



C-DEC 221/11
24/11/20

COUNCIL — 221ST SESSION

ELEVENTH MEETING

(VIRTUAL MEETING ON FRIDAY, 20 NOVEMBER 2020, AT 1000 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Programme of ICAO meetings for 2021 and tentative programme of meetings for 2022-2023

1. Further to the decisions taken by the Council on this item during the previous meeting of this session (C-DEC 221/10 refers), consideration of this item was resumed for the sole purpose of confirming the dates of the proposed High-level event to take place in the final quarter of 2021.
2. Following consideration, the Council:
 - a) recalled its decision taken during the previous meeting of the current session in which it approved the convening of a single high-level conference relating to the COVID-19 pandemic response and the aviation sector economic recovery, including an emphasis on safety and facilitation; and
 - b) agreed that either of the following two options should be given further consideration for the scheduling of the proposed High-level Conference:
 - i. a two-week event from 12 to 22 October 2021, with half-day meetings on each day in case of a virtual meeting; or
 - ii. a one-week event from 18 to 22 October 2021, with full day meetings on each day in case of an in-person meeting,
 - c) recalled its decision from the preceding meeting that a final determination on whether the event would take place in-person or in a hybrid or virtual setting would be taken during the 222nd Session (C-DEC 221/10 refers), and in that connection, a final determination would also be made as to which of the two scheduling options listed above would serve as the dates for the event.

Enhancing the efficiency of the working methods of the Council and its subsidiary bodies

3. The Council considered this item on the basis of an oral report presented by the Working Group on Governance and Efficiency (WGGE). In doing so, the Council agreed to waive the requirement in

Rule 26 b) of the *Rules of Procedure for the Council*, given that the oral report had been made available less than 48 hours in advance of this meeting.

4. Following consideration, the Council took note of the information and recommendations presented by the WGGE in its oral report and:

- a) requested the Secretariat to implement the revisions on documentation timelines as per Attachments A1 and A2 of Appendix A of the oral report, subject to the refinements referred to in paragraph 2 of the oral report, on a trial basis, and on the understanding that a final decision on an amendment to the rules of procedure thereon would be taken during the 223rd Session of the Council;
- b) requested the Secretariat to implement on trial basis the guidelines outlined at paragraphs 3.2 to 3.4 of Appendix A regarding the publication of Council documentation, on the understanding that for operational reasons not all documentation would be available before the recess, and consequently a final decision thereon would be taken at the 223rd Session of the Council;
- c) took note of the concerns expressed by the Secretary General in relation to a) and b) above, that the implementation of these proposals carried certain operational and resource implications for the Secretariat that had not yet been fully analysed and would therefore need to be taken into account;
- d) agreed to implement the new provisions on the “written procedure” as set out in Attachment C of Appendix A to the oral report on a trial basis, and on the understanding that a final decision thereon would be taken during the 223rd Session of the Council during which lessons learned from the trial period would also be presented;
- e) agreed that meetings of ISPG and WGGE would be organised as joint meetings on the basis of an assessment provided by the President and that this arrangement would commence as from the Committee phase of the 222nd Session of the Council; and
- f) encouraged the WGGE to continue its work on those elements identified in the oral report of the Small Group, including the suggested rationalization of existing working groups and committees, the mandates of the AGC and HRC, standardisation of the terms of reference and rules of procedure and memberships of the Committees, for deliberation during the 222nd Session and final decision during the 223rd Session of the Council, while at the same time taking note of the intention of the President of the Council to convene at the start of the 222nd Session an informal meeting of the Council to continue deliberations and advance consensus outcomes on these aspects.

Progress report on the implementation of the revised ICAO Ethics Framework

5. The Council resumed consideration (C-DEC 221/2) of this item on the basis of an e-mail message from the Chairperson of the Small Group on the Ethics Framework Review (Small Group), which was circulated to Council Representatives on 13 November 2020, and which related to the proposed draft

version of Appendices G and H concerning rules and procedures to address allegations of misconduct or retaliation against the Secretary General and President of the Council respectively (C-DEC 221/2 refers).

6. Following consideration, the Council:

- a) expressed its appreciation to the Chairperson and members of the Small Group for their tireless efforts in furthering deliberations and revising the recommendations related to the proposed draft version of Appendices G and H concerning rules and procedures to address allegations of misconduct against the Secretary General and President of the Council respectively;
- b) endorsed the principles underlying the proposed draft version of Appendices G and H, which referred to an external investigative entity (United Nations Office of Internal Oversight Services - OIOS) with regard to intake of complaints related to allegations of misconduct, as well as preliminary assessment and investigation thereon, while acknowledging the absence of detailed procedures, and in this connection it was also understood that during the timeframe between the approval of this C-DEC and the final adoption of the Appendixes G and H, any complaint that is submitted against the Secretary General and/or the President will be forwarded directly to OIOS without the need for preliminary considerations to be undertaken by the Ad Hoc Committee;
- c) agreed that there remained the need for a Code of Conduct to highlight the highest ethical standard expected of the occupants of the two officeholder positions in ICAO of the President of the Council and the Secretary General;
- d) agreed that additional provisions would need to be incorporated into the Appendices G and H in order to provide specific safeguards against specious attempts to undermine the authority of the President and the Secretary General, as well as to preclude complaints being lodged from external individuals and/or entities;
- e) agreed to invite the OIOS to provide clarification on whether the proposed text in Appendices G and H would be sufficient in terms of providing an open mandate to undertake an investigation into allegations against the President of the Council and Secretary General, or whether it would be necessary to contain specific provisions that mandated investigations on a case-by-case basis, as proposed by the OIOS;
- f) agreed that the current draft version of Appendices G and H concerning the procedures in all phases including the post-investigation phase, should be revised in order to provide the necessary assurance that both the President of the Council and the Secretary General would be afforded due process; and
- g) agreed to request the Small Group on the Ethics Framework Review (Small Group) to propose amendments to the current draft version of Appendixes G and H in accordance with sub-paragraphs c), d), e), and f) above, with a view to having a consolidated text being presented to the Council for adoption during the 222nd Session.

Request of the International Partners for Aviation Development, Innovation and Sustainability (iPADIS) for inclusion in the *List of international organizations that may be invited to attend suitable ICAO meetings*

7. The Council resumed consideration (C-DEC 221/9) of this item on the basis of C-WP/15102, which presented a request from the International Partners for Aviation Development, Innovation and Sustainability (iPADIS) for inclusion in the *List of international organizations that may be invited to attend suitable ICAO meetings* as an observer.

8. Following consideration, the Council:

- a) approved the request from the International Partners for Aviation Development, Innovation and Sustainability (iPADIS), to be included in the *List of international organizations that may be invited to attend suitable ICAO meetings* as an observer; and
- b) requested the Secretariat to review and refine the existing written guidelines used for the assessment of such requests from international organizations, with the aim of including specific and precise criteria that would help facilitate a more objective framework in which such requests should be approved, and that in undertaking this review exercise, the Secretariat would also take into account comparable practices for similar practices used by other agencies of the United Nations system.

Work Programme of the Council and its Committees for the 222nd Session

9. The Council considered this item on the basis of C-WP/15093, which presented the work programmes of the Council and its Committee for the 222nd Session. The Council also had for consideration an oral report thereon from the Working Group on Governance and Efficiency (WGGE).

10. The Council agreed with the recommendation from the WGGE that the items related to the “Draft Charter Letter from the President of the Council to the Secretary General” and “Enterprise Risk management Framework”, should be included in the work stream of the WGGE. It was also agreed that to the extent possible, if these items also required input from another Council Committee or Working Group, then the items would be considered in joint meetings in order to harmonise comments while minimising constraints on resources.

11. In respect of the item “Report on Technical Cooperation Programme Development”, the Finance Committee would only be involved in the review of the working paper if it were considered there were implications for the regular programme budget or its financial management.

12. In addition, the Council agreed to a request from the Representative of Saudi Arabia that the Secretariat prepare an information paper concerning the rights of travellers in the context of differing screening practices deployed at international airports, including reference to applicable relevant Annex 9 provisions as well as guidance from industry associations such as IATA and ACI, with a view to this information being presented for consideration by the Council during the 222nd Session.

13. Subject to the above outlined amendments, the Council approved the Work Programme of the Council and its Committees as outlined in C-WP/15093. It was also understood that the decisions taken by the Council in the course of the current session that affect the Work Programme for the 222nd Session in

terms of supplementary items, amendments to existing items, or deferrals of items, and that are not currently reflected, would be incorporated in a revised version of C-WP/15093, which would be issued in due course.

14. The Council also noted the proposed list of briefings to take place during the 222nd Session, including the recommendations pertaining to the proposed briefings on environmental protection, the COVID-19 recovery, and on the International Aviation Trust Framework. It was agreed that all briefings should preferably be scheduled during the Committee phase of the session and not the Council phase. The Council further agreed that as far as practicable, meetings of the Committees and Working Groups should occur during the Committee phase of the session and not during the Council phase.

Any other business

Additional meeting of the Air Navigation Commission

15. The Council approved the request for an additional meeting of the Air Navigation Commission to be convened in the week of 23 November 2020.

Additional meeting of the Human Resources Committee

16. The Council also noted that it would be necessary to convene an additional meeting of the Human Resources Committee during the recess, in order to expedite the process related to the consideration and approval of the vacancy notice for the post of Regional Director, Bangkok.

Farewell

17. The Council bade farewell to the Representatives of Brazil and the United Kingdom as well as to the Acting Director, Administration and Services, Mr. Henry Gourджи.

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18. It was noted that due to the ongoing uncertainty related to the convening of in-person meetings due to the COVID-19 pandemic, the 222nd Session (January – March 2021), would most likely be convened in a virtual setting.