepted paragraph 7:3.1 subject to amendment of the third sentence to reflect that one delegate considered that the Commission should alert the Administrative Commission to the fact that the timing of the full scale ASIA/PAC RAN and EUR RAN Meetings currently programmed to be held during the triennium were now likely to be significantly changed and that there would be a consequential effect on the budget of the Organization.

17. A number of suggestions were offered with respect to the wording of the last sentence of paragraph 7:4.1. The Delegate of Canada was concerned that the Council should be urged, in accordance with WP/47, paragraph II, to initiate action and to take appropriate measures to monitor future developments in the field. The Delegate of France felt that mention should be included of the Technical Commission's concern regarding the inappropriate or accidental functioning of emergency location beacons-aircraft (ELBAs). The Delegate of Kenya preferred to retain the wording as presented in WP/62 as did the Delegate of Canada. The Delegate of the United Kingdom who, however, could accept the inclusion of a reference to ELBAs. The Delegate of Ecuador pointed out that ICAO had been directed at the previous session of the Assembly to monitor developments in aeronautical satellite operations, and therefore he agreed with the text proposed in the report.

18. The proposal of the Delegate of the United Kingdom for amendment of the text of the last sentence in paragraph 7:4.1 to read along the following lines, "The Commission agreed to request the Council to monitor the programme with a view to ..." was supported by the Delegate of New Zealand and accepted by the Technical Commission. The Secretary was requested to provide, for approval as part of the report, a text to cover the point concerning ELTs raised by the Delegate of France.

The meeting was adjourned at 1235 hours.
Minutes of the Sixth Meeting
(Thursday, 25 September 1980 at 1000 hours)

SUBJECTS DISCUSSED

1. Draft text for the Report on Agenda Item 7

2. Agenda Item 17: Assembly resolutions to be consolidated or to be
declared no longer in force
   - Assembly Resolution A16-5

3. Agenda Item 7: Consideration of those parts of the Annual Reports of the
   Council to the Assembly for 1977, 1978 and 1979 and Work
   Programme for 1981-83 which have been referred to the
   Technical Commission by the Plenary

SUMMARY OF DISCUSSION

Approval of draft text for the Report on Agenda Item 7

1. In considering the draft text for the Report on Agenda Item 7 with respect
to the legal status of the aircraft commander presented in WP/64, the Delegate of Denmark
discerned a need for co-ordination of the actions of the Technical Commission and
those of the Legal Commission on this subject. The Secretary explained that such co-
ordination would be effected by and was the proper concern of the Council.

2. A suggestion by the Delegate of Chile, that references to the status of the
aircraft commander in the Chicago Convention, its Annexes and Procedures for Air Naviga-
tion Services (PANS) documents should be compiled in a document rather than in a list as
stated in the last sentence of paragraph 7:5.5, was not pursued.

3. In response to a comment by the Delegate of France, the Secretary suggested
that an inconsistency between the English and French texts of the first sentence in
paragraph 7:5.5 could be overcome by the insertion of the words "some of the" in the
English text between "that" and "existing provisions". The suggestion was accepted.
4. Returning to paragraph 7:5.4, the Delegate of Japan pointed out that it was not clear from the wording of the second sentence why ICAO should study the matter further. The Delegate of Nigeria supported this opinion. Although, as the Chairman pointed out, the text did reflect accurately the deliberations that had taken place, the Delegate of the United Kingdom recalled that at the third meeting he had suggested that ICAO should, in its further consideration, take into account any specific problems that might, in future, be raised by the International Federation of Air Line Pilots' Associations (IFALPA); however, he agreed that the report accurately reflected the conclusions of the Commission's discussions.

5. The Delegate of Australia made a suggestion, which was supported by the Delegates of the United Kingdom and France, that before it approved the draft report on the legal status of the aircraft commander, the Technical Commission should first approve the minutes of the third meeting. The Chairman, in the absence of any opposition, thereby deferred further consideration of the draft report presented in WP/64 to the next meeting.

6. Further to the draft report material being submitted on Agenda Item 7, the Chairman requested the Secretary to draft an appropriate paragraph expressing the appreciation of the Technical Commission for the work accomplished by the Council and the Air Navigation Commission in the air navigation field in the triennium covered by the report.

Agenda Item 17: Assembly resolutions to be consolidated or to be declared no longer in force

- Assembly Resolution A16-5

7. The Chairman opened the discussion on Agenda Item 17, Assembly resolutions to be consolidated or to be declared no longer in force, with respect to Assembly Resolution A16-5: Possible application of systems planning to the introduction of new aircraft types. He indicated that page 10 of WP/12, developed by the Council, was relevant to this discussion along with WP/40 presented by Denmark, DP/2TE presented by the Secretary and DP/3TE presented by France.

8. At the request of the Chairman, the Delegate of Denmark introduced WP/40 in which was explained the reluctance of his country to having the task in question assigned to ICAO. It felt that the work done over the past twelve years should be assessed in order to determine whether or not it warranted continuation, and, if it did, how best it could be handled. He was particularly anxious to hear the related opinions and experience of other delegates and of organizations.

9. The Delegate of France introduced DP/3TE which stated the view of the administration of France that despite the effort of States to implement the co-ordinated planning system, the results so far had been disappointing. It was suggested (and here he indicated that in paragraph 1.2 of the English text the word "proposes" should be replaced by "suggests") that improvements could be introduced to reduce the cost of the programme and to better serve States.
10. Mr. Yuille then introduced DP/2TE prepared by the Secretary in response to a request in WP/40. It explained the cost of the information system provided by the Aviation Systems Study Section (AVSYS) and described its two-fold activity based on the co-operation between States and the aircraft manufacturing industry. The manufacturers made available detailed data on aircraft characteristics susceptible to interface with airport physical characteristics, and States contributed to the maintenance in an up-to-date computer bank of airport data including data on future plans. Figures concerning the free distribution of information were available in detail. The analysis of cost figures clearly showed that the cost of the system centred on staff salaries; printing and distribution costs figured only when the ICAO data bank documentation was distributed, free to States, all other distribution costs being paid for by subscribers. The future activity was expected to be stable, and costs were expected to be as budgeted in accordance with Doc 9290, Work Programme of the Organization for 1981-83, if Resolution A16-5, as amended in WP/12, was accepted.

11. The Delegate of the United Kingdom, while granting the point raised in WP/40 regarding the cost to Contracting States of collecting data from which they did not benefit directly, nevertheless pointed out that those States did benefit, indirectly, from the use made of the information by their manufacturing industries and airport operators. It was true that at the time Assembly Resolution A16-5 was formulated, major new developments were occurring in the aircraft industry, but that industry was constantly in a state of transition and it appeared that current conditions might again dictate extensive change. If not ICAO, who could provide information for co-ordinating the changes? He saw need to continue the AVSYS programme, and he felt concern that those who did depend on the service had no direct representation at this discussion. He urged that a detailed study be carried out before any firm conclusions regarding the continuation of the AVSYS Section were reached.

12. The Delegates of Nigeria, Iran, Canada, and Kenya supported the views expressed by the Delegate of the United Kingdom. The Delegate of Nigeria pressed for retention of the AVSYS programme pending a careful examination. The Delegate of Iran said that even if the results had not been impressive so far, it was a complex task and might require some time before the benefits, which accrued to all States, would become evident. The Delegate of Canada felt it would be premature to invalidate Assembly Resolution A16-5 at this time but he recognized the need to update it in the light of current circumstances and expressed appreciation for suggestions in that respect offered by France in DP/3TE. The Delegate of Kenya mentioned how valuable such type of information would have been to his State at the time the wide-bodied aircraft came into service.

13. The Observer of the International Air Transport Association (IATA) stated that his association was strongly in favour of the continuation of the AVSYS programme, and that it felt that ICAO was the Organization best equipped and suited to carrying out this essential task. Data programmes were usually most costly in their initial phases and could be continued at more modest expense. Among the benefits of the programme particularly appreciated by IATA was the spirit of rapport between manufacturers and airport
operators that it had engendered. He called attention to the fact that the manufacturers had made efforts to match those of ICAO. The data bank, which was used extensively by IATA in preparing for ICAO regional air navigation meetings, must also be extremely useful to ICAO in planning for those meetings. He felt every confidence in the Council's ability to oversee this item of its work programme.

14. The Delegate of the Union of Soviet Socialist Republics associated himself in general with the views put forward by the Delegate of the United Kingdom. However, he had to make some points. Firstly, Resolution A16-5 had been adopted in 1968 when wide-bodied aircraft were being introduced. It was now difficult to envisage any new aircraft with such an effect on the aerodrome infrastructure. In any case, the information provided by ICAO went hand in hand with the information from aircraft manufacturers. He wanted to stress that aircraft manufacture was not taking place in a vacuum; the designers of aircraft had all the necessary information available on airport infrastructure. Therefore, he could support the proposal by the Delegate of Denmark to a certain extent and believed that Resolution A16-5 should be amended.

15. The Delegate of the United States admitted that his first inclination had been to support the Danish proposal in order to save $100 000. However, he had been in touch with representatives of the aviation industry in his country and had learned just how useful they found the AVSYS data bank. Moreover, they themselves worked hard to send their own information to aviation authorities and airport administrations. In fact one particular company claimed that it spent more than ICAO did to carry out its part of the work.

16. The Delegate of Senegal thought it would be premature to put an end to coordinated systems planning. However, he requested that the cost/benefit ratio be improved. The Delegate of Singapore believed that it would be premature to discontinue systems planning.

17. The Delegate of Spain said that his delegation shared the doubts expressed regarding the continued implementation of Resolution A16-5. However, he hoped that the Technical Commission would not recommend an amendment to that resolution without a study. He suggested the Commission recommend that the Assembly retain the existing resolution, and instruct Council to re-evaluate the task and report to the next session of the Assembly as proposed by France in DP/3TE.

18. The Delegate of the Kingdom of the Netherlands supported the points made by the Delegate of the United Kingdom and said that he feared that to disband the data bank would mean wasting the great efforts made by the Organization in the past, while there was no guarantee that the same exercise might not have to be undertaken again in a few years, at great cost.

19. The Delegate of France thanked all those who had supported his paper and proceeded to clarify some points in it. ICAO systems planning had been introduced because of doubts about the efficacy of planning for new aircraft types. However DP/2TE did not
provide any assurance that this type of planning would apply to future aircraft types. Systems planning at present seemed to be directed primarily to aircraft manufacturers. However, in civil aviation other parties were also involved such as the airlines who purchased aircraft and the States who provided the airport infrastructure. Systems planning must be implemented between them so that, for instance, airlines would be aware of the costs of the aircraft type they were selecting, including such costs as airport charges. It did not seem to him that ICAO had established an efficient system but he agreed with the IATA Observer that there was no other body capable of doing this work. He therefore proposed firstly, that the objectives should be concisely defined and should be made available to both the aircraft manufacturers and the providers of the airport infrastructure. Secondly, he suggested that the Commission request that a report be made to the next AGA Divisional Meeting which would allow States to evaluate clearly the costs, to the infrastructure, of new aircraft types. Thirdly, he believed Council should be asked to make a critical assessment of both the objectives and of results already obtained in the systems planning process.

20. The Observer from the Agency for the Security of Aerial Navigation in Africa and Madagascar (ASECNA) supported the views expressed by previous speakers, in particular the Delegate of the United Kingdom and the IATA Observer; Resolution A16-5 should continue to be applied in its essential content. The rhythm of evolution of the aeronautical industry was such that the member States of ASECNA would encounter increasing difficulties in withstanding the impact without this data bank.

21. The Delegate of Barbados said that his country had found the information of great value in airport development. He stressed the importance of information on new aircraft types being made available in good time, and felt that to stop the process at this stage would not be beneficial. He therefore supported the position of the Delegate of the United Kingdom, while agreeing that due attention should be paid to the intent of the French discussion paper.

22. The Delegate of Malaysia believed the data bank was especially useful for developing countries. His State would continue to supply input for it, and would support continuation of the project.

23. Expressing gratification at the response to his original intervention, the Delegate of the United Kingdom said that he did not want to leave the impression that his country had no problems whatsoever with the continued operation of the airport data bank. The United Kingdom was concerned about the cost and effort involved for States in the routine updating of the information in the data bank, and also wished to explore how those who seemed to benefit most directly from it -- aircraft manufacturers, airlines and airport operators -- might be encouraged to contribute in a more tangible and timely form. For example, as he understood it from the IATA Observer, the Boeing Company was only just distributing information on the 757, an aircraft which might be in operation within less than two years. He believed that this was not good enough. States and airport operators needed such information as early as possible, otherwise they were only able to act after airlines had actually placed orders and expressed the intention of introducing a new
than two years. He believed that this was not good enough. States and airport operators needed such information as early as possible, otherwise they were only able to act after airlines had actually placed orders and expressed the intention of introducing a new aircraft type on routes to particular aerodromes. He also suggested that a review could be made of the system of updating of the airport data bank. Requesting States to update their information at a particular time involved considerable workload and co-ordination between regulatory authorities and airport operators. Possibly Council could suggest that States be requested to advise ICAO of any significant proposed developments as and when necessary rather than every year or two. In conclusion he stressed that there were doubts about the efficiency of and need for the system as presently implemented, doubts about the costs and who should bear them. Therefore, he supported the recommendation put forward by France in paragraph 3.3 of DP/3TE.

24. The Delegate of the United States pointed out that while manufacturers could design aircraft capable of landing more or less anywhere, this was not necessarily energy-efficient. Was it better to fit the infrastructure to the aircraft or the aircraft to the infrastructure? That was the real question to be considered in relation to costs.

25. The Delegate of Denmark expressed great interest in all the comments which had been made. He thought that his paper had served its purpose, which was to see whether the AVSYS programme should continue. He noted that it was clear that there was considerable support for it. However there was also a feeling that there might be a need to update a programme based on an Assembly resolution twelve years old. He agreed with the Delegates of France and the United Kingdom that the Organization should evaluate the system and report to the next Assembly.

26. The Chairman confirmed the analysis of the feeling of the Commission made by the Delegate of Denmark. In the light of the preceding discussion he hoped that the Secretariat would be able to produce a revised draft of Resolution A16-5, such a redraft to take into account the action proposed in paragraph 3.3 of DP/3TE presented by the Delegate of France.

27. The Delegate of Denmark questioned whether the French proposal could be fitted into the Assembly resolution to be updated as shown on page 10 of WP/12. The Delegate of France suggested that two separate resolutions, one dealing with the concept of systems planning and the other with its application, might be easier to draft. The Delegate of Spain agreed that it would be less confusing to present the French proposal separately. The Commission then agreed to leave this problem of drafting to the Secretariat.

Agenda Item 7: Consideration of those parts of the Annual Reports of the Council to the Assembly for 1977, 1978 and 1979 and Work Programme for 1981-83 which have been referred to the Technical Commission by the Plenary

28. The Chairman recalled that at the first meeting of the Technical Commission, approval of that section of the Work Programme of the Organization for 1981-83 (Doc 9290) dealing with further work by the AVSYS Section had been deferred until the subject had been taken up under Agenda Item 17.
29. The Delegate of Denmark remarked that he could now approve the work programme. The Delegates of France and the United Kingdom agreed, but sought reassurance that this did not mean that the Council could not reassess the situation if necessary. Mr. Munzar confirmed that this was true of the work programmes of all parts of the Organization. Additionally, the Delegate of the United Kingdom sought clarification as to whether the staff costs shown in paragraph 37 of the Work Programme for 1981-83 (Doc 9290) or those in the Budget Estimates (Doc 9287) were correct as there seemed to be a discrepancy. Mr. Munzar confirmed that those figures shown in the Budget Estimates were the most up-to-date. There being no other speakers, this concluded the Commission's deliberations on Agenda Item 7.

The Chairman adjourned the meeting at 1230 hours.
Minutes of the Seventh Meeting

(Friday, 26 September 1980, at 1000 hours)

SUBJECTS DISCUSSED

1. Approval of the minutes of the third meeting

2. Approval of draft text for the Report on Agenda Item 7

3. Agenda Item 16: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation

   - Purposes and working methods of ICAO study groups
   - Delineation of air traffic services (ATS) airspace

SUMMARY OF DISCUSSION

Approval of the minutes of the third meeting

1. The minutes of the third meeting were approved subject to amendments to paragraphs 1 and 7 by the Delegates of Spain and the United Kingdom, respectively, and an editorial amendment to the last sentence in paragraph 25 such that it read, "However, in view of the hour, the Chairman ...".

Approval of draft text for the Report on Agenda Item 7

2. The Chairman, recalling that approval of the draft text for the Report on Agenda Item 7 with respect to the legal status of the aircraft commander presented in 4P/64 had been deferred pending approval of the minutes of the third meeting, reopened discussion on that paper.
3. Responding to the indication by the Delegate of the United Kingdom that the accuracy of the last sentence of paragraph 7:5.4 could be improved, the Chairman suggested that the words "would undoubtedly" be amended to read "might". A number of other wordings were suggested. However, the Delegate of New Zealand proposed that the text suggested by the Chairman be adopted. This proposal was supported by the Delegates of Spain, Senegal, the United Kingdom and Nigeria, and was accepted.

4. The suggestion of the Delegate of Canada, supported by the Delegate of France, that the words "some of" be inserted between "that" and "the" in the second sentence of paragraph 7:5.5 was accepted. The draft report material presented in WP/64, subject to the amendments just accepted, was approved by the Technical Commission.

Approval of draft text for the Report on Agenda Item 7


6. The Delegates of Spain, Ecuador, Chile and Kenya were concerned that the report was not sufficiently precise. The Chairman's suggestion that the report be revised to read "7:6.1 The Commission examined and recommended approval of the air navigation portion of the Work Programme for 1981-1982-1983 subject to the comments of the Technical Commission recorded above against specific items" having been found acceptable, the Commission approved the portion of the report presented in WP/79.

Agenda Item 16: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation

- Purposes and working methods of ICAO study groups

7. The Chairman, reminding the Commission of the introductions to WP/44 and DP/ITE on the purposes and working methods of ICAO study groups given at its fourth meeting, invited the resumption of discussion on this subject.

8. The Delegate of Norway expressed his delegation's support for the use of study groups which, it believed, had produced very good results over the years. He indicated that the informality with which study groups conducted their work was a factor in their success, and he found the existing system of control by the Council and the Air Navigation Commission satisfactory. However, he recognized the cost to those who participated in the work of these groups and, therefore, the need to avoid their proliferation. His delegation did not agree entirely with the view expressed in WP/44 regarding the allocation of tasks to study groups, fearing it might prevent them altogether from dealing with amendments to Standards and Recommended Practices. Study groups could accomplish valuable work in the early stages when these amendments were being prepared for finalization through the established procedures of the Organization. Membership of study groups should be kept small, ideally with three to six members. In
conclusion, his delegation felt that the views expressed in WP/44 and DP/ITE were fundamentally compatible.

9. The Delegate of Canada wished to associate himself with the statement of the Delegate of Norway. He recognized both the value of study groups in dealing with specific, complex subjects and the importance of not abusing their use. In view of the need for a proper balance between the Secretariat's authority to form study groups and its responsibility for monitoring their progress, he supported the formation of a resolution of the current session of the Assembly along the lines suggested in DP/ITE. The Delegate of Spain shared this opinion, since it was more realistic than that of the United States' proposal as it provided for broader representation on study groups.

10. The Delegate of France explained that his delegation had a different concern. It desired a broader representation of States in the membership of study groups and, therefore, could not support a strict limitation to three or six members. Such a limited membership would not likely be representative of the 146 Contracting States. His delegation also favoured the proposal in DP/ITE.

1. The Delegate of Egypt pointed out that most members of study groups came from developed States. The developing States had much to contribute and should be invited more frequently to appoint experts to study groups.

2. The Delegate of Australia appreciated the views expressed by the Delegate of Egypt, but felt that caution would have to be observed in any attempt to make membership more representative. He supported the views in WP/44 concerning the cost of participation in study groups, a matter that had great significance for a country located a long distance from Montreal. His main concern was with the manner of creating and operating study groups which appeared to be used as a common solution to shortages of labour or expertise. His delegation would not wish to see the use of study groups stopped, but it felt that greater care should be exercised in their creation. He believed he proposal in DP/ITE would be the more effective in the long-term, but a still better solution would be the formulation of a resolution directing the Council to examine the whole concept of Secretariat study groups and to propose appropriate action.

3. The Delegate of Denmark supported the use of study groups and recognized the need for the Secretariat to be allowed adequate flexibility to use them effectively. He concurred that a resolution should be framed based on the proposal in DP/ITE.

4. The Delegate of Chile expressed his support for the remarks of the Delegate of Egypt.

5. The Delegate of the United Kingdom expressed general support for the views expressed by previous speakers, specifically, the Delegates of Spain, Australia and France. His delegation favoured the continued use of study groups as a necessary and efficient tool for dealing with ill-defined problems requiring scarce expertise, but it also sympathized with the concern expressed in WP/44 regarding the increase in the number of study groups and the heavy expenses borne by those who contributed to their work. It felt that there was a need for closer control and monitoring of their establishment and functioning. He noted that it had been planned originally that study groups should
conduct most of their work by correspondence, yet in recent years they were depending more and more on meetings. He queried the statement that the Air Navigation Commission approved the creation of individual study groups when in fact, he believed, it was merely informed of the Secretariat's intention to form a study group. His delegation supported the suggestion of the Delegate of Australia that rather than attempting to draw up a firm resolution at this time, the Technical Commission should request the Council to review the operation of study groups with a view to establishing the necessary machinery for their control and supervision.

16. The Delegate of the United States explained that his delegation had presented WP/44 in order to stimulate discussion on the subject. He would not insist on the adoption of the Appendix without change. He noted that the Whereas Clauses were similar to those in the Secretariat's DP, and believed either version could be accepted. Rather than attempt to form resolutions, he agreed with the Australian proposal that the Commission recommend that Council re-examine the subject of study groups, a subject it had not considered for eleven years.

17. The Delegate of Canada said that although his earlier intervention had been in favour of a resolution, he now suggested incorporating the elements contained in the Whereas Clauses in the lead-in to a recommendation that would not be a formal Assembly resolution. He was supported by the Delegate of Spain.

18. Supporting the analysis contained in WP/44, the Delegate of the Union of Soviet Socialist Republics said that as far as economics were concerned, he believed that study groups were generally very useful to the Organization, since they put at its disposal the work of highly qualified experts. However, he did not believe there was a need to draft an Assembly resolution since study groups were linked to the internal workings of the Organization. He supported the suggestion for a recommendation to Council to find a method of improving the working methods of study groups.

19. The Delegate of Argentina said that it seemed to him that there was general agreement that the work of study groups should be monitored. The Delegate of Canada then formally proposed that the aim of drafting a resolution be abandoned in favour of a recommendation. He was supported by the Delegate of New Zealand who felt the opinions expressed so far were adequate to guide the Secretariat in drafting such a recommendation. The Delegate of Senegal also believed a resolution was not necessary.

20. The Delegate of France expressed his concern about the drafting of any recommendation. Up to now study groups had not been officially recognized as an official part of the Organization's machinery. A recommendation must be very specific in defining a study group and its working methods. It should explain how study groups differed from panels of experts; for example, they elected no chairman and only one working language was used. He was worried that any recommendation ran the risk of being too vague.

21. The Delegate of Denmark expressed opposition to the Canadian proposal. He believed there was good basic material in either the United States' or the Secretariat's texts from which to frame an Assembly resolution on study groups. His preference was
for the text prepared by the Secretariat and shown in Appendix B to DP/ITE. He was supported by _the Delegate of Greece._

22. _The Chairman_ then called for a _vote_ on the formal proposal by the Delegate of Canada supported by the Delegate of New Zealand. The proposal _carried_ with 45 in favour, 5 opposed and 5 abstentions, the drafting of the material being left in the hands of the Secretariat. _The Delegate of France_ explained that he had abstained because this gave official status to study groups as part of the ICAO machinery whilst, at the time of voting, delegates had no documentation permitting them to know precisely what constituted a study group.

-Delineation of air traffic services (ATS) airspaces-

23. At the invitation of _the Chairman_, _the Delegate of Turkey_ introduced WP/70 dealing with delineation of air traffic services (ATS) airspaces. Annex 11 to the Convention prescribed that those portions of the airspace over the high seas where air traffic services will be provided shall be determined on the basis of regional air navigation agreements. The same Annex described air traffic services as comprising air traffic control services—namely, area, approach and aerodrome control services, flight information service and alerting service. The term "ATS airspaces" therefore, included flight information regions, control areas and control zones, as indicated in the footnote to Appendix N to Resolution A22-18. His delegation believed establishment of any kind of ATS airspace must be on the basis of co-ordination either regionally or bilaterally. However, there were control areas and zones, extending over the high seas, which had been established by States providing air traffic services without any attempt at co-ordination with other States in the region or with users. There were also still undelineated flight information regions (FIRs) in some parts of the world, or FIRs whose delineation had been determined without the consent of the States concerned. Turkey believed this to be the source of continued dispute between the States involved, and contrary to the preamble to the Chicago Convention; his delegation was therefore proposing adoption of the two Resolving Clauses shown in WP/70 in order to promote co-operation between States and to ensure uniform application of ICAO rules and procedures. _The Delegate of Iran_ expressed full support for the Turkish proposal.

24. _While sympathetic to problems experienced by States sharing a common national boundary or separated by a small area of the high seas, the Delegate of the United Kingdom_ stressed the need for a spirit of co-operation between such States. Resolving Clause 6 of Assembly Resolution A22-18, Appendix N made clear that the delineation of ATS airspaces in no way implied recognition of sovereignty of a State over any disputed area of land or over the high seas. Where problems arose which could not be solved within the spirit of this Assembly resolution, he believed they were not matters for resolution within ICAO but within the United Nations or within international legal instruments. Maps in regional air navigation plans, for example, bore a legend disclaiming that the representation of any national boundary implied recognition or approval by ICAO. He believed States concerned in disputes should be urged, in the spirit of Associated Practice No. 1, to co-operate with one another.

25. _The Delegate of Spain_ felt that the two points contained in paragraph 2.1 of WP/70 were already covered in the existing ICAO documents. _The Delegate of the United
Kingdom concurred, pointing out that the intent and almost the letter of WP/70 were embodied in Resolution A22-18, Appendix N.

26. The Delegate of Ecuador associated himself with the views of the Delegate of the United Kingdom. He believed that paragraph 2.1 b) of Turkey's proposal could be amended to show that this was a matter of agreement on air traffic control and ATS airspace and had nothing to do with limits of sovereignty.

27. Mr. Gaustad then provided background information on the subject. Annex 11, paragraph 2.1.2, stated that those portions of the airspace over the high seas, or airspace of undetermined sovereignty, where air traffic services will be provided, shall be determined on the basis of regional air navigation agreements. It did not refer to the type of air traffic services to be provided, nor to flight information regions, control areas, terminal control areas or control zones. Regional air navigation meetings normally limited themselves to recommendations on the delineation of flight information regions and, in some cases, related control areas. Regional meetings also made recommendations regarding international ATS routes and related recommendations regarding provision of air traffic control service along such routes. However, meetings rarely made recommendations regarding terminal control areas or control zones. In other words, the full regional planning process currently applied to flight information regions and to airways in general, but not to terminal control areas or control zones. There had been a few exceptions where joint terminal control areas had been specifically recommended, but these were exceptions, rather than the rule.

28. Indicating support for paragraph 2.1 a) of WP/70, the Delegate of Singapore said that as traffic increased over the years, ATS planning of airspace over the high seas would become more demanding. He had no comment to make on paragraph 2.1 b) since it appeared to relate to a localized type of problem.

29. The Delegate of Turkey expressed his gratitude to Mr. Gaustad for the information he had provided. He stressed that the proposal made by his delegation was not intended to imply that ICAO should interfere with the delineation of sovereign airspace as such.

30. Associating himself with the views put forward by the Delegates of Spain and the United Kingdom, the Delegate of Canada wondered whether a simple reaffirmation of the current resolution would be acceptable to the Delegate of Turkey.

31. The Delegate of France believed that paragraph 2.1 a) of Turkey's proposal was already covered by the fourth Whereas Clause of the present Appendix and by Annex 11 which, he thought had a higher status than that of an Assembly resolution. Paragraph 2.1 b) seemed to be covered by Associated Practice No. 1. He thought that a reaffirmation of the resolution would be enough to confirm the importance of its Appendix N.

32. The Secretary suggested that the Commission might view the triennial review of Doc 9275 - Assembly Resolutions in Force, as being a process of reaffirmation in itself.
33. The Delegate of the United States thought that while paragraph 2.1 a) of the proposal was indeed covered in Annex II, paragraph 2.1 b) was not well handled in Appendix N to Resolution A22-18 as far as stimulating co-operation between adjoining air traffic control services was concerned.

34. The Delegates of New Zealand and Spain having sought clarification of his intent, the Delegate of Turkey said that he could accept his proposals being incorporated anywhere in Appendix N; he was now suggesting that they be associated practices rather than resolving clauses. The Delegate of Iran confirmed that he supported the new Turkish proposal.

35. The Delegate of Ecuador suggested that the Commission should first decide whether to go along with the original proposal in WP/70. Only after that should Turkey make a new proposal. He was afraid that otherwise delegates might not understand on what they were being asked to vote.

36. The Delegate of Greece suggested that it was not possible to deal with a new proposal without formal withdrawal of the original proposal, particularly since the manner of considering a proposal dealing with an associated practice differed from that dealing with a resolving clause.

37. The Chairman ruled that the Delegate of Turkey had withdrawn his original proposal and in lieu thereof had formulated a new proposal for the text in the originally suggested resolving clauses and had proposed it instead as associated practices. Recognizing the difficulty which this had posed for delegates and suggesting that there did not seem to be much support for the proposal, he asked the Delegate of Turkey whether he wished to press his point.

38. The Delegate of Turkey proposed deferment of further consideration until the next meeting. His privileged motion was supported by the Delegate of Iran and opposed by the Delegate of Greece. The Chairman having called for a vote, the motion was lost with 7 in favour, 12 against and 25 abstentions.

39. The Chairman then called for a show of hands on the Turkish proposal to insert two new associated practices in Appendix N to Assembly Resolution A22-18, using the text shown in paragraph 2.1 of WP/70.

40. The Delegate of the United Kingdom suggested that the Delegate of Turkey invoke Rule 52 of the Rules of Procedure of the Assembly and, as a privileged motion, request that a vote on this proposal be deferred until such time as copies of it had been available to all delegations for at least twenty-four hours. The Delegate of Turkey agreed to this suggestion. Support was also indicated by the Delegate of Ecuador since this would enable the Commission to have a definite alternative proposal for consideration.
41. The Chairman ruled that the Delegate of Turkey having elected to invoke Rule 52, a written copy of a firm proposal must be available to the Commission for at least twenty-four hours before any vote could be taken on it. The Delegate of the United Kingdom requested that, when drafting his new proposal, the Delegate of Turkey indicate clearly in what respect the proposed new associated practices differed from or added to the third and fourth Resolving Clauses of Appendix N to Resolution A22-18.

The Chairman adjourned the meeting at 1315 hours.
Minutes of the Eighth Meeting
(Monday, 29 September 1980, at 1000 hours)

SUBJECTS DISCUSSED

1. Approval of draft text for the Report on Agenda Item 7

2. Agenda Item 16: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation
   - Formulation of Standards and Recommended Practices (SARPS) and Procedures for Air Navigation Services (PANS)
   - Panels of the Air Navigation Commission
   - Co-ordination of national research and development work in the fields of telecommunications, navigational aids and aerodrome services

3. Agenda Item 17: Assembly resolutions to be consolidated or to be declared no longer in force

4. Approval of the minutes of the fourth and fifth meetings

SUMMARY OF DISCUSSION

Approval of draft text for the Report on Agenda Item 7

Agenda Item 16: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation

- Formulation of Standards and Recommended Practices (SARPS) and Procedures for Air Navigation Services (PANS)

2. The Chairman called upon the Commission to resume its consideration of the consolidated statement of ICAO continuing policies related to air navigation in Doc 9275. The Delegate of Kenya, speaking on the formulation of Standards and Recommended Practices (SARPS) and Procedures for Air Navigation Services (PANS) (Appendix A, Resolving Clause 8), raised the point that for some States it was very difficult to keep abreast of the amendments to SARPS and PANS and suggested that rather than permitting two applicability dates per year, it be reduced to only one per year. Additionally, that the frequency of amendments to a particular Annex or PANS document be limited to one every two calendar years. The Delegate of New Zealand and the Delegate of Iran supported the Delegate of Kenya in this concern.

3. Mr. Munzar explained that the Council and the Air Navigation Commission were well aware of this problem and ensured that amendments to SARPS and PANS were consolidated to the maximum extent possible. He indicated that previously there had been only one applicability date per calendar year. However, following an in-depth study the Council and the Air Navigation Commission had recognized a need for greater flexibility and at the Twenty-first Session of the Assembly the requirement had been changed to allow two applicability dates per calendar year. In actual practice, however, the Council allowed the use of a second applicability date only in exceptional circumstances. The Delegate of Spain, while sympathizing with the concern expressed by the Delegates of Kenya and New Zealand, felt that the explanation just given was a clear indication of the reason for the existing requirement. He suggested that the text be retained unchanged. The Delegates of Norway, the Union of Soviet Socialist Republics, and Venezuela supported the suggestion of the Delegate of Spain. The Delegate of Kenya, having brought the problem to the attention of the Technical Commission, did not press his suggestion.


- Panels of the Air Navigation Commission

5. The Delegate of France, addressing the subject of panels of the Air Navigation Commission (Appendix C), indicated his delegation's concern over the fact that the Air Navigation Commission did not permit observers on its panels. He cited the growing importance of panels, the restriction of their membership to between twelve and fifteen members and the benefits of allowing as many States as possible to participate in the technical activities of the Organization as reasons why a study on the possibility of recognizing the status of observer on the Air Navigation Commission's panels should be requested.
6. The Delegate of the United Kingdom could see no reason why observers should be permitted to participate on panels of the Air Navigation Commission, nor how observers could be differentiated from members on that type of panel. Although panel members were nominated by individual States, they functioned as independent technical experts. The panels themselves existed to provide specialized technical advice on proposals prepared for submission to States through the Air Navigation Commission or the Council. Furthermore, adequate geographical representation and representation by international organizations should be taken care of in the establishment of the panels.

7. The Delegate of Norway recalled the original intention of the panel as a small, informal body, but recognized that the increased number of Contracting States had led to an increase in the size of panels. He could more readily understand a need for advisers than for observers. Nevertheless, he would have no objection to the subject being studied by the Air Navigation Commission. Further support for the suggestion was expressed by the Delegates of Senegal, Brazil, Canada and Japan.

8. Mr. Munzar invited attention to the fact that there was presently before the Council, for consideration during its next session, a proposal by the Air Navigation Commission for revision of the directives to panels. Among the issues raised in the proposal was that of whether or not to allow observers to participate in the work of panels. The majority opinion of the Commission on this point was against allowing the participation of observers.

9. The Delegate of the Union of Soviet Socialist Republics expressed the view that panel meetings should not be confused with formal-type air navigation meetings, but that their smaller, more informal nature should be preserved. His delegation favoured retention of the status quo with respect to Air Navigation Commission panels for the time being.

10. The Delegate of Australia stressed the particular nature and function of panels which was to provide specific, specialized technical advice to the Air Navigation Commission. Panel reports containing material beneficial to States were as a matter of course published and distributed to all Contracting States thus making the work of panels accessible. He pointed out the difficulty of distinguishing between the status of observer and that of member. He pointed out, furthermore, that the subject of observer participation had been reviewed on other occasions, and that the Air Navigation Commission was attempting, in its current proposal to the Council, to make it abundantly clear that panel members served as technical experts and not as representatives of their States. Cautioning against a hasty decision, he suggested that the Technical Commission needed more time to consider the implications of admitting observers to participation in the work of panels.

11. The Delegate of Trinidad and Tobago wondered why delegates representing highly developed States that were almost always represented in panel memberships should express concern regarding broader representation. His delegation supported the intervention of the Delegate of Norway.
12. The Delegate of France, responding to the Delegate of Trinidad and Tobago, stated the concern of his delegation that discussions at panel meetings were sometimes limited to a very few points of view and that the results, as published in the reports of those meetings, were sometimes not acceptable to many of the States that had not participated. It felt that participation by observers would provide a wider spectrum of opinions in the debate without destroying the technical integrity of the limited, specialized membership. He invited attention to the participation of observers in the work of the Air Navigation Commission and groups of experts of the Air Transport Committee, both, in effect, bodies of technical experts. Finally, he was willing to withdraw his suggestion on the understanding that the interesting discussion that had just taken place on this often-reviewed subject would be recorded in the minutes and the Report of the Technical Commission.

13. The Delegate of Spain, who reiterated his support of the suggestion of the Delegate of France, including its withdrawal on the understanding that the record of the discussion would be kept, indicated further that the acceptance of observers on Air Navigation Commission panels would help to resolve the difficulties experienced by that Commission in the memberships of its panels.

14. The Delegate of the United Kingdom, addressing himself to the record to be considered by the Council in its review of the subject, reiterated his view that no effective contribution could be made by observers and that those who could make effective contributions to the work of panels must fully participate as members. Furthermore, the effective resolution of technical problems required that panel membership be kept to the minimum practicable which, he felt, could not be more than the presently prescribed twelve to fifteen members.

15. The Chairman, in summary, suggested that the Technical Commission accept Appendix C in this respect without change on the understanding that its discussion on the subject of panels of the Air Navigation Commission would be recorded in the minutes of the meeting and the report of its deliberations would be considered by the Council in its review of the relevant portion of the proposal by the Air Navigation Commission for revision of the directives to panels. This was accepted by the Technical Commission.

16. The Delegate of the United States proposed a revision of Resolving Clause 2 to Appendix C on panels of the Air Navigation Commission to reflect the Council's decision regarding Revised Directives to Panels (C-WP/7122) extending that resolution to cover the work programme as well as the terms of references of panels.

17. The Delegate of Norway supported the proposal made by the Delegate of the United States. Including a reference to work programmes in Resolving Clause 2 of Appendix C would help the appropriate bodies to ensure that panel work programmes were not only clear and concise but that they were adhered to.
18. While agreeing with the Delegate of Norway that this was a means of providing for effective control of the work programmes of panels, the Delegate of the United Kingdom felt that it was perhaps superfluous, since the Directives for Panels of the Air Navigation Commission already ensured that any amendments to a panel's work programme had to be considered by the Air Navigation Commission. However, he would not object to the United States' proposal.

19. The Delegate of Spain did not object to the proposal. However, although he agreed that panels were responsible to the Air Navigation Commission, he doubted whether the Commission could specify exactly how they were supposed to deal with their tasks, in all cases, particularly if they were very technical.

20. The Delegate of the United States indicated that his proposal was intended to link Appendix C to Resolution A22-18 with the revised Directives to Panels contained in C-WP/7122, on which the Air Navigation Commission and the Council had expended much thought. There being no further speakers, his proposal, supported by the Delegate of Norway, was agreed.

- Co-ordination of national research and development work in the fields of telecommunications, navigational aids and aerodrome services

21. Turning to Appendix I to Resolution A22-18, the Delegate of France congratulated the Air Navigation Commission and the Secretariat on including in the agenda of the COM Divisional Meeting to be held in February 1981, an exchange of views on new systems such as the discrete address beacon system (DABS) and the beacon collision avoidance system (BCAS). France looked forward to a fruitful discussion on this item and to eventual adoption by Council of Standards and Recommended Practices in the fields of improved secondary surveillance radar and anti-collision warning systems.

22. There being no further speakers, the Chairman announced that this completed the Commission's consideration of the Appendices to Resolution A22-18 with the exception of Appendix N dealing with delineation of air traffic services airspaces in regional air navigation plans, which would be reviewed further at a later meeting.

Agenda Item 17: Assembly resolutions to be consolidated or to be declared no longer in force

23. The Commission turned its attention to Appendix B to WP/12 dealing with resolutions or parts of resolutions to be declared no longer in force, and resolutions to be consolidated. There were no objections to declaring Resolution A18-15, dealing with unification of units of measurement, no longer in force because it had become obsolete with the adoption of the new (fourth) edition of Annex 5. The Commission then turned to the draft consolidation of Resolutions A18-16, A21-22 and A22-28 (pages II-32 to II-35) dealing with lease, charter and interchange of aircraft in international operations.
24. The Delegate of Kenya felt that Resolving Clause No. 5 on page 9 of WP/12 was perhaps too simplified and did not deal adequately with such technical problems as airworthiness which could arise with the interchange of aircraft between countries with differing Standards. Mr. Ferris pointed out that this particular clause had been carried over from Resolution A22-28 without change. While it did not require States to change their laws, it did invite them to examine their provisions to see whether they could be changed. The Delegate of the United Kingdom expressed the belief that this Resolving Clause went beyond what the Technical Commission was empowered or authorized to deal with. The Delegate of Spain understood his doubt, but felt that since the Executive Committee had referred it to the Technical Commission, the Commission should deal with the technical elements of it unless it decided it was not competent to do so.

25. The Delegate of Canada stated that, while his delegation had no objection to Appendix B to WP/12 on technical and operational grounds, Canada had no plans at present to change its legislation pertaining to the custody and control of Canadian aircraft and the use of foreign registered aircraft by Canadian air carriers.

26. The Delegate of France pointed out that if the Executive Committee was to recommend to the Plenary adoption of Article 83 bis to the Convention, the first Whereas Clause on page 8 of WP/12 would need to be updated. The Secretary confirmed that, in such a case, appropriate amendments would be made to this and to the last Whereas Clause.

Approval of the minutes of the fourth and fifth meetings

27. The minutes of the fourth meeting were approved, subject to two amendments. The first, to paragraph 11, had been handed to the Secretary by the Delegate of Canada. The second amendment was to paragraph 32, fourth line, where the word "agreement" was substituted for the word "approval".

28. The minutes of the fifth meeting were approved subject to several changes. In paragraph 15, the intervention of the Delegate of Spain was amended to read: "The Delegate of Spain wondered whether or not the Technical Commission found the work programme adequate". In paragraph 17, sixth line, the words "malfuctioning of emergency locator transmitters (ELTs)" were replaced by "inappropriate or accidental functioning of emergency location beacons - aircraft (ELBAs)", and the reference to "ELTs" in the eighth line changed to "ELBAs". Finally, in the same paragraph, last line, the following was added to the intervention of the Delegate of Ecuador: "and therefore he agreed with the text proposed in the report."

The Chairman adjourned the meeting at 1230 hours.
Minutes of the Ninth Meeting
(Tuesday, 30 September 1980 at 1000 hours)

SUBJECTS DISCUSSED

1. Agenda Item 16: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation
   - Delineation of air traffic services (ATS) airspaces

SUMMARY OF DISCUSSION

Agenda Item 16: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation
   - Delineation of air traffic services (ATS) airspaces

1. At the invitation of the Chairman, the Delegate of Turkey introduced WP/96. He recalled that his delegation had originally submitted WP/70 proposing the addition of two new resolving clauses to Appendix N to Resolution A22-18, in the belief that practices in various regions were inconsistent with the principles established by Annex 11 and by Assembly resolutions, and that these inconsistencies might stem from misinterpretation of the existing clauses or from insufficient guidelines. During the discussion some delegations had felt that the existing resolutions and Annex provisions covered what was contained in WP/70. However, Turkey still believed that inconsistencies existed, and that clear guidance to ensure implementation of the respective clauses and provisions would be useful. Accordingly, in consultation with the Secretariat, the two paragraphs had been rephrased to be incorporated as associated practices in the existing text of Appendix N to Resolution A22-18. These two clauses would be supplementary to those contained in Annex 11 to the Convention and to the fourth Whereas Clause and the first Resolving Clause of Appendix N. In fact all resolving clauses but the first of Appendix N related to cases where delegation of responsibility for provision of air traffic services was involved. The proposed associated practices, however, were related to the uniform procedure to be applied in establishing certain ATS airspaces over the high
seas. Turkey hoped that the two new paragraphs would ensure uniformity and well co-ordinated implementation of the policy related to delineation of ATS airspace over the high seas where questions of sovereignty were not concerned. The Delegate of Iran supported the new proposal believing it to be more in line with the wishes expressed by certain delegations at the Technical Commission's seventh meeting.

2. Regretting that he could not support the proposal, the Delegate of the United Kingdom felt that the associated practice proposed in paragraph 2.1 a) of WP/96 was not consistent with the concept of the fourth Whereas Clause of Appendix N. It could be misinterpreted as meaning that once a State had taken upon itself, possibly by unilateral action, the decision that it would provide air traffic services over a given area of the high seas, it should then merely co-operate, that is, inform other States within the region and user States elsewhere.

3. Mr. Gaustad stated that the current practice was for regional air navigation meetings and amendments processed by correspondence to deal almost exclusively with the delineation of flight information regions and co-incident control areas, as well as ATS routes along which air traffic control service should be provided. It was not customary for regional air navigation meetings to deal with terminal control areas and control zones in detail because it was not practicable, and because the general provisions regarding the establishment of terminal control areas and control zones were in Annex 11. As far as he could recall, only two or three terminal control areas were included in regional plans and had therefore been subject to the full regional planning process. This was perhaps the basis for the proposal made by Turkey. Referring to the point made by the Delegate of the United Kingdom, he suggested that the difficulty might be overcome by rewording the first line of paragraph 2.1 a) to read along the following lines: "Contracting States having accepted, in accordance with regional air navigation agreements, the responsibility for...". This would make it clear that the basic responsibility for providing air traffic services within the flight information region was subject to the full regional planning process and approval by Council.

4. The Delegate of New Zealand informed the Commission that application in the South Pacific had followed the lines of the Turkish proposal almost exactly, and had given no problems at all.

5. The Delegate of Iran suggested that the difficulty of the Delegate of the United Kingdom might be overcome either by Mr. Gaustad's suggestion or by deleting the words "having accepted the responsibility for" from paragraph 2.1 a), which would align it with the third Associated Practice.

6. The Delegate of France pointed out that in paragraph 2.1 a) no reference was made to those States which provided air traffic services within ATS airspace. Also, Mr. Gaustad had pointed out that the reference to control areas applied only to terminal control areas. Since ATS routes were the subject of discussion at regional air navigation
meetings, he believed that the reference in paragraph 2.1 a) should be specific and that it should be amended accordingly. He expressed serious doubts about paragraph 2.1 b) which, he believed, could be interpreted as a criticism of the manner in which the Council had worked up to the present, a criticism with which France could not agree.

7. The Delegate of Spain agreed with the Delegate of France and said that planning as regards providers and users should be done by regional air navigation meetings. As far as paragraph 2.1 b) was concerned he did not believe it was a matter which came within the purview of ICAO.

8. Bearing in mind Mr. Gaustad's and the Delegate of France's interventions, the Delegate of Singapore proposed in the fourth line of paragraph 2.1 a) the addition of the word "terminal" in front of the words "control areas". However, his proposal did not receive support.

9. The Delegate of Turkey then proposed adoption of the suggestion made by Mr. Gaustad, namely rewording the first line of paragraph 2.1 a) to read: "Contracting States having accepted, in accordance with regional air navigation agreements,...". He was supported by the Delegates of Iran, Pakistan and the United States.

10. The Delegate of Canada suggested that it might help to reword the beginning of paragraph 2.1 a) to read: "Council should encourage Contracting States having accepted, in accordance with regional air navigation agreements...".

11. To assist the Commission, the Chairman then read from Annex 11, paragraph 2.1.2, Note 1: "The phrase 'regional air navigation agreements' refers to the agreements approved by the Council of ICAO normally on the advice of regional air navigation meetings." The Secretary pointed out that this point was brought out in the existing fourth Whereas Clause, and that therefore it might not be necessary to mention it again.

12. Commenting on paragraph 2.1 a), the Observer from the Agency for the Security of Aerial Navigation in Africa and Madagascar (ASECNA) explained that he had no difficulty as far as amendments to regional plans were concerned -- these amendments were made within the framework of ICAO. However, he was worried that the Turkish proposal suggested that regional offices and Council remained outside the co-ordination required between user and provider States and considered that this could cause difficulties. Experience by his Agency with flight information regions over the high seas showed that it was very difficult for States to ensure co-ordination without the co-operation of ICAO through its regional offices.

13. The Delegate of Greece commented that the discussion had been very useful because it had confirmed that the Turkish proposal did not give rise to difficulties of interpretation or implementation, since the points in paragraph 2.1 a) and b) were all covered by existing provisions in Annex 11, Resolution A22-18, Appendices K and N, and in the introductory material of regional plans. The statements made by the Delegate of France and the Observer from ASECNA had interested him very much. It was obvious that the Council was the supreme body responsible for resolving co-ordination problems; to place such responsibility on Contracting States and to leave ICAO out was to run the risk of
aggravating any difficulty or minor misunderstanding that might exist. He agreed with the Observer from ASECNA — co-ordination required the support and assistance of the Council, regional offices and regional meetings. One could encourage Contracting States to try to co-operate together, but that should always be done within the framework of ICAO so as to ensure that the provisions of the Appendices were properly applied and that any gap in co-ordination was resolved. His delegation believed that the proposal, even with the suggested amendments, added very little, and risked raising difficulties of interpretation and implementation; he would not be in favour of adopting it.

14. Commenting that he shared the fears expressed by the Delegate of the United Kingdom and that these had not been dissipated, the Delegate of Cyprus associated himself with the comments made by the Delegates of France and Greece and by the Observer from ASECNA.

15. The Delegate of the United States said that he agreed with paragraph 2.1 a) of the Turkish proposal because in order for two adjacent air traffic services to work well, they must work together. In the North Atlantic and in the Pacific for instance there were annual meetings of all air traffic services, where problems were discussed, and the system worked very well, even in cases where there were political differences between the Governments concerned.

16. Expressing his agreement in principle with paragraph 2.1 a) the Delegate of Spain wondered whether it was not already covered by Resolving Clause No. 1 of Appendix N. The Delegates of Venezuela and the Kingdom of the Netherlands concurred. Expressing his support for the proposal, the Delegate of Pakistan said that in his opinion it did not repeat Resolving Clause No. 1, but augmented it.

17. The Delegate of the Libyan Arab Jamahiriya supported the statement made by the Delegate of Greece since otherwise the Commission would be creating difficulties; ICAO should be involved in any co-ordination.

18. The Chairman then called for a vote on WP/96, paragraph 2.1 a) with the amendment proposed by Turkey and supported by Iran. The proposal carried with 15 in favour, 7 against and 33 recorded abstentions.

19. The Commission then turned to consideration of paragraph 2.1 b) of WP/96. The Delegate of France proposed beginning the paragraph with the words "With a view to preparing regional air navigation agreements, the Council should continue to ...". This would mean that Council could encourage direct negotiations between Contracting States, but that the product of these negotiations should be subject to regional air navigation agreements.

20. While not sure that the words suggested by the Delegate of France were exactly the right ones, the Delegate of Canada, agreed with their intent. The Delegate of Turkey accepted the suggestion made by the Delegate of France.

21. The Delegate of Spain believed that paragraph 2.1 b) implied that direct negotiations were already being entered into, since the Council was to continue to
encourage them and this was not the aim of the proposal. He wondered therefore whether the suggestion by the Delegate of France would indeed cover his concern.

22. The Delegate of Ecuador felt that it might be better to align paragraph 2.1 b) with paragraph 2.1 a), and proposed amending the beginning to read: "The Council should encourage direct negotiations...". He was supported by the Delegate of Spain and by the Delegate of the United States who felt that implementation was what was being dealt with and that it was the responsibility of the Council to implement the plan.

23. The Delegate of the United Kingdom expressed some difficulty in understanding paragraph 2.1 b). What was the meaning and intent of the last clause which referred to "cases where the delineation of ATS airspaces extending over the high seas has not yet been established on the basis of technical and operational considerations in consultation with all States affected"? Which States were to be urged to negotiate and to what extent were the interests of other States and particularly of users to be taken into account?

24. Mr. Gaustad said that he understood that the Contracting States referred to were those which had operations in the airspace in question, and who therefore had a direct interest in the provision of air traffic services therein. There were cases of flight information regions which had been established a long time ago on a rather limited basis, where subsequent modifications to take care of current operational and technical requirements had not yet been found possible.

25. The Delegate of India stated that he would prefer to retain the first sentence of Clause b) without change. However he requested clarification of the words "Contracting States" as used in that sentence. The Delegate of Malaysia, responding to a suggestion by the Delegate of Turkey, proposed the insertion of the word "concerned" following "Contracting States". The Delegate of Spain supported that proposal. The Delegate of Iran, however, felt the insertion of "concerned" might make the statement ambiguous. Put to a vote, the proposed insertion was carried by a vote of 10 in favour, 1 against and 32 recorded abstentions. A suggestion that the words "user and provider" be inserted in front of "Contracting States" was not pursued.

26. The Delegate of France pointed out that the text in Clause b) was not consistent with that in paragraph 2.1.2 of Annex 11, and he therefore proposed that the words following "on the basis of" in Clause b) be deleted and replaced by "regional air navigation agreements". The Delegate of Turkey found the proposal acceptable. It was supported by the Delegates of Lebanon, Iran, Ecuador, the Federal Republic of Germany and Spain. The Delegate of the United Kingdom indicated a grammatical error in the third line where "have" should be changed to "has" in the English text. Otherwise, he could accept the wording proposed by the Delegate of France.

27. In response to a query by the Delegate of Nigeria, Mr. Gaustad confirmed that paragraph 2.1.2 of Annex 11 was a Standard and had been adopted by the Council following consultation with States. Clause b), as now proposed, was in line with the provisions currently in Annex 11. A further suggestion by the Delegate of France, with
which the Delegate of Spain disagreed, that the clause in question be made more specific as to the objective of the negotiations, was not pursued.

28. The Delegate of Lebanon wondered whether States concerned could not be requested to extend their ATS services to States requiring them in the case of an emergency over the high seas without any reference to direct negotiations.

29. The Chairman, indicating the need for a vote on the text proposed for Clause b), read out the text, in response to a request by the Delegate of Ecuador, as follows:

"b) the Council should encourage direct negotiations between Contracting States concerned in cases where the delineation of ATS airspaces extending over the high seas has not yet been established on the basis of regional air navigation agreements."

The proposed text was accepted by the Technical Commission by a vote of 19 in favour, 4 against and 30 recorded abstentions.

30. Delegations that indicated they wished to have their abstentions recorded individually were: the Delegates of Norway, Sweden and Denmark, the Delegates of Argentina, Barbados and Lebanon, the Delegates of the Ivory Coast, the Libyan Arab Jamahiriya and Nigeria, the Delegates of Senegal, Madagascar and Canada. The Delegate of Canada said his delegation abstained on the grounds that it did not see the need for Clause b).

31. A request by the Delegate of Greece that the two Clauses, a) and b), of the proposal by the Delegate of Turkey, which had been accepted separately, be voted on as a combined text was denied as, in accordance with Rule 49 of the Rules of Procedure, the request should have been made before any voting took place, in order to be valid.

The meeting was adjourned at 1245 hours.
Minutes of the Tenth Meeting
(Wednesday, 1 October 1980, 1000 hours)

SUBJECTS DISCUSSED

1. Agenda Item 17 - Approval of Draft Report material
2. Agenda Item 17 - Approval of Draft Report material
3. Agenda Item 16 - Approval of Draft Report material
4. General - Approval of Draft Report material
5. Approval of the minutes of the sixth meeting

SUMMARY OF DISCUSSION

Approval of draft text for the Report on Agenda Item 17

1. The Technical Commission reviewed the draft text of its Report on Agenda Item 17 with respect to Assembly Resolution A16-5 presented in WP/95. On the suggestion of the Delegate of Norway, supported by the Delegate of Canada, it was agreed that in the first line of paragraph 17:x.3 the word "however" should be inserted between "were" and "in favour".

2. The Delegate of the United Kingdom's proposal, supported by the Delegate of France, that in the action clause to Resolution 17/2 (page 17-4), in the third line there be inserted following "view" the phrase "to institute any appropriate changes in practices" was accepted by the Commission.

3. The Delegate of France proposed a further improvement to the text of the action clause to Resolution 17/2 to the effect that the existing text be deleted after "to present" in the third line and replaced by "a report on the subject to the next session of the Assembly". The proposal was supported by the Delegate of the United Kingdom. In response to concern expressed by the Delegate of Ecuador, that mention should
be included of any decisions to be made by the Assembly, it was indicated by the Delegates of Canada and Spain that there might be no need for decisions on that point by the Assembly and that it was the concern of the Council to so indicate. The proposal by the Delegate of France was accepted by the Commission.

4. The Delegate of the United States called attention to his earlier statement on this subject (minutes of the sixth meeting) to the effect that aircraft designed to land anywhere were not necessarily energy-efficient and the key question was, therefore, whether it was preferable from a cost-benefit point of view to fit the aircraft to the infrastructure or the infrastructure to the aircraft.

5. The draft text presented in WP/95, subject to the amendments just accepted, was approved by the Technical Commission.

Approval of draft text for the Report on Agenda Item 16

6. The Technical Commission next took up the draft text, concerning Secretariat study groups, for inclusion in the Report on Agenda Item 16 presented in WP/105. The Chairman proposed an editorial amendment to paragraph 16:x.3 to replace "discrimination" at the beginning of the fifth line from the bottom by "discretion". The proposal was accepted.

7. The Delegate of Norway questioned the use of the word "institutional" in the sixth line of paragraph 16:x.1. The Delegate of the United States, who recognized that he had raised the point covered by the text concerned, had no problem with the word. He congratulated the Secretariat on its excellent coverage of the discussions and the conclusions reached on the subject.

8. Referring to paragraph 16:x.2, the Delegate of Norway expressed doubt concerning the first sentence and proposed that it be amended following "technical" (fourth line) to read "or operational expertise of individuals active in research or otherwise experts in the designated fields". The Delegate of Denmark supported the proposal and it was accepted by the Technical Commission.

9. The Delegate of Australia felt that the text of paragraph 16:x.2 should be shortened. The Delegate of the United Kingdom, however, pointed out that no detailed resolution on the subject had been framed, and as the Council was being asked to review the functioning of study groups taking into account the views expressed during debate on the subject at the Twenty-third Session of the Assembly, it was essential that the Technical Commission minutes should provide an accurate record. The Delegate of Spain supported adoption of paragraph 16:x.2 as amended by the proposal of the Delegate of Norway. This was agreed.

10. The Delegate of Norway disagreed with the penultimate sentence of paragraph 16:x.3 which referred to expansion of the size of study groups beyond the stipulated three to six members and he suggested an amendment to the text. The Delegate of France, who was in agreement with the Delegate of Norway, expanded on the suggestion for amendment and proposed that following "possibility of" in the fifth line from the bottom, the text
should read, "establishing the size of study groups to provide for ... as well as by experts from developing States". The Delegates of Norway, Spain and Chile supported this proposal. The Secretary, in reply to a query by the Delegate of Chile, made it clear that study group membership was not restricted to States represented on the Council. The Delegates of Argentina and Venezuela added their support for the proposal. The Delegate of the United Kingdom, indicating that the Council was indeed aware of the need for all States to be fully informed of developments which, while they might arise mainly in the more developed countries, nevertheless had potential implications for other States, expressed his support for the amendment proposed by the Delegate of France. The Delegate of the United States, who felt that basically it should be left to the Secretariat to decide which and how many technical experts were required for individual study groups, also supported the proposal.

11. The Technical Commission accepted the proposed amendment and it accepted paragraph 16.x.3 subject to the amendments it had agreed upon.

12. Referring to proposed Resolution 16/2 on page 16-4 of WP/105, the Delegate of Canada said that while his delegation recognized that it might be proper at the discussion stage to refer to the type of conflict, so as to have background information leading to the development of a resolution, Canada had difficulty with identifying the type of conflict, whether labour or military, in the resolution itself. He, therefore, proposed an amendment to the first Whereas Clause as follows: "WHEREAS air traffic services ... in particular portions of airspace due to civil disorders, conflicts of various types or natural disasters; and". His proposal was supported by the Delegates of Norway, the Federal Republic of Germany, Barbados, Venezuela, the United States and by the Observer of the International Federation of Air Line Pilots' Associations (IFALPA).

13. The Delegate of Spain wondered whether the words "civil disorders" could also be deleted since they would be covered by "conflicts of various types".

14. No objections having been received, the Chairman ruled that the proposal, duly supported, had been adopted. This completed the Commission's approval of that part of the report on Item 16 contained in WP/105.

Approval of draft text for the general section of the Technical Commission's Report

15. The Chairman then turned to consideration of WP/107.

16. The Delegate of the United Kingdom questioned whether observers from all the international organizations shown in paragraph 4 had been present at meetings of the Technical Commission. The Secretary admitted that this was a dilemma which had occurred over the years; it was now general Assembly practice to list all registered States and
organizations to avoid embarrassment to any State or organization, since it was virtually impossible to record exactly who had been present at all meetings of the Commission.

17. The Delegate of Australia suggested not listing international organizations at all since they would be shown elsewhere in the Assembly report. The Delegate of the United Kingdom suggested saying "Observers from non-Contracting States and international organizations accredited to the Assembly, and listed elsewhere in the report of the Plenary, attended one or more meetings of the Technical Commission".

18. The Delegate of France suggested adopting WP/107 as it stood and the Delegate of Ecuador thought that by amending the paragraph to read "... and from some of the following international organizations" or "... and from some of the international organizations which were registered at the Assembly", the difficulty could be avoided.

19. The Secretary suggested that, for the sake of uniformity, the suggestion made by the various delegates be put to the President of the Council to ensure that the reports of all the Commissions were reasonably compatible or generally read along the same lines. This having been agreed, and no further points being raised, the general section of the Technical Commission's Report contained in WP/107 was approved.

Approval of the minutes of the sixth meeting

20. A number of changes were made to the draft minutes of the sixth meeting. In paragraph 4, sixth line, the intervention of the Delegate of the United Kingdom was amended to read: "ICAO should, in its further consideration, take into account any specific problems that might in future be raised ...". The interventions made by the Delegates of Senegal and Singapore in paragraph 16 were to be separated to better reflect their individual views. At the request of the Delegate of the United Kingdom, in paragraph 23, seventh line, the words "and timely" were added after the words "in a more tangible form", and in the eighth line, the word "if" was deleted. The minutes of the sixth meeting were approved subject to these amendments and to the incorporation of amendments to paragraphs 16, 17 and 20 submitted to the Secretary by the Delegate of Spain the Delegate of Senegal, and the Observer from the Agency for the Security of Aerial Navigation in Africa and Madagascar (ASECNA).

The Chairman adjourned the meeting at 1245 hours.
Minutes of the Eleventh Meeting
(Thursday, 2 October 1980, at 1000 hours)

SUBJECTS DISCUSSED

1. Approval of draft text for the Report on Agenda Item 16
2. Approval of the minutes of the seventh meeting
3. Delegation of authority for approval of minutes
4. Any other business

SUMMARY OF DISCUSSION

Approval draft text for the Report on Agenda Item 16

1. The Chairman invited comments page by page on WP/119 containing draft text for the Report on Agenda Item 16. Commencing the discussion, the Delegate of France commented that in the last line of paragraph 16:4 on page 16-1, he recalled that the reference to the need to amend the third Whereas Clause applied only to the English version; the other language versions were not necessarily affected. It was agreed to replace the final words of paragraph 16:4, "to clarify the text", by the words "in the English text to ensure equivalence of the texts in the four working languages".

2. Turning to page 16-2, the Delegate of Iran said that when Appendix A to Resolution A22-18 was being discussed, he had felt the same concern as the Delegate of Kenya on the subject of applicability dates of Annex and PANS amendments, and would like this concern reflected in the Report of the Technical Commission. Following suggestions by the Chairman and by Mr. Munzar, he agreed that his requirement would be satisfied by inserting in paragraph 16:x.2, first line, after the words "Delegate of Kenya" the words "which was shared by the Delegate of Iran", and in paragraph 16:x.4, second line, after the words "Delegate of Kenya" the words "and shared by the Delegate of Iran".

3. The Delegate of Australia pointed out that the draft minutes of the Technical Commission's eighth meeting, where the subject had been discussed, did not refer
to an intervention on the subject by the Delegate of Iran, although there was mention of support for the Delegate of Kenya from the Delegate of New Zealand and interventions by the Delegates of Spain, Norway, the Union of Soviet Socialist Republics and Venezuela. The Delegate of Iran confirmed that he intended to request that the minutes of the eighth meeting be amended to reflect the fact that he had shared the opinion of the Delegate of Kenya.

4. Referring to paragraph 16.y.3 on the same page, which dealt with an intervention made by him, the Delegate of France requested that two changes be made. One concerned the first sentence of the paragraph which he would prefer to read: "The Delegate of France suggested that to improve the international nature of the work of panels, and increase their efficiency the existing policy ...". The second change related to the final sentence of the paragraph where he would like a reference made to panels in the air transport field. He agreed to a suggestion by the Secretary that the sentence be amended to read: "Observers were participating ... bodies including the Air Navigation Commission and the panels in the air transport field."

5. No further comments were made on WP/119 until page 16-20. The Delegate of the Arab Republic of Egypt referred to Resolution 16/1, Appendix N, dealing with the delineation of air traffic services (ATS) airspaces in regional air navigation plans. He proposed adding to the third Whereas Clause the words "without harming air traffic services". He believed that this amendment was necessary because it could happen that, in accordance with the second Whereas Clause of Appendix N, a country delegated the authority to provide air traffic services over its territories to another country. Should the second country decide to put an end to this agreement (which was its right in accordance with the third Whereas clause, even if it resulted in harm to air traffic services over the territories of the other country), there would be a great impact on international air traffic operating in the region, even on carriers of nations not party to the conflict between the two countries concerned. The concept of what he was proposing was not a new one since it was in keeping with ICAO documents such as the Aeronautical Information Services Manual (Doc 8126-AN/872), page 3-3, paragraph 3.2.2.3 under the title "Preservation of channels" which read "Whenever possible the exchange of aeronautical information should continue even though the two States concerned might find themselves temporarily in diplomatic disagreement". He believed the addition of the words he was proposing would be in the interests of international air navigation.

6. Reminding the Delegate of the Arab Republic of Egypt that there had been considerable discussion on Appendix N already, and that the Technical Commission had decided on the draft text now in front of them, the Chairman said that to reopen the debate, a formal motion, duly supported, was required in accordance with the Rules of Procedure. The Delegate of the Arab Republic of Egypt then made a formal proposal to reopen the debate on Appendix N to Resolution 16/1. He was supported by the Delegate of Ethiopia who thought the matter could be referred to the Plenary, with an explanation that the Technical Commission supported the proposal which dealt with a very important issue.

7. The Delegate of the United Kingdom felt that it was unfortunate that the point had not been raised when the Commission was considering the entire consolidated
statement of continuing policies related to air navigation. It might well be that ICAO had concentrated on positive aspects of agreements between States for provision of air navigation and ATS facilities by one State over the territories of another, and had overlooked a case such as that put forward by the Delegate of the Arab Republic of Egypt. He could sympathize with the concept behind the proposal; nevertheless, he felt it would be inappropriate for the Commission to reopen debate on Appendix N. If the concern was serious, it would be better to raise it at the Plenary.

8. The Chairman then put the proposal to reopen the debate on Appendix N to a vote, and the motion was lost with 1 in favour, 6 against and 36 abstentions. The Delegate of Spain explained that he had abstained since the Commission had not had the opportunity to discuss the proposal and since an amendment to the third Whereas Clause would involve amendment of Annex 11 which should be dealt with in the customary way.

9. Returning to consideration of WP/119, the Delegate of Spain pointed out that on page 16-22 in Associated Practice No. 3 of Appendix N, the word "concerned" had been omitted from the Spanish version; the Secretariat agreed to make the correction. There being no further comments, the Technical Commission approved the Draft Report on Agenda Item 16 contained in WP/119, as amended.

Approval of the minutes of the seventh meeting

10. Several changes were made to the draft minutes of the seventh meeting. In paragraph 9, the intervention of the Delegate of Spain was expanded to read: "The Delegate of Spain shared this opinion since it was more realistic than that of the United States as it provided for broader representation on study groups." In paragraph 15, fourth line, the translation of the phrase "problems requiring scarce expertise" was to be checked in the Spanish language version. In paragraph 40, third line, the words "his proposal" were amended to read "a vote on this proposal". The minutes of the seventh meeting were approved subject to these amendments and to the incorporation of an amendment to paragraph 22 submitted to the Secretary by the Delegate of France, as well as to any changes to his interventions which the Delegate of the Union of Soviet Socialist Republics might find necessary when the Russian language version of the minutes become available.

Delegation of authority to approve minutes

11. The Chairman, taking up the question of delegation of authority for approval of the minutes not yet published, pointed out that the minutes of the eighth to the eleventh meetings remained to be approved. He explained that the normal practice was for delegates to hand in written suggestions for any changes they wished to have made in the outstanding minutes, and to delegate authority to the Chairman to approve those minutes on behalf of the Commission. In reply to a query by the Delegate of France, Mr. Montgomery stated that suggestions for change should be handed in before the close of business of the Twenty-third Session of the Assembly. The Chairman confirmed, in response to a comment by the Delegate of Spain, that the minutes, including any changes, would be approved in all the official language versions.
12. The Technical Commission delegated to its Chairman the authority to approve, on its behalf, the outstanding minutes of the Twenty-third Session of the Assembly.

Other business

13. The Observer of the Airport Associations Coordinating Council (AACC) indicated his desire to make a statement regarding the Report on Agenda Item 17 with respect to Assembly Resolution A16-5 which had been approved by the Technical Commission at its tenth meeting. Because of its very limited staff, his delegation had not been able to be represented at that meeting. It wished, now, to draw attention to the fact that Resolution 17/2 - Application of systems planning to the introduction of new aircraft types, (WP/120, page 17-6) made no reference to the vital role played by airport authorities in the application of systems planning to the introduction of new aircraft types. He emphasized that airports constituted a vital component of the aviation system and, therefore, their requirements should be recognized; and he requested that the language of the resolution be modified so as to reflect the vital role airport authorities played, together with aircraft manufacturers, airline operators and States, in the application of systems planning.

14. The Delegates of the Kingdom of the Netherlands, New Zealand and the United Kingdom expressed themselves in support of the AACC Observer. The Delegate of the United Kingdom explained that in some States, for example his own, airports were privately owned and operated and the State relied upon the co-operation of the airport operators. He proposed the reopening of debate on WP/120 in order to insert a reference to airport operators. The Delegate of France supported the proposal. The Delegate of Spain opposed the proposal on the grounds that the Technical Commission had no documentation on the point just raised. The proposal was carried by a vote of 10 in favour and 1 against with 33 recorded abstentions.

15. The Delegate of Australia explained that he had abstained from voting not because he was against including mention of the airport operators in the resolution, but because the reopening of debate on an approved report, without either a written proposal or the time to consider one would set an undesirable precedent. The Delegates of Spain and Canada associated themselves with this opinion.

16. There followed a discussion on how best to deal with the request of the AACC Observer to include mention of the airport operators in Resolution 17/2. A proposal by the Delegate of the United Kingdom that Resolution 17/2 be amended by the following insertions:

- in the fifth Whereas Clause, fifth line following "services", insertion of "the airport operators"

- in the sixth Whereas Clause, last line following "aircraft", insertion of "and operation of airports"
- in the seventh Whereas Clause, second line following "manufacturers", insertion of "aircraft and airport"

- in Resolving Clause 1, in the third line following "latter", insertion of "the airport operators"

was supported by the Delegates of the Kingdom of the Netherlands, New Zealand and Nigeria and was adopted by a vote of 15 in favour and 1 against with 22 recorded abstentions.

17. The Delegate of Spain wished to explain his negative vote on the grounds that there had not been sufficient time to go into the legal and administrative implications of the amendment just adopted. The Delegate of Ecuador congratulated the Chairman on his handling of the matter.

18. The Technical Commission delegated authority to its Chairman to approve an addendum to WP/120 reflecting the amendments just approved.

Closure of the session

19. The Delegate of the United Kingdom speaking, for all his fellow delegates, expressed the Technical Commission's sincere appreciation of the Chairman's splendid work on its behalf. He wished also to express the Technical Commission's gratitude to the Secretariat.

20. The Delegate of Ecuador, associated himself with the words just spoken. The Delegate of Canada endorsed the preceding interventions and added, on behalf of the host country, Canada, an expression of appreciation to the Chairman. The Delegates of New Zealand and Nigeria associated themselves with the statement of the Delegate of the United Kingdom.

21. The Observer of the International Air Transport Association (IATA) thanked the Chairman, on behalf of the observer organizations, for his patience and his willingness to listen to the observers' interventions.

22. The Chairman thanked the Delegate of the United Kingdom for his kind words on behalf of the Technical Commission, and he thanked also the Delegates of Ecuador, Canada, New Zealand and Nigeria and the IATA Observer. The success of the Commission's meetings he attributed largely to the spirit of co-operation that had existed among its members. For his part, he thanked the delegates and observers for their help throughout the 11 meetings in which the Commission had completed its work for the current session of the Assembly. His appreciation extended to all the members of the ICAO staff who had done their part in bringing the meeting to a fruitful conclusion.

The meeting and the session ended at 1250 hours.
## INDEX

<table>
<thead>
<tr>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIR NAVIGATION--POLICY</td>
<td></td>
</tr>
<tr>
<td>consolidated statement (A22-18, App. A-U)</td>
<td></td>
</tr>
<tr>
<td>agenda 16: amendments: recommendation: Council A23-WP/17 TE/1</td>
<td>17-20,21-22</td>
</tr>
<tr>
<td>&quot; note: USA A23-WP/44 TE/3 &amp; DP/1TE</td>
<td>27</td>
</tr>
<tr>
<td>&quot; report, draft: TE A23-WP/119 TE/14</td>
<td>65-67</td>
</tr>
<tr>
<td>AIR NAVIGATION COMMISSION</td>
<td>50-53</td>
</tr>
<tr>
<td>AIR TRAFFIC SERVICES</td>
<td></td>
</tr>
<tr>
<td>airspaces: delineation</td>
<td></td>
</tr>
<tr>
<td>agenda 16: note: Turkey A23-WP/70 TE/6</td>
<td>45-48,55-60</td>
</tr>
<tr>
<td>&quot; &quot; &quot; &quot; A23-WP/96 TE/10</td>
<td>55-60</td>
</tr>
<tr>
<td>contingency planning</td>
<td>22-26</td>
</tr>
<tr>
<td>agenda 16: note: IFALPA A23-WP/32 TE/2</td>
<td></td>
</tr>
<tr>
<td>AIRCRAFT COMMANDER</td>
<td></td>
</tr>
<tr>
<td>legal status: agenda 7: note: Sec. A23-WP/23 LE/1</td>
<td>13-14,15-19</td>
</tr>
<tr>
<td>&quot; &quot; &quot; &quot; A23-WP/31 P/12</td>
<td>12,15</td>
</tr>
<tr>
<td>&quot; &quot; &quot; report, draft: TE A23-WP/64 TE/5</td>
<td>33-34,41-42</td>
</tr>
<tr>
<td>AIRCRAFT LEASE, CHARTER AND INTERCHANGE</td>
<td></td>
</tr>
<tr>
<td>agenda 17: report, draft: TE A23-WP/106 TE/12</td>
<td>53-54</td>
</tr>
<tr>
<td>ASSEMBLY 23, Montreal, 1980</td>
<td></td>
</tr>
<tr>
<td>agenda items See</td>
<td></td>
</tr>
<tr>
<td>7 COUNCIL: annual reports to Assembly: reference EX and commissions</td>
<td></td>
</tr>
<tr>
<td>WORK PROGRAMME 1981-1983: reference EX and commissions</td>
<td></td>
</tr>
<tr>
<td>See also</td>
<td></td>
</tr>
<tr>
<td>AIRCRAFT COMMANDER: legal status</td>
<td></td>
</tr>
<tr>
<td>SEARCH AND RESCUE SATELLITE AIDED TRACKING (SARSAT):</td>
<td></td>
</tr>
<tr>
<td>experimental project</td>
<td></td>
</tr>
<tr>
<td>16 AIR NAVIGATION--POLICY: consolidated statement</td>
<td></td>
</tr>
<tr>
<td>See also</td>
<td></td>
</tr>
<tr>
<td>AIR NAVIGATION COMMISSION: panels: observers: attendance</td>
<td></td>
</tr>
<tr>
<td>AIR TRAFFIC SERVICES: airspaces: delineation</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; contingency planning</td>
<td></td>
</tr>
<tr>
<td>IGAC STUDY GROUPS: purposes and working methods</td>
<td></td>
</tr>
<tr>
<td>SADS AND PANS: formulation</td>
<td></td>
</tr>
<tr>
<td>TELECOMMUNICATIONS, NAVIGATIONAL AIDS AND AERODROME SERVICES</td>
<td></td>
</tr>
<tr>
<td>17 ASSEMBLY RESOLUTIONS: classification and consolidation: reference TE</td>
<td></td>
</tr>
<tr>
<td>See also</td>
<td></td>
</tr>
<tr>
<td>SYSTEMS PLANNING: aircraft, new types: introduction</td>
<td></td>
</tr>
<tr>
<td>Subject</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>ASSEMBLY 23, Montreal, 1980 (Cont.)</td>
<td></td>
</tr>
<tr>
<td>TE: agenda: review A23-WP/1 P/1 &amp; 2 Add.</td>
<td>2</td>
</tr>
<tr>
<td>&quot; minutes: approval: meetings: 1-2</td>
<td>29</td>
</tr>
<tr>
<td>&quot; &quot; &quot; &quot; 3</td>
<td>41</td>
</tr>
<tr>
<td>&quot; &quot; &quot; &quot; 4-5</td>
<td>54</td>
</tr>
<tr>
<td>&quot; &quot; &quot; &quot; 6</td>
<td>64</td>
</tr>
<tr>
<td>&quot; &quot; &quot; &quot; 7</td>
<td>67</td>
</tr>
<tr>
<td>&quot; &quot; &quot; &quot; 8-11: authority delegated to Chairman</td>
<td>67-68</td>
</tr>
<tr>
<td>opening of meeting</td>
<td>1</td>
</tr>
<tr>
<td>report, draft: general section A23-WP/107 TE/13</td>
<td>63-64</td>
</tr>
<tr>
<td>Secretariat officers: introduction</td>
<td>2</td>
</tr>
<tr>
<td>Vice-Chairmen: election</td>
<td>9</td>
</tr>
<tr>
<td>&quot; votes of thanks</td>
<td>69</td>
</tr>
<tr>
<td>working arrangements A23-WP/33 P/13</td>
<td>2</td>
</tr>
<tr>
<td>ASSEMBLY RESOLUTIONS</td>
<td></td>
</tr>
<tr>
<td>classification and consolidation: reference TE</td>
<td></td>
</tr>
<tr>
<td>agenda 17: note: Sec. A23-WP/12 P/4 App. B</td>
<td>34-38, 53-54</td>
</tr>
<tr>
<td>&quot; report, draft: TE A23-WP/106 TE/12</td>
<td>53-54</td>
</tr>
<tr>
<td>COUNCIL</td>
<td></td>
</tr>
<tr>
<td>annual reports to Assembly: reference EX and commissions</td>
<td></td>
</tr>
<tr>
<td>agenda 7: 1977 - Doc 9233 &amp; Corr.</td>
<td>2-7</td>
</tr>
<tr>
<td>&quot; 1978 - Doc 9266</td>
<td>2-7</td>
</tr>
<tr>
<td>&quot; 1979 - Doc 9285 &amp; Supp.</td>
<td>2-7</td>
</tr>
<tr>
<td>&quot; report, draft: TE A23-WP/62 TE/4</td>
<td>30-32</td>
</tr>
<tr>
<td>&quot; &quot; &quot; A23-WP/64 TE/5</td>
<td>33-34, 41-42</td>
</tr>
<tr>
<td>&quot; &quot; &quot; A23-WP/85 TE/8</td>
<td>49</td>
</tr>
<tr>
<td>ICAO STUDY GROUPS</td>
<td></td>
</tr>
<tr>
<td>purposes and working methods</td>
<td></td>
</tr>
<tr>
<td>agenda 16: note: Sec. DF/1TE</td>
<td>27, 42-45</td>
</tr>
<tr>
<td>&quot; USA A23-WP/44 TE/3</td>
<td>27, 42-45</td>
</tr>
<tr>
<td>&quot; report, draft: TE A23-WP/105 TE/11</td>
<td>62-63</td>
</tr>
<tr>
<td>KIPPENBERGER, E.T. (New Zealand)</td>
<td></td>
</tr>
<tr>
<td>TE: 1st Vice-Chairman</td>
<td>9</td>
</tr>
<tr>
<td>DILANIYAN, E.A. (Nigeria)</td>
<td></td>
</tr>
<tr>
<td>TE: 2nd Vice-Chairman</td>
<td>9</td>
</tr>
<tr>
<td>SARES and PANS</td>
<td></td>
</tr>
<tr>
<td>SEArch AND RESCue SATELLITE AIDED TRACKING (SARESAT)</td>
<td></td>
</tr>
<tr>
<td>experimental project</td>
<td></td>
</tr>
<tr>
<td>agenda 7: note: Canada, France and USA A23-WP/47 P/22</td>
<td>11-12</td>
</tr>
</tbody>
</table>
### Subject

#### SYSTEMS PLANNING

- aircraft, new types: introduction
  - agenda 17: note: Denmark A23-WF/40 P/18
  - " " France DP/3TE
  - " " Sec. A23-WF/12 P/4 and DP/2TE
  - " proposed amendment: AACC A23-WF/120 P/53
  - " report, draft: TE A23-WF/95 TE/9

#### TELECOMMUNICATIONS, NAVIGATIONAL AIDS AND AERODROME SERVICES

- national research and development work: co-ordination
  - agenda 16: Res. A22-18 App.I

#### WORK PROGRAMME

  - agenda 7: Doc. 9290 (Budget Estimates): note: Sec. TE/Flimsy 1
  - " " report, draft: TE A23-WF/79 TE/7
  - " " " " A23-WF/85 TE/8
  - " report, draft: TE A23-WF/62 TE/4
  - " " " " A23-WF/64 TE/5

- END -