



ASSEMBLY — 36TH 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Agenda Item 9: Assembly resolutions to be consolidated or to be declared no longer in force and their reference to the Executive Committee and Commissions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, 38, 44, 48 and 60

ASSEMBLY RESOLUTIONS TO BE CONSOLIDATED OR TO BE DECLARED NO LONGER IN FORCE

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

The objective of the present paper is to permit the Assembly to declare as no longer in force certain Assembly resolutions on which action has been completed. The paper describes the relevant background to this exercise as well as the principles followed by the Council in determining which resolutions should be declared no longer in force and which should be consolidated. It includes appendices that present those resolutions which it is suggested should be declared no longer in force.

Action: The Assembly is invited to:

- a) 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) decide on the recommendations of the above-mentioned bodies upon receipt of their respective reports; and
- c) in the case of resolutions which should be declared no longer in force, do so by adopting the general resolution appearing in Appendix F.

<i>Strategic Objectives:</i>	This working paper relates to all of the Strategic Objectives.
<i>Financial implications:</i>	The proposals contained in this working paper have no budgetary implications.
<i>References:</i>	Doc 9848, <i>Assembly Resolutions in Force (as of 8 October 2004)</i>

1. INTRODUCTION

1.1 The objective of the present paper is to permit the Assembly to declare as no longer in force certain Assembly resolutions on which action has been completed.

2. BACKGROUND

2.1 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.

2.2 Consequently, the 16th Session of the Assembly (Buenos Aires, 1968) undertook an examination of all the resolutions adopted by the PICA0 and ICAO Sessions of the Assembly and, in resolution A16-1, declared a great number of them as no longer in force; it also proceeded to consolidate many other resolutions and approved a classification of the resolutions in force as of the end of that Session of the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 9848 containing resolutions in force as of 8 October 2004.

3. CONSIDERATION

3.1 During the 36th 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 latter are dealt with separately under specific agenda items. The Council also presents separately to the Assembly proposed updated consolidated statements of continuing ICAO policies related to a number of subject areas.

3.2 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.

4. CONCLUSION

4.1 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, 38, 44, 48 and 60. 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 A35-4).

APPENDIX A

RESOLUTIONS TO BE DECLARED NO LONGER IN FORCE

Doc 9848, *Assembly Resolutions in Force (as of 8 October 2004)*

Part I – Constitutional and General Policy Matters

On the basis of the principles outlined in paragraph 3.2 of this paper, it is recommended that none of the resolutions in Part I be declared no longer in force.

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

On the basis of the principles outlined in paragraph 3.2 of this paper, it is recommended that none of the resolutions in Part VI be declared no longer in force.

A proposal for a consolidated statement of ICAO policies on technical cooperation, which would have an impact on Part VI, is presented by the Council separately.

Part VII - Unlawful Interference

On the basis of the principles outlined in paragraph 3.2 of this paper, it is recommended that none of the resolutions in 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.

APPENDIX B

RESOLUTIONS TO BE DECLARED NO LONGER IN FORCE

Doc 9848, Assembly Resolutions in Force (as of 8 October 2004)

Part II – Air Navigation

Resolution *	Subject	No longer in force because
A 24-8 (II-19)	Re-examination of the work programme in the air navigation field	Action completed. The Technical Work Programme has now transitioned to the Air Navigation Integrated Programme (ANIP). The ANIP is maintained in an on-line format within the context of supporting the Business Plan of the Organization. It is a dynamic management tool, which incorporates all modern business practices including all the criteria specified in Resolving Clause 1 of Resolution A24-8.

A proposal for an updated consolidated statement of continuing ICAO 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 a proposal for an updated consolidated statement of continuing ICAO policies and practices related to communications, navigation and surveillance/air traffic management (CNS/ATM) systems.

* The number in brackets refers to the page on which the relevant resolution will be found in Doc 9848.

APPENDIX C

RESOLUTIONS TO BE DECLARED NO LONGER IN FORCE

Doc 9848, Assembly Resolutions in Force (as of 8 October 2004)

Part III – Air Transport

On the basis of the principles outlined in paragraph 3.2 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 9848, Assembly Resolutions in Force (as of 8 October 2004)

Part V – Legal Matters

On the basis of the principles outlined in paragraph 3.2 of this paper, it is recommended that none of the resolutions in Part V be declared no longer in force.

A proposal for an updated consolidated statement of continuing ICAO policies in the legal field, which would have an impact on Part V, is presented by the Council separately.

APPENDIX E

RESOLUTIONS TO BE DECLARED NO LONGER IN FORCE

Doc 9848, *Assembly Resolutions in Force (as of 8 October 2004)*

Part X - Finance

Resolution[†]	Subject	No longer in force because
A 33-26 (X-7)	Assessments to the General Fund for 2002, 2003 and 2004	Action completed. The Assembly determined the assessments for 2002, 2003 and 2004 and State letters were issued accordingly.
A 35-23 (X-11)	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. The Assembly confirmed action of the Council with regard to a new Contracting State.
A 33-23 (X-11)	Budgets 2002, 2003 and 2004	Action completed. On approval by the Assembly, the Regular Programme Budget for 2002, 2003 and 2004 was issued.
A 35-29 (X-18)	Approval of the accounts of the Organization for the financial years 2001, 2002 and 2003 and examination of the Audit Reports thereon	Action completed. The Assembly approved the accounts of the Organization for fiscal years 2001, 2002 and 2003. The Council reviewed the progress of implementation of the External Auditors recommendations annually.
A 35-30 (X-19)	Approval of those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial years 2001, 2002 and 2003 and examination of the Audit Reports on the financial statements of the Organization which also cover the United Nations Development Programme accounts	Action completed. The Assembly approved the accounts with respect to the UNDP administered by ICAO as Executing Agency for the financial years 2001, 2002 and 2003. The Council reviewed the progress of implementation of the External Auditors recommendations annually.

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[†] The number in brackets refers to the page on which the relevant resolution will be found in Doc 9848.

APPENDIX F
DRAFT GENERAL RESOLUTION

A36- : Assembly resolutions no longer in force

The Assembly declares:

1. 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
2. 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
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[‡] This list will be prepared after the Assembly completes action on proposals from the Executive Committee and the Technical, Economic, Legal and Administrative Commissions.