



C-DEC 224/9
12/11/21

COUNCIL — 224TH SESSION

NINTH MEETING

(VIRTUAL MEETING ON MONDAY, 8 NOVEMBER 2021, AT 1430 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Response from the Secretary General to the Charter Letter

1. The Council considered this item on the basis of C-WP/15229, as well as an associated PowerPoint presentation, in which the Secretary General provided details on how he intended to address the challenges outlined in the Charter Letter that had been transmitted to him on 31 March 2021 (PRES SS/3149 refers). In doing so, the Secretary General outlined how he planned to fulfil the goals and Strategic Objectives established by the Council and the progress that had already been achieved during the first 100 days of his tenure.
2. Following consideration, the Council:
 - a) welcomed the comprehensive response to the Charter Letter, which outlined the central tenets of the Secretary General's priorities and vision for the Organization, and noted the Secretary General's focus on inter alia, the issues of innovation, capacity-building for Member States and the environment;
 - b) further welcomed in particular, the Secretary General's intention to strengthen the values of good governance and ethics, as well as to reinforce the importance of results-based reporting and the principle of One ICAO, throughout his tenure;
 - c) reaffirmed its commitment as the governing body to work together with the Secretary General in a spirit of trust and transparency, while doing so in a positive, constructive and collaborative manner, with a view to supporting the successful fulfilment of his mandate; and
 - d) encouraged the Secretary General to continue to outline his response to the Charter letter by incorporating information thereon in the context of his regular sessional reports to the Council.

Amendments to the ICAO Anti-Fraud and Anti-Corruption (AFAC) Policy

3. The Council considered this item on the basis of C-WP/15271, which presented the revised *ICAO Anti-Fraud and Anti-Corruption Policy*. The Council also had for consideration an oral report thereon (Revision No. 1) from the Committee on Governance (COG).

4. Following consideration, the Council:

- a) agreed to incorporate the modifications proposed by the Secretariat, with the amendments suggested by the Committee on Governance, to the *ICAO Anti-Fraud and Anti-Corruption* (AFAC) Policy, as reflected in Appendices A and B respectively, to the COG oral report (Revision No. 1);
 - b) further agreed to incorporate the additional modifications proposed by the Secretariat in the course of this meeting to both the Policy and the appended Model Clause, by which all references to “prohibited practices” would be replaced by the phrase “proscribed practices” instead, and the word “collusive” would be deleted from paragraph 1 of the Model Clause;
 - c) took note of the clarifications provided by the Secretariat in relation to the points raised by the COG with respect to clauses 8 a) and 14 g) of the revised AFAC Policy, and on that basis, agreed that the text of these clauses should be reflected as follows:
 - i. “8 a). Fraudulent practice is any act or omission, including any misrepresentation, that knowingly misleads, or attempts to mislead, a person or entity to obtain any financial or other advantage or benefit or to avoid any obligation”; and
 - ii. “14 g). immediately cease any dealings with any party who has been found to be acting contrary to this Policy”;
- and subject to these additional modifications as outlined in the preceding sub-paragraphs, approved the revised ICAO AFAC Policy;
- d) agreed that in relation to the text of clause 5 of the revised AFAC Policy, the Secretariat would be requested to undertake a further review of said Policy for the purposes of ensuring consistency in the terminology used; and
 - e) recalling the importance of this item, further requested the Secretariat to consider presenting future revisions or updates to ICAO policies in all six official languages.

ICAO Policy on Innovation

5. The Council considered this item on the basis of an oral report from the Small Group on Innovation (SGI), which provided an overview of the progress made by the SGI in developing guidance on how the Organization should proceed to address innovation, in the context of Assembly Resolution A40-27.

6. Following consideration, the Council:

- a) took note of the information presented in the oral report, and expressed appreciation for the progress made thus far by the Small Group to advance the work on this subject;
- b) recalling operative clause 2 of Assembly Resolution A40-27, requested the Secretary General to make arrangements for an independent assessment to be undertaken of the Organization’s engagement with innovation, which would aim to review ICAO’s current practices in this area, in the context of the four dimensions of innovation referred to in paragraph 3 of the SGI oral report;

- c) further requested the Secretary General to explore options for the allocation of resources necessary to undertake the assessment referred to in the preceding sub-paragraph, and to consider measures that could be taken to enable and promote innovation at ICAO, including, but not limited to:
 - i. leveraging of industry's resources in the technical work of ICAO;
 - ii. identifying initiatives and changes in working methods that would promote more substantive interactions between ICAO and the industry, including industry's engagement and inputs to Panels and other expert groups, the Air Navigation Commission, and with the Council, as well as the processes by which State regulators introduce and promote innovation through their engagement with ICAO;
 - iii. implementing new working methods within the Secretariat in order to mainstream innovation and disseminate an innovation culture; and
 - iv. developing and/or identifying best practices aimed at better supporting Member States' implementation of ICAO Standards and Recommended Practices (SARPs) within their regulatory frameworks.
- d) requested the Secretariat to develop a survey aimed at collecting the views of external stakeholders on ICAO and innovation, taking into account information already available;
- e) invited the SGI, in cooperation with the Air Navigation Commission, and supported by the Secretariat to undertake consultations, including with industry representatives, with the aim of developing a framework for a regulatory roadmap in a transparent, inclusive and equitable manner, which would then be presented for further consideration by the Council, in line with paragraph 3 b) of the SGI oral report, taking into account the results of the assessment and survey in paragraphs b) and d) above;
- f) recalled that the inaugural Industry Consultative Forum (ICF), had identified a number of considerations in relation to the ICAO approach to innovation (*cf.* C-DEC 224/3 and oral report from the Small Ad Hoc Working Group on the ICF), including recommendations on the prioritization of key themes for the work of ICAO as well as an assessment of the SARPs development procedures, and in this regard, noted that the implementation of these recommendations addressed the requirements of operative clause 5 of Assembly Resolution A40-27;
- g) further invited the SGI to continue to refine the principles that should serve as the basis for the eventual policy on innovation that would be approved by the Council, taking into account the comments made in the course of the consideration of this item during the deliberations at this meeting of the Council, and in this connection, underscored that any interactions with industry on innovation, should in no way diminish the foremost role and nature of the Council as the primary decision-making and intergovernmental organ of the Organization; and
- h) affirmed that the decisions taken by the Council at this meeting represent a work-in-progress on the adoption of an ICAO policy on innovation and the intended work outlined in the preceding paragraphs would be presented for further review by the Council at future sessions.

Any other business**Additional meeting of the current session**

7. It was noted that an additional meeting of the current session would likely need to be scheduled on the afternoon of Wednesday, 10 November 2021, in order to ensure that the Council would be able to complete its consideration of all remaining items on the work programme.

In-person meeting

8. The Secretariat provided logistical information pertaining to the in-person meeting that will take place in the Assembly Hall on the afternoon of Friday, 12 November 2021, in relation to the “State of the industry” briefing. It was understood that additional information in this regard, including the proposed seating plan, would be circulated by the Secretariat in due course. It was also noted that the President of the Council would be hosting a reception for participants at the conclusion of the briefing.

Council working papers presented for information

9. It was noted that as the President of the Council had not received any requests to have the following information paper tabled for consideration, it was recorded that the Council had noted the information provided therein:

- C-WP/15274 – *Resolutions of the 75th Session of the United Nations General Assembly.*

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