



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A35-WP/33
P/5
10/4/04

ASSEMBLY - 35TH SESSION

PLENARY

Agenda Item 9: Assembly resolutions to be consolidated or to be declared no longer in force and their reference to the Executive Committee and Commissions

Agenda Items 21, 26, 32, 38 and 45

SUMMARY

The objective of the present paper is to permit the Assembly to declare as no longer in force certain Assembly resolutions, or parts of resolutions, which have become obsolete or on which action has been completed.

In determining which resolutions are no longer in force, a guiding principle has always been that this is essentially an editorial task and therefore the occasion should not be used to propose changes in policies. Proposals to the Assembly for new resolutions which supersede existing resolutions are dealt with separately under specific agenda items.

REFERENCES

Doc 9790, *Assembly Resolutions in Force*

1. At its 15th Session in 1965, the Assembly noted the great number of resolutions then in existence and the difficulties in ascertaining the validity and status of many of them. The Assembly therefore instructed the Council to submit to the next session a classification and consolidation of the resolutions in force.

2. Consequently, the 16th Session of the Assembly (Buenos Aires, 1968) undertook an examination of all the resolutions adopted by the PICAQ and ICAO Sessions of the Assembly and, in resolution A16-1, declared a great number of them as no longer in force; it also proceeded to consolidate many other resolutions and approved a classification of the resolutions in force as of the end of that Session of the Assembly, in September 1968. The results were reflected in the document "Assembly Resolutions in Force". Since that Session, regular sessions of the Assembly have considered proposals for consolidating resolutions or declaring them no longer in force and following each session a new edition of the document "Assembly Resolutions in Force" has been issued. The most recent is Doc 9790 containing resolutions in force as of 5 October 2001.

3. During the 35th Session of the Assembly, some of those resolutions in force, or parts thereof, will be cancelled either as a result of action on the present paper or of the adoption of new resolutions that will cancel previous ones. The Council also presents separately to the Assembly proposed updated consolidated statements of continuing ICAO policies related specifically to air navigation, air transport, communications, navigation and surveillance/air traffic management (CNS/ATM) systems, environmental protection, and the safeguarding of international civil aviation against acts of unlawful interference.

4. The Appendices to this paper present, with brief explanations of the reasons, those resolutions which it is suggested should be declared no longer in force. Appendices A to E deal respectively with those resolutions which should be considered by the Executive Committee and the Technical, Economic, Legal and Administrative Commissions under Items 21, 26, 32, 38 and 45. Each of these bodies will present its recommendations to the Plenary which, under Item 9, will take final action on the matter by adopting a *single general resolution*, a draft of which appears in Appendix F (the draft follows the lines of the resolving clauses of similar resolutions adopted since 1968, the most recent being A33-6).

5. The principles followed by the Council in determining which resolutions should be declared no longer in force and which should be consolidated are those applied by the Assembly since 1968. They may be summarized as follows:

- a) As the consolidation of resolutions is essentially of an editorial nature, the occasion should not be used for introducing changes in policies.
- b) The expression "no longer in force" covers resolutions no longer valid for different reasons, such as being redundant or being obsolete because action thereon was completed.
- c) The resolutions that are deemed to be no longer in force should be so declared by the Assembly.
- d) Consolidation of resolutions should be undertaken only when two or more resolutions cover the same subject in similar terms or complement each other with some duplication. In the consolidation process no changes of substance should be introduced.

FINANCIAL IMPACT

6. The proposals contained in this working paper have no budgetary implications.

ACTION BY THE ASSEMBLY

7. The Assembly is invited:

- a) to refer Appendix A to the Executive Committee, Appendix B to the Technical Commission, Appendix C to the Economic Commission, Appendix D to the Legal Commission and Appendix E to the Administrative Commission, for consideration and recommendation to the Plenary;
- b) upon receipt of their respective reports, to decide on their recommendations and, in the case of resolutions or parts of resolutions which should be declared no longer in force, to do so by adopting the general resolution appearing in Appendix F.

APPENDIX A

RESOLUTIONS TO BE DECLARED NO LONGER IN FORCE

Doc 9790 - Assembly Resolutions in Force

Part I - Constitutional and General Policy Matters

Resolution*	Subject	No longer in force because
A 29-2 (I-10)	Membership of the Federal Republic of Yugoslavia (Serbia and Montenegro)	Action completed

Proposals for updated consolidated statements of continuing ICAO policies and practices related to (a) communications, navigation and surveillance/air traffic management (CNS/ATM) systems and (b) environmental protection, which would have an impact on Part I, are presented by the Council separately.

Part VI - Technical Co-operation

Part VII - Unlawful Interference

On the basis of the principles outlined in paragraph 5 of this paper, it is recommended that none of the resolutions in Part VI and Part VII be declared no longer in force.

A proposal for an updated consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, which would have an impact on Part VII, is presented by the Council separately.

*The number in brackets refers to the page on which the relevant resolution will be found in Doc 9790.

APPENDIX B

RESOLUTIONS TO BE DECLARED NO LONGER IN FORCE

Doc 9790 - Assembly Resolutions in Force

Part II - Air Navigation

Resolution*	Subject	No longer in force because
A 22-14 (II-21)	Technical and economic problems related to the introduction into commercial service of supersonic aircraft	Action completed

A proposal for an updated consolidated statement of ICAO continuing policies and associated practices related specifically to air navigation, which would have an impact on Part II, is presented by the Council separately. The Council also presents separately proposals for updated consolidated statements of continuing ICAO policies and practices related to (a) communications, navigation and surveillance/air traffic management (CNS/ATM) systems and (b) environmental protection.

*The number in brackets refers to the page on which the relevant resolution will be found in Doc 9790.

APPENDIX C

RESOLUTIONS TO BE DECLARED NO LONGER IN FORCE

Doc 9790 - Assembly Resolutions in Force

Part III - Air Transport

On the basis of the principles outlined in paragraph 5 of this paper, it is recommended that none of the resolutions in Part III be declared no longer in force.

A proposal for an updated consolidated statement of continuing ICAO policies in the air transport field, which would have an impact on Part III, is presented by the Council separately. The Council also presents separately a proposal for an updated consolidated statement of continuing ICAO policies and practices related to environmental protection.

APPENDIX D

RESOLUTIONS TO BE DECLARED NO LONGER IN FORCE

Doc 9790 - Assembly Resolutions in Force

Part V - Legal Matters

On the basis of the principles outlined in paragraph 5 of this paper, it is recommended that none of the resolutions in Part V be declared no longer in force.

APPENDIX E

RESOLUTIONS TO BE DECLARED NO LONGER IN FORCE

Doc 9790 - Assembly Resolutions in Force

Part X - Finance

Resolution*	Subject	No longer in force because
A 31-20 (X-6)	Apportionment of expenses of ICAO among Contracting States	Obsolete
A32-26 (X-7)	Assessments to the General Fund for 1999, 2000 and 2001	Action completed
A33-25 (X-10)	Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention	Action completed
A32-24 (X-11)	Budgets 1999, 2000 and 2001	Action completed
A 33-30 (X-17)	Approval of the accounts of the Organization for the financial years 1998, 1999 and 2000 and examination of the Audit Reports thereon	Action completed
A 33-31 (X-18)	Approval of those financial statements with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial years 1998, 1999 and 2000 and examination of the Audit Reports thereon	Action completed

*The number in brackets refers to the page on which the relevant resolution will be found in Doc 9790.

APPENDIX F

DRAFT GENERAL RESOLUTION

A35- : **Assembly Resolutions no longer in force**

THE ASSEMBLY DECLARES:

6. that, subject to the provisions of clause (2) following, the resolutions or parts of resolutions specified in the list below* are no longer in force; and
7. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.

Resolution

Subject

**No longer in
force because**

- END -

*This list will be prepared after the Assembly completes action on proposals from the Executive Committee and the Technical, Economic, Legal and Administrative Commissions.