



| ICAO

Doc 10024, A38-EX

ASSEMBLY
THIRTY-EIGHTH SESSION

Montréal, 24 September – 4 October 2013

**EXECUTIVE
COMMITTEE**

REPORT AND MINUTES

*Approved by the Executive Committee of the Assembly
and published by authority of the Secretary General*



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EXECUTIVE COMMITTEE
REPORT AND MINUTES
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SCHEDULE OF ITEMS DISCUSSED BY THE EXECUTIVE COMMITTEE

DATE AND NUMBER OF MEETINGS											
Item		September						October			
		25 AM 1	25 PM 2	26 AM 3	26 PM 4	27 AM 5	27 PM	2 AM 6, 7	2 PM 8	3 AM 9	3 PM 10, 11
10.	Contributions in arrears	X									
11.	Annual Reports of the Council to the Assembly for 2010, 2011 and 2012			X				X			
12.	Technical Cooperation - Policy and activities on technical cooperation and assistance		X					X			
13.	Aviation Security — Policy					X		X			
14.	Universal Security Audit Programme (USAP)					X		X			
15.	Aviation Security — Implementation Support					X		X			
16.	Facilitation and Machine Readable Travel Documents					X		X			
17.	Environmental Protection			X				X	X	X	X
18.	Cooperation with Regional Organizations and Regional Civil Aviation Bodies		X					X			
19.	Duration of the terms of the Secretary General		X					X			
20.	Proposal to hold Assembly sessions every two years		X					X			
21.	Proposal to amend Article 50 (a) of the Chicago Convention so as to increase the membership of the Council to 39		X					X			
22.	Human Resources management				X			X			
23.	Status of ICAO workforce				X			X			
24.	Increasing the efficiency and effectiveness of ICAO				X			X			
25.	Other high-level policy issues to be considered by the Executive Committee				X			X			

PART I
REPORT OF
THE EXECUTIVE COMMITTEE

REPORT OF THE EXECUTIVE COMMITTEE TO THE ASSEMBLY

General

1. The Executive Committee of the 38th Session of the Assembly held eleven meetings from 24 September to 4 October. The meetings were convened under the chairmanship of the President of the Assembly, Ambassador Michel Wachenheim (France), with the exception of the Sixth Meeting, which was chaired by the First Vice-President of the Assembly, Mr. Robert Dick (Canada).

States and Observer Delegations Represented

2. The following 184 Member States were represented at all or some of the meetings of the Committee:

Afghanistan	Bulgaria	Djibouti
Albania	Burkina Faso	Dominican Republic
Algeria	Burundi	Ecuador
Andorra	Cambodia	Egypt
Angola	Cameroon	El Salvador
Antigua and Barbuda	Canada	Equatorial Guinea
Argentina	Cape Verde	Estonia
Armenia	Central African Republic	Ethiopia
Australia	Chad	Fiji
Austria	Chile	Finland
Azerbaijan	China	France
Bahamas	Colombia	Gabon
Bahrain	Comoros	Gambia
Bangladesh	Congo	Georgia
Barbados	Cook Islands	Germany
Belarus	Costa Rica	Ghana
Belgium	Côte d'Ivoire	Greece
Belize	Croatia	Grenada
Benin	Cuba	Guatemala
Bhutan	Cyprus	Guinea
Bolivia (Plurinational State of)	Czech Republic	Guinea-Bissau
Bosnia and Herzegovina	Democratic Peoples' Republic of Korea	Guyana
Botswana	Democratic Republic of the Congo	Haiti
Brazil	Denmark	Honduras
Brunei Darussalam		Hungary
		Iceland

India	Niger	Timor-Leste
Indonesia	Nigeria	Togo
Iran (Islamic Republic of)	Norway	Tonga
Iraq	Oman	Trinidad and Tobago
Ireland	Pakistan	Tunisia
Israel	Palau	Turkey
Italy	Panama	Turkmenistan
Jamaica	Paraguay	Uganda
Japan	Peru	Ukraine
Jordan	Philippines	United Arab Emirates
Kazakhstan	Poland	United Kingdom
Kenya	Portugal	United Republic of Tanzania
Kiribati	Qatar	United States
Kuwait	Republic of Korea	Uruguay
Kyrgyzstan	Republic of Moldova	Uzbekistan
Lao People's Democratic Republic	Romania	Vanuatu
Latvia	Russian Federation	Venezuela (Bolivarian Republic of)
Lebanon	Rwanda	Viet Nam
Lesotho	Saint Kitts and Nevis	Yemen
Liberia	Saint Lucia	Zambia
Libya	Saint Vincent and the Grenadines	Zimbabwe
Lithuania	Samoa	
Luxembourg	San Marino	
Madagascar	Sao Tome and Principe	
Malaysia	Saudi Arabia	
Maldives	Senegal	
Mali	Serbia	
Malta	Seychelles	
Marshall Islands	Sierra Leone	
Mauritania	Singapore	
Mauritius	Slovakia	
Mexico	Slovenia	
Micronesia (Federated States of)	Solomon Islands	
Monaco	Somalia	
Mongolia	South Africa	
Montenegro	South Sudan	
Morocco	Spain	
Mozambique	Sri Lanka	
Myanmar	Sudan	
Namibia	Swaziland	
Nepal	Sweden	
Netherlands	Switzerland	
New Zealand	Thailand	
Nicaragua	The former Yugoslav Republic of Macedonia	

3. Observers from the following international organizations were also represented at one or more meetings:

African Civil Aviation Commission (AFCAC)
African Development Bank (AfDB)
African Union/Union africaine (AU)
Agency for Air Navigation Safety in Africa and Madagascar (ASECNA)
Air Crash Victims Families Group (ACVFG)
Airports Council International (ACI)
Arab Air Carriers Organization (AACO)
Arab Civil Aviation Commission (ACAC)
Banjul Accord Group Aviation Safety Oversight Organization (BAGASOO)
Caribbean Aviation Safety and Security Oversight System (CASSOS)
Central African Economic and Monetary Community (CEMAC)
Central American Corporation for Air Navigation Services (COCESNA)
Civil Air Navigation Services Organisation (CANSO)
Civil Aviation Safety and Security Oversight Agency - East African Community (CASSOA)
Common Market for Eastern and Southern Africa (COMESA)
East African Community (EAC)
Economic Community of Central African States (ECCAS)
Economic Community of West African States (ECOWAS)
European Aviation Safety Agency (EASA)
European Civil Aviation Conference (ECAC)
European Organization for Civil Aviation Equipment (EUROCAE)
European Organisation for the Safety of Air Navigation (EUROCONTROL)
European Union (EU)
Flight Safety Foundation (FSF)
Global Express Association (GEA)
International Academy of Aviation and Space Medicine (IAASM)
International Air Transport Association (IATA)
International Business Aviation Council (IBAC)
International Coalition for Sustainable Aviation (ICSA)
International Coordinating Council of Aerospace Industries Associations (ICCAIA)
International Council of Aircraft Owner and Pilot Associations (IAOPA)
International Federation of Airline Dispatchers' Associations (IFALDA)
International Federation of Air Line Pilots' Associations (IFALPA)
International Federation of Air Traffic Controllers' Associations (IFATCA)
International Federation of Air Traffic Safety Electronics Associations (IFATSEA)
International Federation of Freight Forwarders Associations (FIATA)
International Labour Organisation (ILO)
International Transport Workers' Federation (ITF)
Interstate Aviation Committee (IAC)

Joint Aviation Authorities - Training Organisation (JAA-TO)
Latin American and Caribbean Air Transport Association (ALTA)
Latin American Association of Air and Space Law (ALADA)
Latin American Civil Aviation Commission (LACAC)
North Atlantic Treaty Organisation (NATO)
Radio Technical Commission for Aeronautics (RTCA)
Royal Aeronautical Society (RAeS)
Society of Automotive Engineers (SAE)
The International Air Cargo Association (TIACA)
United Nations (UN)
United Nations Framework Convention on Climate Change (UNFCCC)
West African Economic and Monetary Union (UEMOA)
World Bank (WB)
World Customs Organization (WCO)
World Tourism Organization (UNWTO)

4. The Secretary General, Mr. Raymond Benjamin, also took part in all meetings of the Committee. Mr. J. Augustin, Acting Director of the Legal Affairs and External Relations Bureau, was Secretary of the Committee. Mr. B. Verhaegen was the Deputy Secretary, and Mrs. N. Abdennebi, Mr. B. Djibo, Mr. I. Galan, Mrs. J. Hupe, Mr. A. Larcos, Dr. F. Liu, Mr. J. Marriott, Mr. P. Noad, Mr. J. Wan and Mr. J. Weich were Assistant Secretaries. The Précis-writers were Miss S. Black, Mrs. D.J. Cooper, Miss V. Muraca and Ms. L. Wirtanen.

5. The Minutes of the Meetings are being published as A38-Min. EX/1-11.

Agenda

6. The following items were referred by the Plenary to the Executive Committee for its consideration:

Agenda Item 10: Contributions in arrears

Agenda Item 11: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012

Agenda Item 12: Technical cooperation – Policy and activities on technical cooperation and assistance

Agenda Item 13: Aviation security – Policy

Agenda Item 14: Universal Security Audit Programme (USAP)

Agenda Item 15: Aviation security – Implementation Support

Agenda Item 16: Facilitation and machine readable travel documents

Agenda Item 17: Environmental protection

Agenda Item 18: Cooperation with regional organizations and regional civil aviation bodies

- Agenda Item 19: Duration of the terms of the Secretary General
- Agenda Item 20: Proposal to hold Assembly sessions every two years
- Agenda Item 21: Proposal to amend Article 50 a) of the Chicago Convention so as to increase the membership of the Council to 39
- Agenda Item 22: Human resources management
- Agenda Item 23: Status of ICAO workforce
- Agenda Item 24: Increasing the efficiency and effectiveness of ICAO
- Agenda Item 25: Other high-level policy issues to be considered by the Executive Committee

7. All documents and working papers considered by the Committee are listed by agenda item on the ICAO Assembly website <http://www.icao.int/Assembly38/>.

Agenda Item 11: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012

11.1 At the third meeting of the Executive Committee, the President of the Council presented an overview of the Annual Reports of the Council for 2010, 2011, and 2012, as well as a supplementary report for the first six months of 2013 which related to Agenda Item 11. It was noted that the full text of these reports, which had previously been distributed to all Member States, could also be accessed on the ICAO public website.

11.2 In the course of the overview given by the President of the Council, the Executive Committee was informed that the Council had been particularly active during this period in pursuing the existing Strategic Objectives relating to safety, security and environmental protection and the sustainable development of air transport.

11.3 In addition, the Executive Committee was informed of some of the major achievements and decisions that the Council had taken and which were aimed at achieving long-term sustainability. These related to actions taken by the Council pursuant to Assembly Resolutions adopted at the thirty-seventh session of the Assembly in 2010, as well as activities initiated by the Organization. It was noted that together, these actions supported a multidimensional strategy based on proactivity, flexibility and risk-management processes.

Agenda Item 12: Technical Cooperation - Policy and activities on technical cooperation and assistance

12.1 At its second meeting, the Executive Committee considered the subject of *Technical Co-operation – Policy and activities on technical cooperation and assistance* on the basis of A38-WP/19 presented by the ICAO Council and two working papers, one of which was presented by Indonesia (A38-WP/171) and the other one by Japan (A38-WP/334), as well as an information paper presented by the Interstate Aviation Committee (A38-WP/134).

12.2 In A38-WP/19, the Council provided an update on ICAO's policy and strategy for technical assistance and technical cooperation, including the delineation of responsibilities for the implementation of these activities within the Secretariat. The Report apprised the Assembly that, in the interest of streamlining and strengthening ICAO's technical support programmes, the Council had adopted new definitions for the terms "technical assistance" and "technical cooperation" within the context of the Organization. On the one hand, the Organization would provide technical assistance with Regular Budget resources and Voluntary Funds, which would be allocated in accordance with funding principles and priority criteria defined by the Council, mainly to remedy deficiencies primarily identified in ICAO audits. On the other hand, within the technical cooperation concept, the Organization, through its Technical Co-operation Bureau (TCB), would continue to support States and other entities in the development and implementation of projects which are funded by governments or donors on a cost-recovery basis. Recalling that the Technical Co-operation Programme is a permanent priority activity of the Organization, the Report presented an analysis of the Programme's performance results in the 2010 to 2012 triennium from the financial and non-quantifiable operational perspectives, offering a comparison with the preceding triennium, and provided the Administrative and Operational Services Cost (AOSC) Fund results for the reporting period, complemented by information on the apportionment of costs between the AOSC Fund and the Regular Budget. The Report also provided information on significant developments within the Technical Co-operation Bureau in the triennium, including the establishment of a Quality Management System, reinforcing ICAO's commitment to continually improve the quality and effectiveness of its technical cooperation services to the benefit of Member States and the wider global aviation community.

12.3 A38-WP/171, presented by Indonesia, provided the State's views on ICAO's policy and funding of technical assistance and technical cooperation activities in light of the new definitions adopted by the Council. Highlighting its positive experience with Technical Co-operation Bureau projects which are funded by the government itself and the three cooperative programmes in which Indonesia participates, the Government informed of its intention to continue its involvement with the Technical Co-operation Programme. With regard to the Technical Assistance Programme, it was Indonesia's opinion that, should it be solely funded from Regular Budget resources and Voluntary Funds, only short-term activities of a more limited scope could be financed under this Programme. Under these circumstances and given the global interest and the importance of mitigating significant safety and security concerns, the paper proposed to raise additional funds through renewed efforts by the Organization to obtain funding from international institutions such as the World Bank and regional development banks. Indonesia therefore invited the Assembly to request the Secretary General to renew and intensify efforts to obtain funding for technical assistance activities, in particular for providing support in the rectification of significant safety and security concerns.

12.4 A38-WP/334, presented by Japan, apprised the Assembly of its extensive experience in international cooperation in aviation safety, security and other air navigation fields, including airport development, as well as its achievements in the planning, design, construction, operation, maintenance and management of environment-friendly airports. The Assembly was invited to note Japan's readiness to assist the Association of Southeast Asian Nations (ASEAN) and other countries in these fields of expertise.

12.5 A38-WP/134, presented by the Interstate Aviation Committee, provided information on a new approach for the training of aviation experts under the Co-operative Development of Operational Safety and Continuing Airworthiness project implemented through ICAO in the Commonwealth of Independent States (COSCAP-CIS). This new methodology replaced the conventional training provided to flight safety inspectors as well as flight operations and maintenance personnel from civil aviation administrations and airlines with training through workshops and seminars on the specific aircraft types operated in the region. This most effective, productive and economical approach will also be applied by the project in 2014.

12.6 The Executive Committee noted that the Technical Co-operation Programme's performance in the current triennium had enjoyed the continuous interest of States, donors and private entities, with a total

Programme delivery of USD 337.9 million and implementation of an average of 100 projects a year in approximately 150 States. The Committee acknowledged the Secretary General's efforts to further strengthen the outreach programme and develop new partnerships in order for Member States to be in a position to benefit equally from ICAO's expertise and experience in assisting with the remedying of deficiencies in the civil aviation sector. The Committee was also informed of measures taken by the Secretary General to reduce expenditures to the extent possible which, together with the increase in Programme implementation volume, contributed to restoring the financial position of the AOSC Fund to a healthy level.

12.7 The Committee was informed of the development of a Management Plan for the Technical Co-operation Programme, which set the goals and strategies to be followed in the next three years. It was recognized that in the best interest of States, ICAO's goal remains to continuously improve the efficiency and quality of services of its Technical Co-operation Bureau. In this regard, the Committee noted that priority had been given to the implementation of ISO 9001:2008 as the Quality Management System in TCB and that ISO certification had been obtained in 2013, with the exception of the Field Personnel Section, which was expected to be certified in 2014.

12.8 It was pointed out that developing adequate key performance indicators was essential to measure the effectiveness of the Technical Co-operation Programme in achieving the projects' expected outcomes, particularly in regard to the rectification of safety and security deficiencies identified through ICAO audits. It also recalled that the use of ex-post evaluations as a tool to measure the Programme's overall impact on ICAO's Strategic Objectives had received full support of the previous Assembly. In agreeing with these statements, the Secretariat confirmed that, as a follow-up to Assembly Resolution A36-17, a provision had been included in framework agreements signed by ICAO with governments encouraging the conduct of independent ex-post evaluations as an integral part of project planning and implementation, while key performance indicators were defined both at project and Programme levels and reported to the Council through the Management Plan process.

12.9 During discussions on technical assistance, it was noted that the new policy and funding mechanism resulted in the execution of regulatory, audit and assistance functions by the same administrative entity in ICAO. The view was expressed that, in order to avoid potential conflict of interest, consideration should be given to assigning all responsibilities for the Technical Assistance Programme to the Technical Co-operation Bureau.

12.10 With reference to the call in WP/171 for increased funding from global and regional development banks for technical assistance activities, in particular for the remedying of significant safety and security concerns, it was pointed out that numerous air transport-related projects had been funded by the World Bank over the past 61 years in coordination and cooperation with various donors. However, normally the Bank provides funding only on the basis of competitive bidding, which had not been an option for ICAO.

12.11 A proposal was put forward that the highest priority should be accorded to funding aviation security-related technical assistance projects in States with high risk assessment on the one hand, and on the other, inadequate resources for the mitigation of deficiencies.

12.12 There was general consensus in the Executive Committee regarding the new policy and strategies on technical assistance and technical cooperation adopted by the Council in the interest of streamlining and strengthening ICAO's technical support programmes. The Committee acknowledged that ICAO and other implementation partners should continue to work in the areas of their respective mandate in close cooperation and coordination in the interest of civil aviation. With regard to the outlook in the coming triennium, it was agreed that, given the rapid development of civil aviation technologies, ICAO's Technical Co-operation Programme would continue to play an important role in providing support to States. The

Committee consequently agreed to the content of WP/19 and recommended that the Assembly approve the actions proposed by the Council.

Agenda Item 13: Aviation Security — Policy

13.1 At its sixth meeting, the Executive Committee considered the subject of aviation security policy on the basis of a Council report (WP/13) on the implementation of the Declaration on Aviation Security adopted by the 37th Session of the Assembly and the ICAO Comprehensive Aviation Security Strategy (ICASS), as well as a Council report on the outcomes of the High-level Conference on Aviation Security (HLCAS) held in September 2012 (WP/12). Based on this information, the Committee also considered the Council's proposal for updating the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference* (WP/14). In addition, there were 17 papers submitted by States and Observers: WPs/64, 104, 124, 128, 129, 133, 136, 138, 158, 159, 172, 178, 197, 235, 273, 276, and 345.

13.2 The Council, in WP/12, summarized the key outcomes of the HLCAS held in Montréal from 12 to 14 September 2012, and described the action being taken to ensure the timely completion of all Conference recommendations over the course of the 2014-2016 triennium, and milestones associated with each action.

13.3 In WP/13, the Council acclaimed the success of the Declaration on Aviation Security in enhancing international cooperation to strengthen aviation security, and stressed the importance of promoting the implementation of effective and sustainable security measures worldwide, in accordance with the Declaration's principles. It underscored the continuing progress made in implementing ICASS endorsed by the 37th Session of the Assembly as a strategic plan for strengthening ICAO's capacity to fulfill its aviation security mandate. The Council also highlighted ICASS priorities for the 2014-2016 triennium and, considering that its activities rely on voluntary contributions, provided a breakdown of ICASS expenses and in-kind contributions to date, as well as requirements for contributions in the next triennium.

13.4 The Council, in WP/14, presented proposals for revising Assembly Resolution A37-17: *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*. The proposed revisions are in light of significant developments in the field of aviation security since the 37th Session of the Assembly, including the outcomes of the HLCAS and several Joint Statements adopted by regional aviation security conferences held in 2011 and 2012. The draft Resolution included amendments considered necessary to clarify the intent of current policies and deleted provisions deemed to have served their purpose. It retained the 2010 Declaration on Aviation Security, noting that its principles remain valid in promoting international cooperation.

13.5 Egypt, in WP/178, highlighted efforts to conform with key requirements for securing air cargo and mail and emphasized the importance of implementing the strengthened cargo and mail security provisions introduced by Amendment 13 to Annex 17.

13.6 Indonesia described its processes for the screening of air cargo and mail, and identified related implementation challenges (WP/158). The paper highlighted the importance of accelerating the adoption of Annex 17 provisions for the implementation of secure supply chains and of harmonizing Annex 17 provisions with customs and mail security requirements. A number of States expressed concern with the application of regulations in third-party Member States.

13.7 The Russian Federation, in WP/197, identified a number of ways to improve the ICAO Aviation Security Point of Contact (PoC) Network. The paper cited the need for related operational guidance, and invited States to use information available from the AVSECPaedia secure web-based platform, allocate modern communications equipment, and conduct regular tests to evaluate the network's effectiveness. The paper also provided information on the functioning of the PoC unit within the Russian Federation.

13.8 Venezuela (Bolivarian Republic of), in WP/138, proposed that guidance material be developed to assist States in implementing a results-based approach to aviation security. The paper cited a number of variables that States must consider when implementing outcomes-based security measures and emphasized that they could benefit from guidance on how to apply such measures efficiently and effectively.

13.9 Venezuela (Bolivarian Republic of) enumerated the benefits of e-learning and its positive impact on the training of aviation personnel (WP/235), and cited the need to promote its use in aviation security training.

13.10 In WP/133, Australia, on behalf of 15 Member States and six international organizations, presented a proposed Roadmap to Strengthen Global Air Cargo Security. Intended as a living document, the Roadmap summarizes the status of key activities and initiatives undertaken to strengthen global air cargo security against the threat of unlawful interference.

13.11 Australia, Canada, and the United States, in WP/136, reported on a coordinated and multi-phased initiative to introduce, by 31 January 2014, technology-based screening for liquids, aerosols and gels (LAGs) within their States and the European Union, with the goal of progressively relaxing restrictions on carry-on LAGs. The paper highlighted the possible impact of LAGs screening on third countries, and called for international action and direction on LAGs measures to provide for mutually recognized minimum screening requirements as well as clear and consistent information for passengers.

13.12 In WP/64, Belgium proposed, on behalf of the European Union and its Member States and the other States Members of the European Civil Aviation Conference (ECAC), that HLCAS recommendations continue to guide ICAO in carrying out its aviation security mandate and be considered in revising the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*. It invited the Assembly to consider that the tasks in WP/64 be acted on as policy and work priorities for the coming 2014-2016 triennium.

13.13 In WP/172, Nicaragua, on behalf of on behalf of 22 Member States, Members of the Latin American Civil Aviation Commission (LACAC), explained the problem of drug trafficking and the illicit transport of narcotic drugs by air, notably via clandestine general aviation operations, as well as ongoing efforts to cooperate at the international level to prevent such activities. The paper proposed that ICAO update Standards and Recommended Practices, develop guidance material, reinforce international cooperation and promote awareness of the issue in order to fulfill prevention objectives agreed upon at previous Assemblies.

13.14 In WP/128, Singapore, on behalf of 25 Member States, highlighted key efforts by ICAO over the past three years to strengthen global aviation security, and stressed the need for ICAO, its Member States, the aviation industry, and other stakeholders to continue individual and collaborative efforts to combat the threat of terrorism to civil aviation.

13.15 WP/129, presented by Singapore on behalf of 26 Member States, set out proposed steps for implementing principles governing international cooperation in aviation security, including the development of an action plan by the Secretariat, with input from relevant stakeholders.

13.16 In WP/276, Airports Council International (ACI) highlighted the importance of cooperation between ICAO and industry partners in developing innovative processes and technologies for improving aviation security and passenger facilitation, and proposed that this be reflected in the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*.

13.17 In an information paper (WP/124), Israel drew attention to its decision to equip the Israeli civil air transport fleet with laser-based systems as a countermeasure for missiles launched via man-portable air defence systems (MANPADS). The paper highlighted progress with the certification process and noted that Israeli air carriers are expected to commence international flights with operational systems in early 2014.

13.18 Indonesia provided an information paper (WP/159) on the implementation of the threat awareness programme at the Ngurah Rai International Airport in Bali. The programme to raise awareness of the airport security community about suspicious activities was launched in June 2011 with Australia's cooperation, and is expected to assist in detecting potential terrorist threats at an early stage. Based on positive results to date, Indonesia plans to introduce the programme at two additional major airports.

13.19 In an information paper (WP/273), the Republic of Korea provided an overview of the best practices implemented at Incheon International and other airports, including the installation of various security systems incorporating advanced information technologies. The paper highlighted how the security of restricted areas has been enhanced, in part through 100 per cent screening of persons other than passengers and automated vehicle access control.

13.20 The United States reported in an information paper (WP/104) on the risk-based security initiatives it has piloted or implemented since August 2011, in a continuing effort to focus resources more efficiently, and improve the security checkpoint experience for the majority of air travellers. Intelligence-driven risk-based security techniques are now used to some degree at all United States airports, and comprise various initiatives, including pre-flight activities.

13.21 Viet Nam advised the Assembly in an information paper (WP/345) about recent national developments in the field of aviation security and highlighted efforts to facilitate air cargo operations and establish a secure supply chain.

13.22 The Committee supported the efforts by the Council to implement the HLCAS recommendations, and acknowledged achievements to date. In particular, it noted with appreciation the prompt action taken by the Council to address air cargo vulnerabilities and the threat posed by insiders by expediting Amendment 13 to Annex 17. Considering that substantial progress had already been made in implementing a considerable number of other Conference recommendations, including the regular updating and dissemination of the ICAO *Global Risk Context Statement* and plans to convene a Symposium on Innovation in Aviation Security in 2014, it endorsed the detailed work plan approved by the Council for the implementation of all HLCAS recommendations by the end of 2016.

13.23 The Committee recognized the successful outcomes of the HLCAS in setting out important aviation security principles, and recalled a number of key HLCAS recommendations calling for ICAO and Member States to:

- a) promote a risk-based approach to aviation security;
- b) ensure sustainability of aviation security measures;

- c) encourage mutual recognition arrangements and international cooperation;
- d) promote innovation; and
- e) target assistance activities.

13.24 The Committee agreed that the above recommendations should be considered as policy priorities of ICAO's aviation security work programme for the 2014-2016 triennium, while the Organization undertakes specific tasks identified in WP/12, WP/13, WP/64, and WP/128.

13.25 The Committee agreed that the Declaration on Aviation Security remains relevant and should continue to guide States and other stakeholders in efforts to further strengthen aviation security. Having noted with satisfaction the key accomplishments in implementing the aviation security mandate provided by the 37th Session of the Assembly, the Committee reaffirmed the ICASS as the primary strategy for enhancing aviation security in the next triennium, and stressed the importance of continuing to support ICASS activities through financial and in-kind contributions from States.

13.26 Realizing that a technological solution now exists for screening LAGs, the Committee commended efforts by several States to progressively relax the current restrictions by implementing a multi-phase liquids screening technology. However, given the potential impact this may have on third countries, the Committee agreed that a coordinated approach and clear communication lines between States that screen and those that do not yet screen LAGs are necessary, in order to avoid passenger confusion and inconvenience. It invited the Council to consider developing mutually recognized minimum requirements for use by Member States.

13.27 Acknowledging the importance of sustainability in aviation security, the Committee supported the proposal that ICAO develop an action plan to implement the principles of international cooperation in aviation security, as elaborated in WP/129. In this respect, it welcomed efforts by ICAO and Member States to apply a risk-based and outcomes-focused approach to the development of aviation security measures and guidance material, and encouraged all States to reinforce sustainability by such means, recognizing Annex 17 as the baseline. The Committee reaffirmed that passenger facilitation should be a central consideration when designing and implementing aviation security measures.

13.28 Recognizing that the ICAO PoC Network is an effective mechanism for exchanging critical information before, during, or after an incident affecting aviation security, the Committee urged States to use the functionalities of the PoC Network and to enhance the Network's effectiveness by maintaining accurate contact coordinates. It further encouraged States to conduct regular tests among points of contact to maintain effectiveness. In this context, the Committee proposed that ICAO develop guidance material to facilitate States' use of the PoC Network.

13.29 Noting that global supply chain security provisions were strengthened by Amendment 13 to Annex 17, the Committee members also acknowledged that the risks to air cargo and mail remain significant. With the availability of updated guidance material on air cargo and mail security, the Committee underscored the need for States to ensure effective implementation of cargo-related Standards, as well as to further improve cargo and supply chain security through collaborative initiatives involving all stakeholders. It further advocated international collaboration as a means to promote mutual recognition of measures while facilitating the movement of goods. The Committee endorsed the proposed Roadmap to Strengthen Global Air Cargo Security and invited States to report to ICAO on related activities, noting that regular updates will help ensure the global harmonization of air cargo security regimes.

13.30 Efforts by some States to implement cargo and mail security provisions in their respective jurisdictions, as well as efforts to align cargo and Customs requirements, were noted by the Committee. The Committee stressed the importance of multilateralism and encouraged all Member States to use the existing ICAO platforms to discuss policy matters with implications for international civil aviation.

13.31 The Committee recognized the exploitation of the aviation sector for a range of criminal activities, including the illicit transport of narcotic drugs and psychotropic substances by air. Likewise, it recognized the importance of continuing ICAO's active collaboration with the United Nations and its other specialized agencies, including the United Nations Office on Drugs and Crime (UNODC), in addressing narcotic drug-related problems involving international civil aviation.

13.32 A proposal that the Council continue to promote the use of e-learning in aviation security training received support from the Committee.

13.33 The Committee noted a request to amend the definitions of transfer and transit passengers as currently found in the *Aviation Security Manual* (Doc 8973 — Restricted), by substituting the word 'flight' with 'aircraft', in keeping with the existing mechanisms for updating ICAO guidance material.

13.34 Noting several significant developments in the field of aviation security in the past three years, and considering the critical role of ICAO in the global effort to engage the international civil aviation community towards further enhancing aviation security, the Committee endorsed the proposed revised Resolution on the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*, and agreed furthermore to a new Resolution title, the *Consolidated statement of continuing ICAO policies related to aviation security*. Completing its work on this agenda item, it agreed to submit for adoption by the Plenary the revised Resolution.

Resolution 13/1 (Renumbered A38-15)

Consolidated statement of continuing ICAO policies related to aviation security

Whereas it is considered desirable to consolidate Assembly resolutions on the policies related to the safeguarding of international civil aviation against acts of unlawful interference in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized;

Whereas in Resolution A37-17 the Assembly resolved to adopt at each session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

Whereas the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement of continuing ICAO policies in Resolution A37-17, Appendices A to I inclusive, and has amended the statement to reflect the decisions taken during the 38th Session;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, as these policies exist at the close of the 38th Session of the Assembly;

2. *Resolves* to request that the Council submit for review at each ordinary session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and
3. *Declares* that this resolution supersedes Resolution A37-17.

APPENDIX A

General policy

Whereas the development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to general security;

Whereas acts of unlawful interference against civil aviation have become the main threat to its safe and orderly development;

Whereas the threat of terrorist acts, including those posed by the use of aircraft as a weapon of destruction, by the targeting of aircraft by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket-propelled grenades, by carrying on board liquids, gels and aerosols as component parts of an improvised explosive device, by sabotage or attempted sabotage using an improvised explosive device, by the unlawful seizure of aircraft, or by attack on aviation facilities, including in landside areas, and other acts of unlawful interference against civil aviation, has a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endangering the lives of persons on board and on the ground and undermining the confidence of the peoples of the world in the safety of international civil aviation;

Whereas all acts of unlawful interference against international civil aviation constitute a grave offence in violation of international law;

Recalling that Resolutions A27-12 and A29-16 remain in force;

Recognizing the exploitation of the aviation sector by a variety of criminal activities, including the illicit transport of narcotics and psychotropic substances by air;

Recalling Assembly Resolutions A33-1 and A36-19 and the recommendations of the High-level, Ministerial Conference on Aviation Security held in February 2002;

Recalling the Declaration on Aviation Security that was adopted by the 37th Session of the Assembly;

Recalling the Joint Statements adopted at ICAO Regional Conferences on Aviation Security held in 2011 and 2012;

Recalling the Joint Communiqué issued by the ICAO-WCO Joint Conference on Enhancing Air Cargo Security and Facilitation – Synergy Through Cooperation, held in Singapore in July 2012;

Recalling the Communiqué of the High-level Conference on Aviation Security held in Montréal in September 2012, and the conference conclusions and recommendations; and

Noting with satisfaction the actions taken to implement the ICAO Comprehensive Aviation Security Strategy and its seven strategic focus areas, as adopted by the Council on 17 February 2010, which provides the framework for ICAO's aviation security activities for the 2011-2016 triennia;

The Assembly:

1. *Strongly condemns* all acts of unlawful interference against civil aviation wherever and by whomsoever and for whatever reason they are perpetrated;
2. *Notes* with abhorrence acts and attempted acts of unlawful interference aimed at the destruction in flight of civil aircraft including any misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;
3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;
4. *Calls upon* all Member States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures, individually and in cooperation with one another, to prevent acts of unlawful interference and to punish the perpetrators, planners, sponsors, and financiers of conspirators in any such acts;
5. *Reaffirms* ICAO's responsibility to facilitate the consistent and uniform resolution of questions which may arise between Member States in matters affecting the safe and orderly operation of international civil aviation throughout the world;
6. *Directs* the Council to continue, as an urgent priority, its work relating to measures for prevention of acts of unlawful interference, on the basis of the strategic direction provided under the ICAO Comprehensive Aviation Security Strategy, and ensure that this work is carried out with the highest efficiency and responsiveness;
7. *Expresses appreciation* to Member States for the voluntary contributions in the form of human and financial resources to the ICAO Comprehensive Aviation Security Strategy during the 2011-2013 triennium; and
8. *Urges* all Member States to continue to financially support the Organization's aviation security activities beyond those budgeted for under the regular programme through the ICAO Comprehensive Aviation Security Strategy.

APPENDIX B

International legal instruments, enactment of national legislation and conclusion of appropriate agreements for the suppression of acts of unlawful interference with civil aviation

a) International legal instruments

Whereas the protection of civil aviation from acts of unlawful interference has been enhanced by the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), by the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), by the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971), by the *Protocol for the*

Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montréal, 1988), by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), by the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), by the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), and by bilateral agreements for the suppression of such acts;

The Assembly:

1. *Urges* Member States which have not yet done so to become parties to the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), to the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), to the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971) and the 1988 *Supplementary Protocol to the Montréal Convention*, to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), to the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), and to the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010). Lists of States Parties to aviation security legal instruments can be found on www.icao.int under the ICAO Treaty Collection;

2. *Calls upon* States not yet parties to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* to give effect, even before ratification, acceptance, approval or accession, to the principles of that instrument and calls upon States which manufacture plastic explosives to implement the marking of such explosives as soon as possible; and

3. *Requests* the Council to direct the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague, Montréal and Beijing Conventions, to the 1988 *Supplementary Protocol to the Montréal Convention*, to the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* and to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* and to provide assistance requested by States encountering any difficulties in becoming parties to these instruments.

b) *Enactment of national legislation and conclusion of appropriate agreements*

Whereas deterrence of acts of unlawful interference with civil aviation can be greatly facilitated through the enactment by Member States of national criminal laws providing severe penalties for such acts:

The Assembly:

1. *Calls upon* Member States to give special attention to the adoption of adequate measures against persons committing, planning, sponsoring, financing or facilitating acts of unlawful seizure of aircraft, acts of sabotage or attempted sabotage or other acts or attempted acts of unlawful interference against civil aviation, and in particular to include in their legislation rules for the severe punishment of such persons; and

2. *Calls upon* Member States to take adequate measures relating to the extradition or prosecution of persons committing acts of unlawful seizure of aircraft, acts of sabotage or attempted sabotage or other acts or attempted acts of unlawful interference against civil aviation by adopting appropriate provisions in law or treaty for that purpose or by strengthening existing arrangements and by concluding appropriate agreements for the suppression of such acts which would provide for the extradition of persons committing criminal attacks on international civil aviation.

APPENDIX C

Implementation of technical security measures

Whereas protection of civil aviation against acts of unlawful interference requires continued vigilance and development and implementation of positive safeguarding action by the Organization and its Member States;

Whereas a clear need exists for the strengthening of security to be applied to all phases and processes associated with the carriage of persons, their cabin and hold baggage, cargo, mail, courier and express parcels;

Whereas Machine Readable Travel Documents strengthen security by improving the integrity of documents which verify the identity of travellers and air crew;

Whereas such Machine Readable Travel Documents also enable high-level cooperation among States to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

Whereas the use of Machine Readable Travel Documents and other passenger information tools can also be employed for security purposes, adding an important layer to the international civil aviation system, in order to detect terrorists and prevent acts of unlawful interference well before the aircraft boarding process;

Whereas threats to the air cargo and mail systems as a whole require a global approach in the development and implementation of security requirements and best practices, including cooperation with relevant international organizations such as the World Customs Organization (WCO), Universal Postal Union (UPU), and International Maritime Organization (IMO);

Whereas the responsibility for ensuring that security measures are applied by government agencies, airport authorities and aircraft operators rests with the Member States;

Whereas the implementation of the security measures advocated by ICAO is an effective means of preventing acts of unlawful interference with civil aviation;

Whereas countermeasures for protection of civil aviation can only be effective through employment of highly trained security personnel, in addition to background checks, certification and quality control; and

Whereas technology and process innovations are required to achieve effective and efficient aviation security and facilitation measures, and in defining the future of security screening regimes;

The Assembly:

1. *Urges* the Council to continue to attach the highest priority to the adoption of effective measures for the prevention of acts of unlawful interference commensurate with the current threat to the security of international civil aviation, to take into account the innovative and evolving nature of that threat, and to keep up to date the provisions of Annex 17 to the *Chicago Convention* from a threat and risk perspective;

2. *Requests* that the Council complete, in addition to the International Explosives Technical Commission (IETC) mandate as prescribed by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, studies into methods of detecting explosives or explosive materials, especially into the marking of those explosives of concern, other than plastic explosives, with a view to the evolution, if needed, of an appropriate comprehensive legal regime;

3. *Urges* all States on an individual basis and in cooperation with other States to take all possible measures for the prevention of acts of unlawful interference, in particular, those required or recommended in Annex 17 as well as those recommended by the Council;

4. *Urges* Member States to intensify their efforts for the implementation of existing Standards and Recommended Practices (SARPs), and procedures relating to aviation security, to monitor such implementation, to take all necessary steps to prevent acts of unlawful interference against international civil aviation and to give appropriate attention to the guidance material contained in the *ICAO Aviation Security Manual* (Doc 8973 — Restricted) and available on the ICAO restricted website;

5. *Encourages* Member States to promote aviation security as a fundamental component of national, social and economic priorities, planning and operations;

6. *Encourages* Member States to work in partnership with industry to develop, conduct operational trials of, and implement effective security measures;

7. *Encourages* Member States, pursuant to their domestic laws, regulations and aviation security programmes, and in accordance with applicable SARPs and the capacity of each State, to promote the implementation of aviation security measures in a practical manner to:

- a) broaden existing cooperation mechanisms amongst States and industry, as appropriate, for information exchange and the early detection of security threats to civil aviation operations;
- b) share expertise, best practices and information relating to preventive security measures, including screening and inspection techniques, the detection of explosives, airport security behavioural detection, screening and credentialing of airport staff, human resource development and the research and development of relevant technologies;
- c) utilize modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals;
- d) define aviation security measures that are risk-based, appropriate and proportionate to the threat, effective, efficient, operationally viable, economically and operationally sustainable, and take into account the impact on passengers and on legitimate trade;
- e) address the continued threat posed by liquids, aerosols and gels (LAGs) explosives, including the implementation of technological solutions needed to gradually lift restrictions on the carriage of LAGs in cabin baggage;
- f) treat flights arriving from States where LAGs screening is applied in the same way as flights from States where LAGs restrictions are applied;
- g) intensify efforts in securing the air cargo and mail security system by:
 - i. developing a strong, sustainable and resilient air cargo security framework;
 - ii. implementing robust security standards effectively;
 - iii. adopting a total supply chain approach to air cargo and mail security;
 - iv. establishing and strengthening oversight and quality control of air cargo and mail security;
 - v. engaging in bilateral and multilateral cooperative efforts to coordinate actions to harmonize and enhance air cargo and mail security and secure the global air cargo supply chain;
 - vi. sharing best practices and lessons learned with other States to enhance the overall level of air cargo and mail security; and
 - vii. strengthening initiatives to intensify capacity-building in air cargo and mail security; and

- h) give consideration to the potential security vulnerability of unmanned aircraft systems in order to prevent unlawful interference.
8. *Calls upon* Member States to examine information exchange mechanisms including the use of liaison officers and further use of Advance Passenger Information (API) provided by air carriers, to reduce the risk to passengers, while ensuring the protection of privacy and civil liberties;
9. *Calls upon* Member States, while respecting their sovereignty, to minimize disruption to air travel resulting from confusion or inconsistent interpretation of standards by cooperating and coordinating actions in order to implement SARPs and guidance consistently, efficiently and effectively and by providing clear, well-timed and readily available information to the travelling public;
10. *Calls upon* Member States, when requesting another State to apply security measures to protect aircraft flying into its territory, to take fully into account the security measures already in place in the requested State and, where appropriate, to recognize those measures as equivalent;
11. *Urges* those Member States that have not already done so, to begin issuing only machine readable passports in accordance with the specifications of Doc 9303, Part 1;
12. *Requests* the Council to direct the Secretary General to:
- a) ensure that the provisions of Annex 17 and Annex 9 — *Facilitation* are compatible with and complementary to each other, provided that the effectiveness of security measures is not compromised;
 - b) where relevant, include items dealing with aviation security on the agenda of ICAO meetings;
 - c) continue to promote the development of effective and innovative security processes and concepts, through awareness raising regional and subregional aviation security events at the request of States concerned, including in cooperation with industry stakeholders and equipment manufacturers to develop the next generation of passenger and cargo screening processes;
 - d) continue to work with the Aviation Security Panel to address new and existing threats to civil aviation, and to develop appropriate preventive measures, including the screening and security control of persons other than passengers with access to secured airport facilities, enhanced screening of passengers and baggage, appropriate security controls for cargo, the supply chain and service providers, as well as the selection and training of persons executing and implementing security measures;
 - e) promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements, which recognize the equivalence of their aviation security measures where these achieve the same outcomes, and which are based on an agreed comprehensive and continuous validation process and effective exchange of information regarding their respective aviation security systems; and
 - f) continue to address other threats and risks, including cyber threats to aviation security, and risks to landside areas of airports and air traffic management security, in consultation with the Aviation Security Panel;
13. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the Security Manual and develop new guidance material, including detailed guidance material on liquids, aerosols

and gels, and human factors, as required, designed to assist Member States in responding to new and existing threats to aviation and implementing the specifications and procedures related to civil aviation security;

14. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure the periodic review and updating of the *ICAO Global Risk Context Statement*, which provides a risk assessment methodology for aviation security which may be considered by Member States for use in further developing their own national risk assessments and to include risk-based assessments with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document;

15. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure that appropriate fields of expertise are engaged in the assessment of aviation security risks and the development of SARPs, specifications, guidance material, and other mean to address issues of aviation security, including coordination with other panels; and

16. *Directs* the Council to instruct the Aviation Security Panel to continually assess its terms of reference and governing procedures to ensure there are no constraints on the Panel's ability to consider the full scope of aviation security issues.

APPENDIX D

Action of States concerned with an act of unlawful interference

a) Acts of unlawful interference

Whereas acts of unlawful interference continue seriously to compromise the safety, regularity and efficiency of international civil aviation;

Whereas the safety of flights of aircraft subjected to acts of unlawful seizure may be further jeopardized by the denial of navigation aids and air traffic services, the blocking of runways and taxiways and the closure of airports; and

Whereas the safety of passengers and crew of an aircraft subjected to an act of unlawful seizure may also be further jeopardized if the aircraft is permitted to take off while still under seizure;

The Assembly:

1. *Expresses concern* about the challenges posed to security of civil aviation by new and existing threats and the changing modus operandi used in perpetrating acts of unlawful interference;

2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague, Montréal and Beijing Conventions, the 1988 Supplementary Protocol to the Montréal Convention and the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*;

3. *Recommends* that States take into account the above considerations in the development of their policies and contingency plans for dealing with acts of unlawful interference;

4. *Urges* Member States to provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land;

5. *Urges* Member States to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life;
6. *Recognizes* the importance of consultations between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft as well as notification by the State where the aircraft has landed to the States of assumed or stated destination;
7. *Urges* Member States to cooperate for the purpose of providing a joint response in connection with an act of unlawful interference, as well as utilizing, if necessary, the experience and capabilities of the State of the operator, the State of manufacture and the State of registration of an aircraft which has been subjected to an act of unlawful interference, while taking measures in their territory to free the passengers and crew members of that aircraft;
8. *Condemns* any failure by a Member State to fulfil its obligations to return without delay an aircraft which is being illegally detained and to submit to competent authorities or extradite without delay the case of any person accused of an act of unlawful interference with civil aviation;
9. *Condemns* the reporting of false threats to civil aviation and *calls upon* Member States to prosecute the perpetrators of such acts in order to prevent the disruption of civil aviation operations; and
10. *Calls upon* Member States to continue to assist in the investigation of such acts and in the apprehension and prosecution of those responsible.

b) *Reporting on acts of unlawful interference*

Whereas official reports provided to ICAO in a timely manner by States concerned with acts of unlawful interference should contain comprehensive and credible information and constitute the basis for evaluation and analysis of acts; and

Whereas the ICAO online database of acts of unlawful interference is an effective tool for the prompt dissemination of information related to aviation security incidents, and is readily accessible by Member States through the ICAO Secure Portal (<https://portal.icao.int>);

The Assembly:

1. *Notes* with concern that many States experiencing acts of unlawful interference often do not provide the Council with the official reports on such acts;
2. *Urges* States to fulfil their obligations under Article 11 of The Hague Convention and Article 13 of the Montréal Convention as well as under Annex 17, following occurrences of unlawful interference, to forward to the Council, as soon as possible, all relevant information required by those Articles and SARPs in order to enable the Secretariat to retain accurate and complete information and to analyse trends and new threats to civil aviation;
3. *Directs* the Council to direct the Secretary General, within a reasonable time from the date of a specific occurrence of unlawful interference, to request that concerned States forward to the Council in accordance with their national law all relevant information concerning such an occurrence, including, particularly, information relating to extradition or other legal proceedings; and

4. *Requests* that the Council direct the Secretary General, in conjunction with the Aviation Security Panel, to monitor, collate, verify and analyse reported acts of unlawful interference, inform States of trends and potential and new threats, and develop appropriate guidance to deter new and existing threats.

APPENDIX E

The ICAO Universal Security Audit Programme

Whereas the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution A37-17, Appendix E;

Whereas the primary objective of the Organization continues to be that of ensuring the safety and security of international civil aviation worldwide;

Whereas Member States are committed to compliance with Annex 17 and the security-related provisions of Annex 9;

Whereas the establishment of an effective security oversight system by States supports the implementation of international aviation security Standards and Recommended Practices (SARPs) and contributes to this objective;

Recalling that the ultimate responsibility to ensure both the safety and security of civil aviation rests with Member States;

Considering that the USAP has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution, and that the programme continues to enjoy the support of States, serving as a catalyst for their continued efforts to meet their international obligations in the field of aviation security;

Recognizing that the effective implementation of State corrective action plans to address deficiencies identified through audits and other USAP-continuous monitoring approach (CMA) activities is an integral and crucial part of the monitoring process in order to achieve the overall objective of enhancing global aviation security;

Recognizing the importance of a limited level of transparency with respect to ICAO aviation security audit results, balancing the need for States to be aware of unresolved security concerns with the need to keep sensitive security information out of the public realm;

Considering the approval by the Council of a mechanism to address significant security concerns (SSeCs) in a timely manner;

Recognizing the importance of a coordinated strategy for facilitating assistance to States through the high-level Secretariat Monitoring and Assistance Review Board;

Recognizing that the continuation of the USAP is essential to create mutual confidence in the level of aviation security between Member States and to encourage the adequate implementation of security-related Standards;

Recalling that the 37th Session of the Assembly requested the Council to report on the overall implementation of the USAP, including its decision with regard to the study to assess the feasibility of extending the CMA to the USAP after the conclusion of the second cycle of audits in 2013;

Considering the approval by the Council of the application of a CMA to the USAP following the completion of the second cycle of audits in 2013; and

Considering the approval by the Council of a transition plan to a USAP-CMA involving full implementation of the new methodology beginning 1 January 2015;

The Assembly:

1. *Notes* with satisfaction that the first and second cycles of audits conducted under the USAP have proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution;
2. *Expresses its appreciation* to Member States for their cooperation in the audit process and for making available security experts to be certified as USAP auditors to serve as short-term experts in the conduct of audits, as well as long-term experts to act as USAP audit team leaders;
3. *Endorses* the Council's decision to extend the CMA to the USAP in 2015, following the successful completion of the second cycle of USAP audits in 2013 and a transition period;
4. *Requests* the Council to oversee the activities of the USAP-CMA as it monitors States' levels of effective implementation of the critical elements of an aviation security oversight system, compliance with the ICAO SARPs, and implementation of State corrective action plans;
5. *Endorses* the policy of a limited level of transparency of security audit results for the USAP-CMA, particularly relating to the prompt notification of the existence of significant security concerns;
6. *Urges* all Member States to give full support to ICAO by:
 - a) accepting USAP-CMA missions as scheduled by the Organization, in coordination with relevant States;
 - b) facilitating the work of the USAP-CMA teams;
 - c) preparing and submitting to ICAO all required documentation; and
 - d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities;
7. *Urges* all Member States to share upon request, if appropriate and consistent with their sovereignty, the results of audits and other USAP-CMA activities carried out by ICAO and the corrective actions taken by the audited State; and
8. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP-CMA.

APPENDIX F

The ICAO Implementation Support and Development – Security Programme (ISD-SEC)

Whereas the implementation of technical measures for prevention of acts of unlawful interference with international civil aviation requires financial resources and training of personnel; and

Whereas notwithstanding assistance given, some countries, in particular developing countries, lack aviation security oversight capacity and still face difficulties in fully implementing preventive measures due to insufficient financial, technical and material resources;

The Assembly:

1. *Directs* the Council to request the Secretary General to facilitate and coordinate technical assistance and support for States that need to improve their aviation security oversight, through the development of a coordinated, targeted and effective international aviation security capacity-building framework;
2. *Urges* Member States to voluntarily contribute financial and in-kind resources to increase the reach and impact of ICAO aviation security enhancement activities;
3. *Invites* Member States and relevant stakeholders to also contribute to the continued development of ICAO's international aviation security capacity-building framework;
4. *Invites* developed States to give assistance to the States which are not able to implement programmes of recommended technical measures for the protection of aircraft on the ground and, in particular, in the processing of passengers, their cabin and hold baggage, and cargo, mail, courier and express parcels;
5. *Invites* Member States to consider requesting assistance from ICAO and other international organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;
6. *Invites* Member States to take advantage of ICAO's capacity to provide, facilitate or coordinate short-term remedial assistance and long-term assistance to remedy deficiencies in their implementation of Annex 17 and 9 SARPs, and ICAO's capacity to make best use of USAP audit results for defining and targeting aviation security capacity-building activities for the benefit of Member States in need
7. *Directs* the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;
8. *Urges* Member States and relevant stakeholders to enter into partnership agreements for the organization and delivery of capacity-building activities, encompassing all parties concerned and including commitments to be made by all parties;
9. *Requests* the Council to direct the Secretary General to develop and update the ICAO Training Programme for Aviation Security, Aviation Security Training Packages (ASTPs) and Aviation Security Workshops, and promote the use of e-learning in aviation security training;
10. *Invites* Member States to contribute training documentation to aid in the future development and updates of the ICAO Training Programme for Aviation Security, ASTPs and Aviation Security Workshops;
11. *Requests* the Council to direct the Secretary General to oversee, develop, promote, and regularly re-evaluate the Aviation Security Training Centres (ASTCs) network to ensure that training standards are maintained and sound levels of cooperation are achieved;
12. *Urges* Member States to utilize ICAO ASTCs for security training;

13. *Urges* Member States and organizations to share with ICAO information on their assistance programmes and activities in order to promote the efficient and effective use of resources;

14. *Directs* the Council to request the Secretary General to facilitate the coordination of assistance programmes and activities by collecting information on such initiatives; and

15. *Urges* the international community to consider increasing assistance to States and enhancing cooperation amongst them, in order to be able to benefit from the achievement of the aims and objectives of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, in particular through the International Explosives Technical Commission (IETC).

APPENDIX G

Action by the Council with respect to multilateral and bilateral cooperation in different regions of the world

Whereas the rights and obligations of States under the international legal instruments on aviation security and under the SARPs adopted by the Council on aviation security could be complemented and reinforced in multilateral and bilateral cooperation between States;

Whereas the multilateral and bilateral agreements on air services represent the main legal basis for international commercial carriage by air of passengers, baggage, cargo and mail;

Whereas provisions on aviation security should form an integral part of the multilateral and bilateral agreements on air services; and

Whereas focussing on security outcomes, recognition of equivalence and one-stop security, and respecting the spirit of cooperation defined in multilateral and/or bilateral air services agreements are policy principles whose implementation can contribute significantly to aviation security sustainability;

The Assembly:

1. *Recognizes* that success in eliminating threats to civil aviation can only be achieved through the concerted effort of everyone concerned and a close working relationship between national agencies and aviation security regulators of all Member States;

2. *Urges* all Member States to insert into their multilateral and bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986 and the model agreement adopted by the Council on 30 June 1989;

3. *Urges* all Member States to adopt the following key principles as the basis for international cooperation in aviation security and to ensure effective aviation security cooperation amongst States, ICAO and other relevant international organizations:

- a) respect for the spirit of cooperation defined in bilateral and/or multilateral air services agreements;
- b) recognition of equivalent security measures; and
- c) focus on security outcomes;

4. *Urges* all Member States, who have not yet done so, to participate in the ICAO Aviation Security Point of Contact (PoC) Network, established for the communication of imminent threats to civil air transport operations, with the objective of providing a network of international aviation security contacts within each State, and to intensify their coordination and cooperation to ensure the exchange of best practices through the AVSECPaedia;
5. *Urges* the Council to request the Secretary General to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Member States;
6. *Requests* that the Council continue to:
 - a) gather the results of States' experience in cooperating with each other to prevent acts of unlawful interference with international civil aviation;
 - b) analyse differing circumstances and trends in preventing threats to international civil aviation in different regions of the world; and
 - c) prepare recommendations for strengthening measures to deter and prevent such acts of unlawful interference;
7. *Directs* the Council to act with the requisite urgency and expedition to address new and existing threats to civil aviation, seeking to mitigate unnecessary disruption to air travel as a result of confusion or inconsistent implementation or interpretation of necessary measures, facilitating a common and consistent response by States, and encouraging clear communication by States to the travelling public.

APPENDIX H

International and regional cooperation in the field of aviation security

Recognizing that the threat posed to civil aviation requires development of an effective global response by States and concerned international and regional organizations;

The Assembly:

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the International Maritime Organization (IMO), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Counter-Terrorism Committee Executive Directorate (UNCTED), the United Nations Counter-Terrorism Implementation Task Force (UNCTITF), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the World Customs Organization (WCO), the European Union (EU), the European Civil Aviation Conference (ECAC), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Airline Pilots' Associations (IFALPA), the International Business Aviation Council (IBAC), the International Coordinating Council of Aerospace Industries Associations (ICCAIA), the Global Express Association (GEA), the International Federation of Freight Forwarders Associations (FIATA), The International Air Cargo Association (TIACA) and other stakeholders to continue their cooperation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference;

2. *Directs* the Council to take into account the G8 Secure and Facilitated International Travel Initiative (SAFTI) and to continue its collaboration with this group and other relevant groups of States such as the Asia/Pacific Economic Cooperation Secure Trade in the Asia and Pacific Region (STAR) initiative in its work relating to development of countermeasures against the threat posed by man-portable air defence systems (MANPADS) and encourage their implementation by all Member States; and
3. *Directs* the Council to continue its cooperation with the United Nations Counter-Terrorism Committee (CTC), in the global effort to combat terrorism.

Declaration on Aviation Security

The Assembly, *recognizing* the need to strengthen aviation security worldwide, in light of the continuing threat to civil aviation, including the attempted sabotage of Northwest Airlines flight 253 on 25 December 2009; and *acknowledging* the value of the joint declarations on civil aviation security emanating from regional conferences held with a view to enhancing international cooperation, hereby *urges* Member States to take the following actions to enhance international cooperation to counter threats to civil aviation:

- 1) strengthen and promote the effective application of ICAO Standards and Recommended Practices, with particular focus on Annex 17 — *Security*, and develop strategies to address current and emerging threats;
- 2) strengthen security screening procedures, enhance human factors and utilize modern technologies to detect prohibited articles and support research and development of technology for the detection of explosives, weapons and prohibited articles in order to prevent acts of unlawful interference;
- 3) develop enhanced security measures to protect airport facilities and improve in-flight security, with appropriate enhancements in technology and training;
- 4) develop and implement strengthened and harmonized measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain;
- 5) promote enhanced travel document security and the validation thereof using the ICAO Public Key Directory (PKD) in conjunction with biometric information, and the commitment to report on a regular basis, lost and stolen passports to the INTERPOL Lost and Stolen Travel Documents Database to prevent the use of such travel documents for acts of unlawful interference against civil aviation;
- 6) improve Member States' ability to correct deficiencies identified under the Universal Security Audit Programme (USAP) by ensuring the appropriate availability of audit results among Member States, which would enable better targeting of capacity-building and technical assistance efforts;
- 7) provide technical assistance to States in need, including funding, capacity building and technology transfer to effectively address security threats to civil aviation, in cooperation with other States, international organizations and industry partners;
- 8) promote the increased use of cooperation mechanisms among Member States and with the civil aviation industry, for information exchange on security measures in order to avoid redundancy, where appropriate, and for early detection and dissemination of information on security threats to civil aviation, including through the collection and transmission of

advance passenger information (API) and passenger name record (PNR) data, as an aid to security, whilst ensuring the protection of passengers' privacy and civil liberties; and

- 9) share best practices and information in a range of key areas, such as: screening and inspection techniques, including assessments of advanced screening technology for the detection of weapons and explosives; document security and fraud detection; behaviour detection and threat-based risk analysis; screening of airport employees; the privacy and dignity of persons; and aircraft security.

Agenda Item 14: Universal Security Audit Programme (USAP)

14.1 At its sixth meeting, the Executive Committee considered the Universal Security Audit Programme (USAP) on the basis of WP/16 in which was provided a comprehensive report by the Council on the completion of the second cycle of the USAP, together with a report on the future of the USAP beyond 2013; also provided was an implementation plan for the transition to the next phase of the Programme (WP/15).

14.2 The Russian Federation, in WP/230, emphasized the importance of moving to a continuous monitoring approach in order to provide a more progressive and effective approach to aviation security at the global, regional and State levels. The Russian Federation also requested that the existing principle of limited transparency of USAP audit results be maintained.

14.3 The Dominican Republic, in Information Paper WP/168, outlined its experience in establishing and maintaining an effective aviation security quality control oversight system in order to identify, prevent and rectify deficiencies in the civil aviation security oversight system in a timely manner.

14.4 In Information Paper WP/328 the Caribbean Aviation Safety and Security Oversight System (CASSOS) reported on activities since the 37th Assembly of ICAO, including the creation of an aviation security standing committee.

14.5 The Executive Committee noted the overall success achieved by the USAP during the second cycle of USAP audits and the role played by these audits in identifying deficiencies, targeting assistance activities and developing new auditing strategies. It was noted, however, that much work is still required from States to strengthen aviation security and address the findings identified by the USAP.

14.6 The Executive Committee welcomed the decision to evolve the USAP to a continuous monitoring approach (USAP-CMA) and endorsed the USAP-CMA transition plan as outlined in WP/15.

Agenda Item 15: Aviation Security — Implementation Support

15.1 At its sixth meeting, the Executive Committee considered the subject of aviation security implementation support, based on a report by the Council (WP/20) on the Aviation Security Assistance and Capacity Building Strategy and the Implementation Support and Development–Security (ISD-SEC) Programme (WP/21). There were also eight additional papers submitted by States and Observers: WP/107; WP/130; WP/152; WP/160; WP/217; WP/299; WP/313; and WP/320.

15.2 In WP/20, the Council highlighted the successful implementation of the Aviation Security Assistance and Capacity Building Strategy, which is the ICAO framework for providing aviation security assistance to States. It also highlighted aviation security training activities, in particular, through the utilization of the Aviation Security Training Centre (ASTC) network, as well as the continued development of relevant training material and the expansion of the ASTC network.

15.3 The Council, in WP/21, proposed continued implementation of the Aviation Security Assistance and Capacity Building Strategy, and further refinement of ICAO's set of assistance and capacity building activities and tools. This includes strengthening regional cooperative activities and a standardized approach for measuring the assistance that has been provided. In order to enhance the level of training to reach a broader aviation security audience, efforts will be intensified to diversify the range of training activities.

15.4 Canada, in WP/130, proposed on behalf of 12 Member States and International Organizations further development of ICAO's air cargo security training materials and cargo-specific capacity building, under a framework of best practices and six critical pillars of a secure supply chain, emphasizing the importance of ICAO's role in coordinating global assistance activities to prevent duplication of efforts. It invited the Assembly to support this initiative and to take this working paper under consideration when updating Assembly Resolution A37-17.

15.5 In WP/107, the 54 Member States of the African Civil Aviation Commission (AFCAC) expressed support for the Aviation Security Assistance and Capacity Building Strategy. AFCAC acknowledged the positive contributions to aviation security of the ASTC network, but noted that the network should be expanded. It invited the Assembly to further enhance the Strategy with a view to increasing the level of assistance provided, giving priority to developing States, and broadening the network of ASTCs on the African Continent.

15.6 In WP/320, the Latin American Civil Aviation Commission (LACAC) highlighted its activities in the area of aviation security and facilitation, as well as its cooperation with ICAO through the ICAO-LACAC Aviation Security and Facilitation Regional Group (AVSEC/FAL/RG). In particular, LACAC highlighted the work being done by the Regional Group, and offered to make various materials developed available to the international aviation community. The Committee supported the work of the Regional Group and welcomed their contribution.

15.7 The Dominican Republic, in WP/152, described the activities of their new ASTC. Through the endorsement of the ASTC, the Dominican Republic is now better leveraged to contribute to the development and improvement of aviation security training regionally as well as globally.

15.8 India, in WP/160, described security measures being undertaken for protecting and maintaining the integrity of Security Restricted Areas of their airports. Such measures were established based on security risk assessments carried out by the appropriate national authorities.

15.9 In WP/299, the Republic of Korea informed the Assembly of their capacity building programmes for enhancing aviation security in developing countries, consulting on airport operation and sharing information. These activities are primarily undertaken through the Incheon International Airport and the Korean Airports Corporation.

15.10 The Russian Federation, in WP/217, presented information on the International Conference "Aviation Security" that was held in Moscow in July 2013. In marking the 40th anniversary of the civil aviation security service in Russia, the Conference highlighted Russian aviation security activities and supported the decisions of the ICAO High-level Aviation Security Conference and Twenty-fourth meeting of the Aviation Security Panel (AVSECP/24).

15.11 WP/313 informed the Assembly of the actions of the Commission de l'Union Economique et Monétaire Ouest Africaine (UEMOA) with the support of European Civil Aviation Conference (ECAC) to establish regional AVSEC expertise. UEMOA advised that a compliance monitoring system has been developed to increase the level of compliance in the implementation of provisions of Annex 17.

15.12 The Executive Committee noted with satisfaction the progress in implementation of the Aviation Security Assistance and Capacity Building Strategy during the current triennium and the results of the assistance being provided to States, but called upon ICAO to provide leadership in coordinating the further development of effective, targeted and sustainable capacity building activities. Acknowledging the high standard of the training that is being provided throughout the ASTC network, the Committee welcomed the prospect of further expanding the network to better enable developing States to benefit from training. The Committee fully endorsed continued implementation of the Strategy, further refinement of the assistance and capacity building activities and tools and addressing the shortage of aviation security instructors and auditors.

15.13 The Committee noted that assistance should continue to be prioritized for States in need that demonstrate the necessary commitment and ability to sustain improvements. Such assistance should be targeted and risk-based.

15.14 The Committee noted the important work being undertaken relating to air cargo security and fully supported prioritizing the development of new training materials and other cargo-specific capacity building activities.

Agenda Item 16: Facilitation and machine readable travel documents

16.1 At its fifth and sixth meetings, the Executive Committee considered developments in the areas of Facilitation (FAL), Machine Readable Travel Documents (MRTDs) and the Public Key Directory (PKD) on the basis of reports by the Council presented in WPs/3, 4, 11 and 23. In addition, nine papers were submitted by States and Observers: WPs/94, 105, 161, 180, 246, 254, 267, 269 and 322.

16.2 The Council, in WP/3, described developments in the FAL Programme since the last Assembly and proposed priorities for the programme and expected outcomes for the 2014-2016 triennium.

16.3 In WP/4, the Council presented a report on developments pertaining to the MRTD Programme and the ICAO PKD since the last Assembly.

16.4 The Council, in WP/11, presented the ICAO Traveller Identification Programme (ICAO TRIP) Strategy and invited the Assembly to endorse the proposed ICAO TRIP Strategy and recommend the participation of States in the PKD.

16.5 In WP/267, the Republic of Korea invited the Assembly to request the Council to consider the inclusion, in Annex 9 — *Facilitation*, of new Standards and Recommended Practices (SARPs) for Automated Immigration Clearance Systems.

16.6 The United Arab Emirates, in WP/254, invited the Assembly to request the Council to consider amending Doc 9944, *Guidelines on Passenger Name Record (PNR) Data*, along the lines suggested in paragraph 2.4 of the paper.

16.7 The United States, in WP/161, proposed steps to develop and adopt enhanced biometrics and international travel standards, in order to facilitate greater interoperability of national trusted traveller programmes.

16.8 The 54 Members of the African Civil Aviation Commission (AFCAC), presented WP/105, in support of and as a comment on WP/4 that concerned progress made under the MRTD Programme and the PKD.

16.9 The International Air Transport Association (IATA), in WP/94, Revision No. 1, addressed non-compliance by States with the international Standards adopted for the transmission of Advance Passenger Information (API) and PNR passenger data that affects both States and airlines. Possible reasons for non-compliance of relevant Annex 9 SARPs were also addressed in the paper.

16.10 The World Tourism Organization (UNWTO), in WP/246, contended that existing visa requirements and visa processing procedures restrict the growth of the aviation and tourism sectors, and consequently economic development and employment. The paper presented various areas in which the facilitation of such requirements and processes may positively impact the above-mentioned sectors.

16.11 In information paper WP/322, Chile reported on activities undertaken in relation to ICAO's MRTD Programme, particularly its participation in appropriate ICAO meetings and its implementation of the relevant provisions of Doc 9303 and of Annex 9 — *Facilitation*.

16.12 China, in information paper WP/180, described the progress that the State has made since the 37th Assembly in further advancing facilitation and implementing electronic passports, in accordance with the relevant SARPs of Annex 9 and the technical specifications of Doc 9303, *Machine Readable Travel Documents*.

16.13 In information paper WP/269, the Republic of Korea described its Automated Immigration Clearance Service based on facial recognition that was developed to enhance facilitation of air transport services and aviation security.

16.14 The Committee endorsed the proposed priorities for the FAL Programme and expected outcomes for the 2014-2016 triennium, as set out in paragraph 3.12 of WP/3.

16.15 The Committee made note of the developments pertaining to the MRTD Programme and the PKD, as presented in WP/4.

16.16 The Committee endorsed the proposed ICAO TRIP Strategy and recommended the participation of States in the PKD, as proposed in WP/11. The Committee also requested that the concerns raised by small States regarding the PKD participation fees be considered.

16.17 The Committee agreed that the Council should be requested to consider including new SARPs in Annex 9 relating to Automated Immigration Clearance Systems, as set out in paragraph 4 of WP/267.

16.18 The Committee agreed that the Council should be requested to consider the proposals, set out in paragraph 2.4 of WP/254, for updating Doc 9944.

16.19 The Committee, in noting the relevance of trusted traveller programmes described in WP/161, to improve facilitation and security, agreed that the Council should examine ways and means by which ICAO could support the development of such programmes, and the interoperability and harmonization thereof.

16.20 With regard to matters relating to new provisions for Annex 9 on automated immigration clearance systems, the revision of Doc 9944 and SARPs for trusted traveller programmes, the Committee agreed that these matters should be referred to the FAL Panel for consideration.

16.21 The Committee agreed to the proposals, presented in WP/105, that the Council should convene high-level engagements between States responsible for issuing travel documents and Civil Aviation Authorities to ensure awareness of the responsibilities associated with the 24 November 2015 Machine Readable Passports (MRPs) deadline. In noting the planned development of an ICAO model roadmap to assist States in ePassport implementation initiatives, the Committee agreed that ICAO should give this high priority, and specifically should conduct regional seminars/workshops in order to educate States on the benefits of participating in the PKD.

16.22 With regard to WP/94, Revision No. 1, the Committee agreed that States should be requested to raise awareness amongst immigration and border control authorities of ICAO SARPs and guidance material dealing with passenger data. However, the Committee did not support a proposal to expand the Universal Security Audit Programme to all API and PNR-related SARPs of Annex 9.

16.23 The Committee agreed that Member States should be urged to continue the process of visa facilitation, as suggested in WP/246. It also agreed that ICAO and the UNWTO should jointly address the subject of visa facilitation at a strategic level, but within the framework of resources available to the FAL Panel.

16.24 Completing its work on this agenda item, the Committee considered the proposed *Consolidated statement of continuing ICAO policies and practices related to facilitation* as presented in WP/23, which contained a draft resolution for adoption by the Assembly (Resolution 16/1).

16.25 The Committee noted that matters pertaining to facilitation have appeared, to date, in the *Consolidated statement of continuing ICAO policies in the air transport field*. However, taking into account the new Strategic Objectives approved by the Council, the Committee agreed that matters pertaining to facilitation should be presented as a stand-alone draft Resolution, as proposed. It also noted that the proposed Consolidated statement reflects recent developments, as well as the future focus of ICAO's work in the field. The latter includes planned activities for the FAL Programme during the next triennium, as well as key elements of the ICAO TRIP Strategy that relate to identification management and the security and integrity of travel documents.

16.26 Having reviewed the draft resolution, and having included an additional paragraph (11) in Appendix C, the Committee agreed to recommend to the Plenary to adopt the following resolution.

Resolution 16/1: (Renumbered A38-16)

Consolidated statement of continuing policies and practices related to facilitation

Whereas Annex 9 — *Facilitation*, was developed as a means of articulating the obligations of Contracting States under Articles 22, 23 and 24 of the Convention and standardizing procedures for meeting the legal requirements referred to in Articles 10, 13, 14, 29 and 35;

Whereas implementation of the Standards and Recommended Practices in Annex 9 is essential to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail and manage challenges in border controls and airport processes so as to maintain the efficiency of air transport operations; and

Whereas it is essential that Member States continue to pursue the objective of maximizing efficiency and security in such clearance operations;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies related to facilitation, as these policies exist at the close of the 38th Session of the Assembly:

Appendix A — Development and implementation of facilitation provisions

Appendix B — National and international action in ensuring the security and integrity of traveller identification and border controls

Appendix C — National and international action and cooperation on facilitation matters

2. *Requests* the Council to keep the consolidated statement related to facilitation under review and advise the Assembly as appropriate when changes are needed to the statement; and

3. *Declares* that this resolution supersedes Resolution A37-20 (Appendix D – Facilitation).

APPENDIX A Development and implementation of facilitation provisions

Whereas the Convention on the Rights of Persons with Disabilities and its Optional Protocol, that had been adopted in December 2006 by the United Nations General Assembly, entered into force on 3 May 2008;

Whereas the development of specifications for machine readable travel documents by the Organization has proved effective in the development of systems that expedite the movement of international passengers and crew members through clearance control at airports while enhancing immigration compliance programmes; and

Whereas the development of a set of standard signs to facilitate the efficient use of airport terminals by travellers and other users has proved effective and beneficial;

The Assembly:

1. *Urges* Member States to give special attention to increasing their efforts to implement Annex 9 Standards and Recommended Practices;

2. *Urges* Member States to give due regard to Doc 9984, *Manual on Access to Air Transport by Persons with Disabilities*, in their implementation of the relevant provisions of Annex 9;

3. *Requests* the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of Member States with respect to administration of border controls, cargo and passengers; advances in technologies related to such administration; cargo facilitation; the handling of and responses to health-related and other disruptive events to aviation; and unaccompanied minors;
4. *Requests* the Council to ensure that relevant guidance material is current and responsive to the requirements of Member States;
5. *Requests* the Council to ensure that the provisions of Annex 9 — *Facilitation*, and Annex 17 — *Security*, are compatible with and complementary to each other; and
6. *Requests* the Council to update Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, to ensure that it is current and responsive to the requirements of Member States.

APPENDIX B
**National and international action in ensuring the security
and integrity of traveller identification and border controls**

Whereas States recognize the relevance of traveller identification and border control management to aviation security and facilitation;

Whereas States recognize that the ability to uniquely identify individuals requires a holistic and coordinated approach, which links the following five interdependent elements of traveller identification and border control management into a coherent framework:

- a) Foundational documents, tools and processes required to ensure authentic evidence of identity;
- b) The design and manufacture of standardized Machine Readable Travel Documents (MRTDs), including e-Passports, that comply with ICAO specifications;
- c) Processes and protocols for document issuance by appropriate authorities to authorized holders, and controls to combat theft, tampering and loss;
- d) Inspection systems and tools for the efficient and secure reading and verification of MRTDs at borders, including use of the ICAO PKD; and
- e) Interoperable applications that provide for timely, secure and reliable linkage of MRTDs and their holders to available and relevant data in the course of inspection operations.

Whereas States require capacity to uniquely identify individuals and require tools and mechanisms available to establish and confirm the identity of travellers;

Whereas the ICAO Traveller Identification Programme (ICAO TRIP) Strategy provides a framework for achieving the maximum benefits of travel documents and border controls by bringing together the elements of identification management, and building on the success of the ICAO MRTDs Programme;

Whereas the passport is the main official document that denotes a person's identity and citizenship and is intended to inform the State of transit or destination that the bearer can return to the State which issued the passport;

Whereas international confidence in the integrity of the passport is essential to the functioning of the international travel system;

Whereas the security of traveller identification and border controls depends on a robust identification management system and the integrity of the travel document issuance process;

Whereas Member States of the United Nations have resolved, under the Global Counter-Terrorism Strategy adopted on 8 September 2006, to step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use;

Whereas Resolution 1373 adopted by the United Nations Security Council on 28 September 2001 decided that all States shall prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

Whereas enhanced and intensified cooperation among States is required in order to combat and prevent identification and travel document fraud;

Whereas the criminal focus worldwide has been increasingly shifting from travel document fraud to identification fraud;

Whereas ICAO has set up the Public Key Directory (PKD) to verify, validate and authenticate biometrically-enhanced MRPs (ePassports), thereby strengthening their security and the integrity of border controls; and

Whereas Member States request from ICAO Programmes technical assistance and capacity building support in strengthening their traveller identification and border control programmes;

The Assembly:

1. *Urges* States, through their travel document and border control programmes, to uniquely identify individuals to maximize security and facilitation benefits, including preventing acts of unlawful interference and other threats to civil aviation;
2. *Urges* Member States to intensify their efforts in developing and implementing a robust identification management system and safeguard the security and integrity of the travel document issuance process;
3. *Requests* the Council to direct the Secretary General to implement the ICAO TRIP Strategy to assist Member States to uniquely identify individuals, and to enhance the security and integrity of their travel documents and border controls;
4. *Requests* Member States to intensify their efforts to safeguard the security and integrity of traveller identification and border controls, and to assist one another in these matters;

5. *Urges* those Member States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 1;
6. *Urges* Member States to ensure that the expiration date of non-machine readable passports falls before 24 November 2015;
7. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;
8. *Requests* the Council to ensure that specifications and guidance material contained in Doc 9303, *Machine Readable Travel Documents*, remain up to date in the light of technological advances, and to continue to explore technological solutions aimed at enhancing security and facilitation of border controls;
9. *Requests* the Council to continue the work on further strengthening the security and integrity of traveller identification and border controls, and developing guidance material to assist Member States to further those objectives;
10. *Urges* the Council to explore ways of intensifying assistance and capacity building support to Member States in the traveller identification and border control areas, including a proactive leadership role for ICAO in facilitating and coordinating such assistance in the international community;
11. *Urges* all States to join the ICAO PKD; and all receiving States to verify the digital signatures associated with ePassports; and
12. *Urges* those Member States that are not already doing so to provide routine and timely submissions of lost and stolen passport data to the Interpol's Automated Search Facility/Stolen and Lost Travel Document Database.

APPENDIX C

National and international action and cooperation on facilitation matters

Whereas there is a need for continuing action by Member States to improve the effectiveness and efficiency of clearance control formalities;

Whereas the establishment and active operation of national facilitation committees is a proven means of effecting needed improvements;

Whereas cooperation on facilitation matters amongst Member States and with the various national and international parties interested in facilitation matters has brought benefits to all concerned; and

Whereas such cooperation has become vital in the light of the proliferation of non-uniform passenger data exchange systems that adversely affect the viability of the air transport industry;

The Assembly:

1. *Urges* Member States to establish and utilize national facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;
2. *Requests* the Council to develop relevant guidance material on the establishment of national facilitation programmes and/or committees, as appropriate, as supplementary to the provisions of Annex 9;

3. *Urges* Member States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;
4. *Urges* Member States to take all necessary steps, through national facilitation committees or other appropriate means, for:
 - a) regularly calling the attention of all interested departments of their governments to the need for:
 - i. making the national regulations and practices conform to the provisions and intent of Annex 9; and
 - ii. working out satisfactory solutions for day-to-day problems in the facilitation field; and
 - b) taking the initiative in any follow-up action required;
5. *Urges* Member States to encourage the study of facilitation problems by their national and other facilitation committees and to coordinate the findings of their committees on facilitation problems with those of other Member States with which they have air links;
6. *Urges* neighbouring and bordering States to consult one another about common problems that they may have in the facilitation field whenever it appears that these consultations may lead to a uniform solution of such problems;
7. *Urges* Member States, aircraft operators and airport operators to continue to cooperate intensively as regards:
 - a) identification and solution of facilitation problems; and
 - b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration and other threats to national interests;
8. *Urges* Member States to call upon international operators and their associations to participate to the extent possible in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of passenger and cargo traffic at international terminals;
9. *Urges* Member States, in their use of electronic data interchange systems, to ensure that their passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose;
10. *Urges* States and operators, in cooperation with interested international organizations, to make all possible efforts to speed up the handling and clearance of air cargo, while ensuring the security of the international supply chain; and
11. *Urges* Member States to undertake dialogue and cooperation between national and regional facilitation and security-related bodies.

Agenda Item 17: Environmental protection

17.1 At its third meeting, the Executive Committee considered the subject of environmental protection on the basis of progress reports by the Council on the Organization's technical work on aircraft noise and engine emissions (WP/25 and WP/26) and on issues related to climate change (WPs 28, 29, 30, 31, 32 and 33). Based on these progress reports, the Executive Committee considered the Council's proposals that

update Resolution A37-18, *Consolidated Statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality* (WP/27) and Resolution A37-19, *Consolidated Statement of continuing ICAO policies and practices related to environmental protection – Climate change* (WP/34). In addition, there were 34 papers submitted by States and Observers: WPs 68, 70, 83, 106, 108, 131, 163, 164, 165, 166, 176, 183, 222, 234, 240, 250, 258, 268, 270, 271, 272, 275, 279, 288, 289, 297, 305, 317, 318, 327, 328, 346, 348 and 350.

17.2 GENERAL PROVISIONS, NOISE AND LOCAL AIR QUALITY

17.2.1 The Council submitted a report (WP/25) on progress made by ICAO since the 37th Session of the Assembly on issues related to civil aviation and the environment, and mainly on the activities of the Committee on Aviation Environmental Protection (CAEP), including its ninth meeting (CAEP/9). It also included related activities of the Secretariat, as well as its cooperation with other organizations.

17.2.2 WP/25 included, among other issues, the CAEP/9 agreement on a new proposed Annex 16, Volume I Aircraft Noise Standard for jet and propeller-driven aeroplanes and a proposed Noise Standard for tilt-rotor aircraft. Details were also provided on the CAEP/9 agreement on new noise reduction technology goals. On aircraft engine emissions, progress was made on the CO₂ emissions Standard which includes the CAEP/9 approval of a certification requirement for the Standard. Details were also given on the CAEP efforts to develop a Particulate Matter (PM) Standard. It also contained details on the development of two documents related to operational improvements: the CAEP/9 agreement on new operational goals for fuel burn reduction and the environmental analysis of Aviation System Block Upgrades (ASBUs). The Council agreed with all recommendations from CAEP/9, and States were being consulted on the proposed amendments to Annex 16, Volumes I and II.

17.2.3 The Committee reemphasized the importance of the technical work of the Organization related to civil aviation and the environment, and supported the continued and effective work of the CAEP and ICAO Secretariat in this area.

17.2.4 As requested by the 37th Session of the Assembly, the Council submitted WP/26 which reports on the environmental trends assessment undertaken by CAEP for the present and future impact of aircraft noise and aircraft engine emissions. The Committee noted substantial contributions from Member States and observer organizations to the assessment of environmental trends, which were reviewed by, and reflect the consensus of, CAEP. The Committee also noted that, as requested by Assembly Resolution A37-19, the Secretariat was developing a capability that would allow the Organization to regularly report CO₂ emissions from international aviation to the United Nations Framework Convention on Climate Change (UNFCCC) process and to measure progress toward the global aspirational goals. This activity would benefit from increased reporting of fuel consumption data from Member States to ICAO.

17.2.5 In absolute terms, the total global population exposed to aircraft noise, total global aircraft emissions that affect local air quality, and total global aircraft emissions that affect the global climate are expected to increase throughout the analysis period, but at a rate slower than aviation demand. Fuel efficiency is expected to improve to 2050, however measures in addition to those considered in the analysis will be required to achieve the 2 per cent annual fuel efficiency improvement aspirational goal. Similarly, when considering only aircraft technology and operational improvements, additional measures will be needed to achieve carbon neutral growth relative to 2020. While sustainable alternative fuels have the potential to make a significant contribution to reducing emissions, insufficient data is available to confidently predict the availability or life cycle CO₂ emissions of these fuels.

17.2.6 The Committee recommended the global environmental trends presented in WP/26 as the basis for decision making on environmental matters during this Session of the Assembly, and requested the Council to continue work in these areas with the support of States and to ensure that the next session of the Assembly would be provided with an updated global environmental trends assessment.

17.2.7 The Committee recognized the importance of having a consistent basis for historic and future environmental trends. It recommended that the Assembly urge States to submit fuel consumption data required by ICAO to support the Assembly request to the Council of reporting on aviation emissions, and consider the information in this paper for inclusion in the revisions to Assembly Resolutions A37-18 and A37-19.

17.2.8 In WP/27, the Council submitted a proposal for the revision of Assembly Resolution A37-18, Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality, in light of developments since the 37th Session of the Assembly.

17.2.9 In WP/106, the United States recognized the progress to reduce aircraft noise and aviation emissions that affect local air quality through policy, standards and guidance, including the CAEP/9 agreement on the new Annex 16, Volume I noise Standard and the CAEP/9 recommendation that urged States not to introduce operational restrictions on aircraft that comply with Annex 16, Volume I, Chapter 4 and/or the new noise Standard, once it is adopted by the Council. The paper also invited the Assembly to reaffirm commitment to the Balanced Approach for aircraft noise management, recognizing that operating restrictions should not be applied as a first resort and only after consideration of each of the other elements. The United States also supported further work on developing a non-volatile PM certification Standard.

17.2.10 In WP/70, Lithuania, on behalf of the European Union (EU) and its Member States and the other Member States of the European Civil Aviation Conference (ECAC), welcomed the progress made by CAEP/9, including the agreement on the new Annex 16, Volume I noise Standard and ongoing work regarding the development of a Standard for non-volatile PM (nvPM). The paper also encouraged aircraft engine manufacturers to contribute actively to the work on the sampling and measurement of nvPM.

17.2.11 In WP/297, the International Coalition for Sustainable Aviation (ICSA) expressed that the CO₂ emissions Standard would be an integral element of ICAO's basket of measures, and that if the Standard would not have an incremental effect, other measures in the basket must compensate. The paper invited the Assembly to confirm that the CO₂ emissions Standard is an essential element of the basket of measures and request Council to ensure that CAEP adheres to its commitment to agree to a Standard that produces incremental emission reductions beyond "business as usual".

17.2.12 The Committee welcomed the progress of work by CAEP/9, including agreement on the new Annex 16, Volume I noise Standard, and encouraged its further work towards a robust non-volatile PM Standard and CO₂ emissions Standard.

17.2.13 In WP/327, the International Transport Workers' Federation (ITF) described the potential health concerns regarding the exposure of airport employees to ultrafine exhaust particles from aircraft and diesel engines at airports, and invited the Assembly to urge ICAO to extend its policies and practices related to environmental protection into the protection of the health and safety of employees, accordingly. The ITF highlighted that a working group consisting of managers from Copenhagen airport, companies operating in the airport and unions representing employees in the airport had been established, and this could act as a starting point for discussions.

17.2.14 The Chairperson stated that ICAO continued to work with a number of international organisations, including the World Health Organisation, on the impacts of aviation on the environment in the

vicinity of airports. It was made clear that CAEP is currently undertaking a programme of work, to develop a non-volatile PM (nvPM) certification Standard for aircraft engines and that research is ongoing to advance the understanding of volatile PM formation, and that the information provided by ITF would be brought to the attention of CAEP for consideration in its work.

17.2.15 In WP/222, India provided information on its initiatives to manage aircraft noise in India, and requested the development of noise studies and the installation of noise monitoring systems in major airports, as well as the formulation of action plans in major airports with respect to noise limits and land-use plans specific to these airports, in line with the ICAO *Guidance on the Balanced Approach to Aircraft Noise Management*.

17.2.16 In WP/240, South Africa described how night curfews in various parts of the world impact the global aviation industry, and invited the Assembly to ensure that ICAO continues to play a leadership role in developing policy guidance to address night curfews. The paper encouraged ICAO to continue to monitor States' practices on night curfews and assess their impact on the operation of air services. The paper also requested States and Regions that have imposed night curfews to review their policies.

17.2.17 In WP/163, the International Air Transport Association (IATA) supported the recommendation made by CAEP/9 that States should refrain from imposing operating restrictions on aircraft that comply with the Annex 16, Volume I, Chapter 4 and/or the new noise Standard. IATA also strongly opposed any measure which would lead to the phase-out of aircraft which comply with the Annex 16, Volume 1, Chapter 3. The paper invited the Assembly to consider the proposed amendments to Assembly Resolution A37-18, Appendices D and E.

17.2.18 Regarding night curfews, the Committee recalled that this subject was discussed at the last Assembly, where the assessment of night curfews undertaken by CAEP was noted and India requested further studies. The last Assembly agreed to refer this subject to the Council for consideration, and India offered to provide the necessary resources for further studies, noting the resource constraints of the Secretariat. Since the last Assembly, subject to funding being provided by India, the Secretariat pursued the work with the support of consultants, and the Terms of Reference were developed, however, no funding has been made available to date. It was clarified that India would contact the Secretariat in due course regarding the offer of the necessary resources for the undertaking of further studies on night curfews.

17.2.19 The Committee recommended that the Assembly reaffirm its commitment to the Balanced Approach, recognizing that operating restrictions should not be applied as a first resort and only after consideration of each of the other elements. The Committee supported the recommendation from the CAEP urging States not to introduce operational restrictions on aircraft that comply with the proposed noise certification Standard of Annex 16 Volume I, Chapter 4 and/or the new Noise Standard, once adopted by the Council.

17.2.20 Regarding the amendments to Assembly Resolution A37-18, the Committee agreed to all amendments proposed by the Secretariat in the Appendix to WP/27. In addition, regarding the amendments proposed by IATA in WP/163, the Committee agree to recommend that the proposed amendments to Appendix D and to the fourth preamble paragraph of Appendix E be reflected in the draft Resolution text contained in the Appendix to WP/27.

17.2.21 In WP/318, Argentina expressed the need to facilitate the exchange of information and views among States in a region that do not contribute directly to the work of CAEP and recommended that the Resolution reflected that the Council encourage the Regional Offices to promote initiatives of various kinds (such as seminars, workshops and other similar events) so that States that are not CAEP members or observers

can benefit more fully from the work of CAEP. The Committee welcomed the proposal and reiterated the need for participation by States in CAEP that are currently not represented.

17.2.22 In WP/348, Viet Nam provided information regarding its initiatives towards mitigating the noise and emissions from domestic and international air operations.

17.2.23 The Committee agreed to recommend that the Assembly adopt the following Resolution:

Resolution 17/1 (Renumbered A38-17)

Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality

Whereas in Resolution A37-18 the Assembly resolved to continue to adopt at each ordinary Session a consolidated statement of continuing ICAO policies and practices related to environmental protection;

Whereas Resolution A37-18 consists of an introductory text and a number of Appendices concerning specific but interrelated subjects;

Considering the need to reflect developments that have taken place since the 37th Session of the Assembly in the field of aircraft noise and engine emissions; and

Considering the need to define a specific ICAO policy to address aviation's impact on global climate (A38-18: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*), the increasing concern on aviation and climate change and as part of ICAO's policies and practices related to environmental protection;

The Assembly:

1. *Resolves* that the Appendices attached to this Resolution and listed below, together with A38-18: *Consolidated statement of continuing ICAO policies and practices related to environmental protection - Climate change*, constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection, as these policies exist at the close of the 38th Session of the Assembly:

Appendix A — General

Appendix B — Development of Standards, Recommended Practices and Procedures and/or guidance material relating to the quality of the environment

Appendix C — Policies and programmes based on a “balanced approach” to aircraft noise management

Appendix D — Phase-out of subsonic jet aircraft which exceed the noise levels in Volume I of Annex 16

Appendix E — Local noise-related operating restrictions at airports

Appendix F — Land-use planning and management

Appendix G — Supersonic aircraft — The problem of sonic boom

Appendix H — Aviation impact on local air quality

2. *Requests* the Council to submit the ICAO policies and practices related to environmental protection for review at each ordinary session of the Assembly; and
3. *Declares* that this resolution, together with A38-18 *Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*, supersedes Resolutions A37-18 and A37-19.

APPENDIX A

General

Whereas the preamble to the *Convention on International Civil Aviation* states that “the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world . . .” and Article 44 of that Convention states that ICAO should “develop the principles and techniques of international air navigation and . . . foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

Whereas many of the adverse environmental effects of civil aviation activity can be reduced by the application of comprehensive measures embracing technological improvements, more efficient air traffic management and operational procedures and the appropriate use of airport planning, land-use planning and management and market-based measures;

Whereas all ICAO Member States agreed to continue to pursue all aviation matters related to the environment and also maintain the initiative in developing policy guidance on these matters, and not leave such initiatives to other organizations;

Whereas other international organizations are emphasizing the importance of environmental policies affecting air transport;

Whereas the sustainable growth of aviation is important for future economic growth and development, trade and commerce, cultural exchange and understanding among peoples and nations; therefore prompt action must be taken to ensure that it is compatible with the quality of the environment and develops in ways that alleviate adverse impacts;

Whereas reliable and best available information on the environmental effects of aviation is essential for the development of policy by ICAO and its Member States;

Whereas as far as there are recognized interdependencies of the environmental effects from aviation, such as noise and engine emissions, they need to be considered when defining source control and operational mitigation policies;

Whereas airspace management and design can play a role in addressing the impacts of aviation greenhouse gas emissions on the global climate, and the related economic and institutional issues need to be addressed by States, either individually or collectively on a regional basis;

Whereas cooperation with other international organizations is important to progress the understanding of aviation’s impacts on the environment and in order to develop the appropriate policies to address these impacts; and

Recognizing the importance of research and development in fuel efficiency and alternative fuels for aviation that will enable international air transport operations with a lower environmental impact;

The Assembly:

1. *Declares* that ICAO, as the lead United Nations (UN) Agency in matters involving international civil aviation, is conscious of and will continue to address the adverse environmental impacts that may be related to civil aviation activity and acknowledges its responsibility and that of its Member States to achieve maximum compatibility between the safe and orderly development of civil aviation and the quality of the environment. In carrying out its responsibilities, ICAO and its Member States will strive to:
 - a) limit or reduce the number of people affected by significant aircraft noise;
 - b) limit or reduce the impact of aviation emissions on local air quality; and
 - c) limit or reduce the impact of aviation greenhouse gas emissions on the global climate;
2. *Emphasizes* the importance of ICAO continuing to demonstrate its leadership role on all international civil aviation matters related to the environment and *requests* the Council to maintain the initiative in developing policy guidance on these matters, which recognizes the seriousness of the challenges which the sector faces;
3. *Requests* the Council to assess regularly the present and future impact of aircraft noise and aircraft engine emissions and to continue to develop tools for this purpose;
4. *Requests* the Council to maintain and update knowledge of the interdependencies and trade-offs related to measures to mitigate the impact of aviation on the environment so as to optimize decision-making;
5. *Requests* the Council to establish a set of aviation environmental indicators which States could use to evaluate the performance of aviation operations and the effectiveness of standards, policies and measures to mitigate aviation's impacts on the environment;
6. *Requests* the Council to disseminate information on the present and future impact and trends of aircraft noise and aircraft engine emissions, on the work of CAEP, and on ICAO policy and guidance material in the environmental field, in an appropriate manner, such as through regular reporting and workshops, including through the coordination with the ICAO Regional Offices;
7. *Invites* States to continue their active support for ICAO's environment-related activities, and urges Member States to support activities not foreseen in the budget by providing a reasonable level of voluntary contributions;
8. *Invites* States and international organizations to provide the necessary scientific information and data to enable ICAO to substantiate its work in this field;
9. *Encourages* the Council to continue to cooperate closely with international organizations and other UN bodies on the understanding of aviation impacts on the environment and on the establishment of policies to address such impacts; and
10. *Urges* States to refrain from environmental measures that would adversely affect the orderly and sustainable development of international civil aviation.

APPENDIX B

Development of Standards, Recommended Practices and Procedures and/or guidance material relating to the quality of the environment

Whereas the problem of aircraft noise in the vicinity of many of the world's airports, which continues to arouse public concern and limit airport infrastructure development, requires appropriate action;

Whereas the scientific community is improving the understanding of uncertainties associated with the environmental impact of aircraft emissions at both the local and global levels, this impact remains a cause of concern and requires appropriate action;

Recognizing that there are interdependencies related to technology, design and operations of aircraft when addressing concerns related to noise, local air quality, and climate change;

Whereas the Council has established a Committee on Aviation Environmental Protection (CAEP) for the purpose of assisting in the further development of Standards, Recommended Practices and Procedures and/or guidance material on aircraft noise and engine emissions;

Whereas the Council has adopted Annex 16, Volume I — *Aircraft Noise*, which comprises noise certification Standards for subsonic aircraft (except short take-off and landing/vertical take-off and landing aeroplanes) and has notified Member States of this action;

Whereas the Council has adopted Annex 16, Volume II — *Aircraft Engine Emissions*, which comprises emissions certification Standards for new aircraft engines and has notified Member States of this action;

Whereas the Council has initiated work on the development of certification requirements for non-volatile Particulate Matter (PM) emissions;

Welcoming the agreement by CAEP of certification requirements for a global CO₂ Standard for aircraft;

Whereas ICAO policy guidance on measures to address environmental concerns related to aircraft noise and engine emissions has been developed, amended and published; and

Whereas the Council has adopted medium- and long-term technology goals for reduction of noise and oxides of nitrogen (NO_x), and technology and operational goals for aircraft fuel burn reduction;

The Assembly:

1. *Welcomes* the continuing benefits of the more stringent aircraft noise Standard in Annex 16, Volume I, Chapter 4 that took effect on 1 January 2006;
2. *Welcomes* the consideration by the Council in June 2013 of the new, more stringent Standard for noise to be implemented on or after 31 December 2017 and on or after 31 December 2020 for aircraft less than 55 tonnes;
3. *Welcomes* the consideration by the Council in June 2013 of the new Standard for noise to be implemented for Tilt-rotor aircraft on or after 1 January 2018;
4. *Welcomes* the plan approved by the Council in June 2013 for the further development and finalization of an aircraft CO₂ Standard by 2016;

5. *Requests* the Council, with the assistance and cooperation of other bodies of the Organization and of other international organizations, to continue with vigour the work related to the development of Standards, Recommended Practices and Procedures and/or guidance material dealing with the impact of aviation on the environment;
6. *Welcomes* the adoption by the Council in June 2013 of the medium- and long-term technology goals for reducing aircraft noise and technology and operational goals for aircraft fuel burn reduction;
7. *Requests* the Council to ensure that its Committee on Aviation Environmental Protection (CAEP) pursues its work programme in the noise and emissions fields expeditiously in order that appropriate solutions can be developed as quickly as possible, and that the necessary resources are made available to do so;
8. *Urges* Member States from regions of the world that are currently under-represented in CAEP to participate in the Committee's work;
9. *Requests* the Council to provide States and International Organizations information on available measures to reduce the impact of aviation operations on the environment so that action can be taken using the appropriate measures;
10. *Urges* Member States to follow, where appropriate, the ICAO provisions developed pursuant to Clause 5 of this Appendix; and
11. *Requests* the Council to continue the work on developing and employing scenarios for assessing the future environmental impact of aviation emissions and to cooperate with other international organizations in this area.

APPENDIX C

Policies and programmes based on a “balanced approach” to aircraft noise management

Whereas a goal of ICAO is to promote the highest practicable degree of consistency in international civil aviation, including environmental regulations;

Whereas the uncoordinated development of national and regional policies and programmes for the alleviation of aircraft noise could hinder the role of civil aviation in economic development;

Whereas the severity of the aircraft noise problem at many airports has given rise to measures which limit aircraft operations and has provoked vigorous opposition to the expansion of existing airports or construction of new airports;

Whereas ICAO has accepted full responsibility for pursuing a course aimed at achieving maximum compatibility between the safe, economically effective and orderly development of civil aviation and the quality of the environment, and is actively pursuing the concept of a “balanced approach” for the reduction of aircraft noise and guidance on how States might apply such an approach;

Whereas the balanced approach to noise management developed by ICAO consists of identifying the noise problem at an airport and then analysing the various measures available to reduce noise through the exploration of four principal elements, namely reduction at source, land-use planning and management, noise abatement operational procedures and operating restrictions, with the goal of addressing the noise problem in the most cost-effective manner;

Whereas the assessment of present and future impact of aviation noise is an essential tool for the development of policy by ICAO and its Member States;

Whereas the process for implementation and decisions between elements of the balanced approach is for Member States and it is ultimately the responsibility of individual States to develop appropriate solutions to the noise problems at their airports, with due regard to ICAO rules and policies;

Whereas the ICAO guidance developed to assist States in implementing the balanced approach (Guidance on the Balanced Approach to Aircraft Noise Management (Doc 9829)) has been subsequently updated;

Recognizing that solutions to noise problems need to be tailored to the specific characteristics of the airport concerned, which calls for an airport-by-airport approach, and that similar solutions could be applied if similar noise problems are identified at airports;

Recognizing that measures to address noise may have significant cost implications for operators and other stakeholders, particularly those from developing countries;

Recognizing that States have relevant legal obligations, existing agreements, current laws and established policies which may influence their implementation of the ICAO “balanced approach”;

Recognizing that some States may also have wider policies on noise management; and

Considering that the improvements in the noise climate achieved at many airports through the replacement of Chapter 2 compliant aircraft (aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16) by quieter aircraft should be safeguarded by taking account of the sustainability of future growth and should not be eroded by incompatible urban encroachment around airports;

The Assembly:

1. *Calls upon* all ICAO Member States and international organizations to recognize the leading role of ICAO in dealing with the problems of aircraft noise;
2. *Urges* States to:
 - a) adopt a balanced approach to noise management, taking full account of ICAO guidance (Doc 9829), relevant legal obligations, existing agreements, current laws and established policies, when addressing noise problems at their international airports;
 - b) institute or oversee a transparent process when considering measures to alleviate noise, including:
 - 1) assessment of the noise problem at the airport concerned based on objective, measurable criteria and other relevant factors;
 - 2) evaluation of the likely costs and benefits of the various measures available and, based on that evaluation, selection of measures with the goal to achieve maximum environmental benefit most cost-effectively; and
 - 3) provision for dissemination of the evaluation results, for consultation with stakeholders and for dispute resolution;
3. *Encourages* States to:
 - a) promote and support studies, research and technology programmes aimed at reducing noise at source or by other means taking into account interdependencies with other environmental concerns;

- b) apply land-use planning and management policies to limit the encroachment of incompatible development into noise-sensitive areas and mitigation measures for areas affected by noise, consistent with Appendix F to this Resolution;
 - c) apply noise abatement operational procedures, to the extent possible without affecting safety and considering interdependencies with other environmental concerns; and
 - d) not apply operating restrictions as a first resort but only after consideration of the benefits to be gained from other elements of the balanced approach and in a manner which is consistent with Appendix E to this Resolution and taking into account the possible impact of such restrictions at other airports;
4. *Requests* States to:
- a) work closely together to ensure the harmonization of programmes, plans and policies to the extent possible;
 - b) ensure that the application of any measures to alleviate noise are consistent with the non-discrimination principle in Article 15 of the Chicago Convention; and
 - c) take into consideration the particular economic conditions of developing countries;
5. *Invites* States to keep the Council informed of their policies and programmes to alleviate the problem of aircraft noise in international civil aviation;
6. *Requests* the Council to:
- a) assess continuously the evolution of the impact of aircraft noise;
 - b) ensure that the guidance on the balanced approach in Doc 9829 is current and responsive to the requirements of States; and
 - c) promote the use of the balanced approach, for example through workshops; and
7. *Calls upon* States to provide appropriate support for this work on ICAO guidance and any additional work on methodologies, and for the assessment of the impact or effectiveness of measures under the balanced approach as necessary.

APPENDIX D

Phase-out of subsonic jet aircraft which exceed the noise levels in Volume I of Annex 16

Whereas certification standards for subsonic jet aircraft noise levels are specified in Volume I of Annex 16;

Whereas for the purpose of this Appendix, a phase-out is defined as withdrawal of a noise-based category of aircraft from international operations at all airports in one or more States;

Whereas the Committee on Aviation Environmental Protection has concluded that a general phase-out of Chapter 3 aircraft operations by all the countries which imposed a phase-out on operations of Chapter 2 aircraft is not supported on cost-benefit grounds and had undertaken the work that led to the recommendation of a new noise certification standard in Volume I, of Annex 16 on the understanding that a new phase-out should not be considered;

Whereas some States have implemented or initiated phase-outs of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16, or are considering so doing;

Recognizing that the noise standards in Annex 16 are not intended to introduce operating restrictions on aircraft;

Recognizing that operating restrictions on existing aircraft may increase the costs of airlines and could impose a heavy economic burden, particularly on aircraft operators which may not have the financial resources to re-equip their fleets, such as those from developing countries; and

Considering that resolution of problems due to aircraft noise must be based on the mutual recognition of the difficulties encountered by States and a balance among their different concerns;

The Assembly:

1. *Urges* States not to introduce any phase-outs of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16 before considering:

- a) whether the normal attrition of existing fleets of such aircraft will provide the necessary protection of noise climates around their airports;
- b) whether the necessary protection can be achieved by regulations preventing their operators from adding such aircraft to their fleets through either purchase, or lease/charter/interchange, or alternatively by incentives to accelerate fleet modernization;
- c) whether the necessary protection can be achieved through restrictions limited to airports and runways the use of which has been identified and declared by them as generating noise problems and limited to time periods when greater noise disturbance is caused; and
- d) the implications of any restrictions for other States concerned, consulting these States and giving them reasonable notice of intention;

2. *Urges* States which, despite the considerations in Resolving Clause 1 above, decide to phase out aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16:

- a) to frame any restrictions so that Chapter 2 compliant aircraft of an individual operator which are presently operating to their territories may be withdrawn from these operations gradually over a period of not less than 7 years;
- b) not to restrict before the end of the above period the operations of any aircraft less than 25 years after the date of issue of its first individual certificate of airworthiness;
- c) not to restrict before the end of the period the operations of any presently existing wide-body aircraft or of any fitted with engines that have a by-pass ratio higher than 2 to 1; and
- d) to inform ICAO, as well as the other States concerned, of all restrictions imposed;

3. *Strongly encourages* States to continue to cooperate bilaterally, regionally and inter-regionally with a view to:

- a) alleviating the noise burden on communities around airports without imposing severe economic hardship on aircraft operators; and

- b) taking into account the problems of operators of developing countries with regard to Chapter 2 aircraft presently on their register, where they cannot be replaced before the end of the phase-out period, provided that there is proof of a purchase order or leasing contract placed for a replacement Chapter 3 compliant aircraft and the first date of delivery of the aircraft has been accepted;

4. *Urges* States not to introduce measures to phase out aircraft which comply, through original certification or recertification, with the noise certification standards in Volume I, Chapters 3, 4 or any more recent Chapter of Annex 16;

5. *Urges* States not to impose any operating restrictions on Chapter 3 compliant aircraft, except as part of the balanced approach to noise management developed by ICAO and in accordance with Appendices C and E to this Resolution; and

6. *Urges* States to assist aircraft operators in their efforts to accelerate fleet modernization and thereby prevent obstacles and permit all States to have access to lease or purchase aircraft compliant with Chapter 3, including the provision of multilateral technical assistance where appropriate.

APPENDIX E

Local noise-related operating restrictions at airports

Whereas certification standards for subsonic jet aircraft noise are specified in Volume I of Annex 16;

Whereas for the purposes of this Appendix an operating restriction is defined as any noise-related action that limits or reduces an aircraft's access to an airport;

Whereas Appendix C to this Resolution calls for States to adopt a balanced approach to noise management when addressing noise problems at their international airports;

Whereas further reductions in noise at source are expected as a result of the adoption of new noise certification standards in Volume I of Annex 16 and through the assimilation of noise reduction technology in the fleet;

Whereas at many airports, land-use planning and management and noise abatement operational procedures are already being used and other noise mitigation measures are in place, although urban encroachment continues in certain cases;

Whereas implementation of the phase-out of aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16 (as provided for in Appendix D to this Resolution) has been completed in some States and, assuming continued growth in aviation activity, without further action the number of people exposed to aircraft noise at some airports in those States may increase;

Whereas there are significant regional differences in the extent to which aircraft noise is expected to be a problem over the next two decades and some States have consequently been considering placing operating restrictions on certain aircraft which comply with the noise certification standards in Volume I, Chapter 3 of Annex 16;

Whereas if operating restrictions on Chapter 3 aircraft are introduced at certain airports, this should be based on the balanced approach and relevant ICAO guidance (Doc 9829) and should be tailored to the specific requirements of the airport concerned;

Whereas these restrictions could have a significant economic impact on fleet investments of aircraft operators from States other than those in which the restrictions are imposed;

Recognizing that these restrictions go beyond the policy established in Appendix D to this Resolution and other relevant policy guidance developed by ICAO;

Recognizing that ICAO places no obligation on States to impose operating restrictions on Chapter 3 aircraft;

Recognizing that the noise standards in Annex 16 were not intended to introduce operating restrictions on aircraft and, specifically, that the standard contained in Annex 16, Volume I, Chapter 4 and any further stringency levels adopted by the Council are based on the understanding that it is for certification purposes only; and

Recognizing in particular that States have legal obligations, laws, existing arrangements and established policies which may govern the management of noise problems at their airports and could affect the implementation of this Appendix;

The Assembly:

1. *Urges* States to ensure, wherever possible, that any operating restrictions be adopted only where such action is supported by a prior assessment of anticipated benefits and of possible adverse impacts;

2. *Urges* States not to introduce any operating restrictions at any airport on aircraft which comply with Volume I, Chapter 3 of Annex 16 before:

- a) completing the phase-out of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16, at the airport concerned; and
- b) fully assessing available measures to address the noise problem at the airport concerned in accordance with the balanced approach described in Appendix C;

3. *Urges* States which, despite the considerations in Resolving Clause 2 above, permit the introduction of restrictions at an airport on the operations of aircraft which comply, either through original certification or recertification, with Volume I, Chapter 3 of Annex 16:

- a) to base such restrictions on the noise performance of the aircraft, as determined by the certification procedure conducted consistent with Annex 16, Volume I;
- b) to tailor such restrictions to the noise problem of the airport concerned in accordance with the balanced approach;
- c) to limit such restrictions to those of a partial nature wherever possible, rather than the complete withdrawal of operations at an airport;
- d) to take into account possible consequences for air transport services for which there are no suitable alternatives (for example, long-haul services);
- e) to consider the special circumstances of operators from developing countries, in order to avoid undue hardship for such operators, by granting exemptions;
- f) to introduce such restrictions gradually over time, where possible, in order to take into account the economic impact on operators of the affected aircraft;

- g) to give operators a reasonable period of advance notice;
- h) to take account of the economic and environmental impact on civil aviation; and
- i) to inform ICAO, as well as the other States concerned, of all such restrictions imposed; and

4. *Further urges* States not to permit the introduction of any operating restrictions aimed at the withdrawal of aircraft that comply, through either original certification or recertification, with the noise standards in Volume I, Chapter 4 of Annex 16 and any further stringency levels adopted by the Council.

APPENDIX F

Land-use planning and management

Whereas land-use planning and management is one of the four principal elements of the balanced approach to noise management;

Whereas the number of people affected by aircraft noise is dependent on the way in which the use of land surrounding an airport is planned and managed, and in particular the extent to which residential development and other noise sensitive activities are controlled;

Whereas activity may increase significantly at most airports and there is a risk that future growth may be constrained by inappropriate land use near airports;

Whereas the phase-out of subsonic jet aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16 has succeeded at many airports in reducing the size of the noise contours depicting the areas where people are exposed to unacceptable noise levels as well as in reducing the total number of people exposed to noise;

Considering it essential that these improvements should be preserved to the greatest extent practicable for the benefit of local communities;

Recognizing that the standard contained in Annex 16, Volume I, Chapter 4 has increased the opportunities for operators to replace aircraft in their fleets by quieter aircraft;

Recognizing that while land-use management includes planning activities that may primarily be the responsibility of local authorities, it nevertheless affects airport capacity, which in turn has implications for civil aviation; and

Whereas guidance material on appropriate land-use planning and noise mitigation measures is included in the *Airport Planning Manual* (Doc 9184), Part 2 — *Land Use and Environmental Control*, which needs to be revised to include relevant provisions to account for emissions-related effects;

The Assembly:

1. *Urges* States that have phased out operations of Chapter 2 aircraft at their airports as provided for in Appendix D to this Resolution, whilst preserving the benefits for local communities to the greatest extent practicable, to avoid inappropriate land use or encroachment whenever possible in areas where reductions in noise levels have been achieved;

2. *Urges* States to ensure that the potential reductions in noise levels to be gained from the introduction of quieter aircraft, particularly those complying with the Chapter 4 standard, are also not avoidably compromised by inappropriate land use or encroachment;
3. *Urges* States, where the opportunity still exists to minimize aircraft noise problems through preventive measures, to:
 - a) locate new airports at an appropriate place, such as away from noise-sensitive areas;
 - b) take the appropriate measures so that land-use planning is taken fully into account at the initial stage of any new airport or of development at an existing airport;
 - c) define zones around airports associated with different noise levels taking into account population levels and growth as well as forecasts of traffic growth and establish criteria for the appropriate use of such land, taking account of ICAO guidance;
 - d) enact legislation, establish guidance or other appropriate means to achieve compliance with those criteria for land use; and
 - e) ensure that reader-friendly information on aircraft operations and their environmental effects is available to communities near airports; and
4. *Requests* the Council to:
 - a) ensure that the guidance on land use in Doc 9184 is current and responsive to the requirements of States; and
 - b) consider what steps might be taken to promote land-use management, particularly in those parts of the world where the opportunity may exist to avoid aircraft noise problems in the future.

APPENDIX G

Supersonic aircraft — The problem of sonic boom

Whereas since the introduction of supersonic aircraft in commercial service action has been taken to avoid creating unacceptable situations for the public due to sonic boom, such as interference with sleep and injurious effects to persons and property on land and at sea caused by the magnification of the sonic boom; and

Whereas the States involved in the manufacture of such supersonic aircraft, as well as other States, continue to carry out research into the physical, physiological and sociological effects of sonic boom;

The Assembly:

1. *Reaffirms* the importance it attaches to ensuring that no unacceptable situation for the public is created by sonic boom from supersonic aircraft in commercial service;
2. *Instructs* the Council, in the light of the available information and availing itself of the appropriate machinery, to review the Annexes and other relevant documents, so as to ensure that they take due account of the problems which the operation of supersonic aircraft may create for the public and, in particular, as regards sonic boom, to take action to achieve international agreement on measurement of the sonic boom, the definition in quantitative or qualitative terms of the expression “unacceptable situations for the public” and the establishment of the corresponding limits; and

3. *Invites* the States involved in the manufacture of supersonic aircraft to furnish ICAO in due course with proposals on the manner in which any specifications established by ICAO could be met.

APPENDIX H

Aviation impact on local air quality

Whereas there are growing concerns about the impact of aviation on the atmosphere with respect to local air quality and the associated human health and welfare impacts;

Whereas the evidence of this impact from emissions of NO_x and Particulate Matter (PM) from aircraft engines on local surface and regional air quality is now more compelling;

Recognizing that the scientific community is improving the understanding of uncertainties associated with the impact from emissions of NO_x and PM from aircraft engines on the global climate;

Recognizing that there are interdependencies related to design and operations of aircraft when addressing concerns related to noise, local air quality, and climate change;

Recognizing that ICAO has established technical Standards and fostered the development of operational procedures that have reduced significantly local air quality pollution from aircraft;

Whereas many pollutants such as soot and unburned hydrocarbons from aircraft engines affecting local and regional air quality, have declined dramatically over the last few decades;

Whereas progress in operational procedures such as continuous descent operations has resulted in further reduction of emissions from aircraft;

Whereas an assessment of trends in aviation emissions of NO_x, PM, and other gaseous emissions shows increasing global emissions values;

Whereas the impacts of aviation emissions of NO_x, PM, and other gaseous emissions need to be further assessed and understood;

Recognizing the robust progress made in understanding impacts of non-volatile components of PM emissions while the scientific and technical work continues on better assessment of volatile components of PM emissions;

Whereas the impacts of aviation emissions on local and regional air quality is part of the total emissions in the affected area and should be considered in the broader context of all sources that contribute to the air quality concerns;

Whereas the actual local air quality and health impacts of aviation emissions depend on a series of factors among which are the contribution to the total concentrations and the number of people exposed in the area being considered;

Whereas Article 15 of the *Convention on International Civil Aviation* contains provisions regarding airport and similar charges, including the principle of non-discrimination, and ICAO has developed policy guidance for Member States regarding charges (*ICAO's Policies on Charges for Airports and Air Navigation Services*, Doc 9082) including specific guidance on noise-related charges and emissions-related charges for local air quality;

Whereas the ICAO Council had adopted on 9 December 1996 a policy statement of an interim nature on emissions-related charges and taxes in the form of a resolution wherein the Council strongly recommends that

any such levies be in the form of charges rather than taxes, and that the funds collected should be applied in the first instance to mitigating the environmental impact of aircraft engine emissions;

Whereas such charges should be based on the costs of mitigating the environmental impact of aircraft engine emissions to the extent that such costs can be properly identified and directly attributed to air transport;

Whereas the ICAO Council has adopted policy and guidance material related to the use of emissions-related charges to address the impact of aircraft engine emissions at or around airports;

Noting that the ICAO Council has published information on environmental management systems (EMS) that are in use by aviation stakeholders; and

Noting that the ICAO Council has developed an Airport Air Quality Guidance Manual which has been subsequently updated;

The Assembly:

1. *Requests* the Council to monitor and develop its knowledge of, in cooperation with other relevant international organizations such as WHO, the effects of aviation emissions of PM, NO_x and other gases on human welfare and health, and to disseminate information in this regard;
2. *Requests* the Council to continue its work to develop technologically feasible, environmentally beneficial and economically reasonable standards to further reduce the impact of local air pollution from aircraft;
3. *Requests* the Council to continue to develop certification requirements for non-volatile PM emissions while continuing to monitor progress in scientific and technical understanding of volatile and non-volatile components of PM emissions;
4. *Encourages* action by Member States to aid the development of certification requirements for non-volatile PM emissions;
5. *Requests* the Council to ensure that the interdependencies between measures to reduce aircraft noise and engine emissions that affect local air quality as well as global climate are given due consideration;
6. *Requests* the Council to continue its work to develop long-term technology and operational goals with respect to aviation environmental issues, including NO_x emissions from aircraft;
7. *Requests* the Council to continue to foster operational and air traffic improvements that reduce the impact of local air pollution from aircraft;
8. *Encourages* action by Member States, and other parties involved, to limit or reduce international aviation emissions affecting local air quality through voluntary measures and to keep ICAO informed;
9. *Welcomes* the development and promotion of guidance material on issues related to the assessment of airport-related air quality;
10. *Requests* the Council to work with States and stakeholders in promoting and sharing best practices applied at airports in reducing the adverse effects of aviation emissions on local air quality;
11. *Welcomes* the development of the guidance on emissions charges related to local air quality and *requests* the Council to keep up-to-date such guidance and *urges* Member States to share information on the implementation of such charges; and

12. *Urges* Member States to ensure the highest practical level of consistency and take due account of ICAO policies and guidance on emissions charges related to local air quality.

CLIMATE CHANGE

Sustainable Alternative Fuels for Aviation

17.3.1 The Council submitted WP/28 on the activities undertaken by ICAO to promote and facilitate the development and deployment of sustainable alternative fuels for aviation, including information sharing on best practices among States and other stakeholders, namely through the ICAO Workshop on Sustainable Alternative Fuels held in October 2011 and the update of the ICAO Global Framework for Aviation Alternative Fuels (GFAAF) website, as well as the promotion of global initiatives, including the launch, on the occasion of the Rio+20 Summit in June 2012, of the ICAO “Flightpath to a Sustainable Future” initiative.

17.3.2 In June 2012, the Sustainable Alternative Fuels Expert Group was established to develop recommendations on this subject. In addition, as presented in WP/26, the work of CAEP on the CO₂ trends assessment addressed the difficulty in quantifying the future production levels of aviation alternative fuels and in accounting for the changes in net CO₂ emissions on a life-cycle basis. These activities allowed for the identification of challenges and next steps, including the need to address initial economic barriers for commercial-scale deployment of aviation alternative fuels and to ensure the sustainability of such fuels, as well as the need to improve how the future production and changes in life-cycle emissions will be reflected in the ICAO environmental trends assessment.

17.3.3 In WP/164, Indonesia provided information on its “Green Aviation Initiatives for Sustainable Development” regarding alternative fuels for aircraft operations, as part of its State action plan on climate change. The Assembly was invited to take into account the initiative for the formulation of policy and recommended implementation measures regarding the mitigation of GHG emissions.

17.3.4 In WP/250, the Russian Federation provided its views on the challenges for the large-scale development and deployment of sustainable alternative fuels for aviation, in particular limited production capacity, high price, low ecological “output factor”, food security issues, etc.

17.3.5 In WP/108, the United States reported its efforts to advance research, development, demonstration and deployment of sustainable alternative jet fuels, including support to fuel certification, environmental and cost analyses and development of production capacity, and recognized the challenges that need to be overcome for the deployment of such fuels. The paper reaffirmed the importance of alternative jet fuels in addressing international aviation’s environmental goals, while challenges should be kept in mind in setting the projection for their possible contribution in the near term. The Assembly was invited to reaffirm the role of ICAO to support Member States’ efforts and facilitate the exchange of information and the sharing of best practices among States, on research, development, demonstration and deployment of sustainable alternative jet fuels.

17.3.6 In WP/83, Lithuania, on behalf of the European Union (EU) and its Member States and the other Member States of the European Civil Aviation Conference (ECAC), reported on the initiatives underway in Europe on sustainable alternative fuels for aviation, and supported a continuing role for ICAO, in particular by gathering information, promoting the application of sound sustainability criteria, facilitating policy convergence on mechanisms to assure sustainability of alternative fuels and to account for the benefits in terms of life-cycle GHG emissions, and participating in international fora on alternative fuels.

17.3.7 The Committee highlighted the progress achieved since the last Assembly, and supported further work by ICAO and its Member States to address the challenges in the development and deployment of

sustainable alternative fuels for aviation, including the work on sustainability criteria and the projection of future production and life-cycle environmental benefits of such fuels.

States' Action Plans

17.3.8 The Council submitted WP/30 on developments in ICAO since the last Assembly related to States' action plans for CO₂ emissions reduction activities. To assist States to voluntarily prepare and submit action plans to ICAO by June 2012, as set forth by Assembly Resolution A37-19, ICAO developed within a two-year timeframe, a guidance document, an action plan template and web interface, as well as held eight hands-on training workshops. By mid-August 2013, 63 Member States, representing approximately 80 per cent of global international air traffic, prepared and submitted action plans to ICAO. It was expected that the submission of additional action plans by the end of 2013 would bring the total coverage of global international air traffic to over 90 per cent.

17.3.9 Building upon these initiatives and following the review of the information contained in the action plans submitted to ICAO, areas of improvement and next steps have been identified to enhance the quality of the action plans, help harmonize the data contained therein, and increase the number of action plans being prepared and updated.

17.3.10 In WP/305, Brazil recognized the importance of submitting voluntary action plans as a valuable instrument to report ongoing efforts and future plans of individual Member States in addressing the environmental impacts of international aviation. Brazil supported the initiatives of the Organization, highlighted the voluntary nature of States' action plans, and recommended that the action plans submitted be made publically available to promote the transparency and effectiveness of the initiatives.

17.3.11 In WP/165, Indonesia provided information on its "Green Aviation Initiatives for Sustainable Development" regarding renewable energy for airport operations as part of its State action plan on climate change. The Assembly was invited to take into account the initiative for the formulation of policy and recommended implementation measures regarding the mitigation of GHG emissions.

17.3.12 In WP/250, the Russian Federation highlighted the need to maintain the voluntary nature of States' action plans, and its value as an instrument to report ongoing efforts and future plans of individual member States.

17.3.13 In WP/234, the United States strongly supported the initiatives of the Organization and recognized States' action plans as an effective tool to highlight the ongoing efforts and future plans of individual Member States to address the climate impacts of aviation and to make progress toward the ICAO goals. The paper recommended the enhancement of action plans, including submitting and updating the plans every three years from June 2012, and in order to be most effective, making the action plans available to the public.

17.3.14 In WP/83, Lithuania, on behalf of the European Union (EU) and its Member States and the other Member States of the European Civil Aviation Conference (ECAC), emphasized the need for improvements in reporting by States of fuel consumption and CO₂ emission, so as to better track progress towards achieving global goals. The paper also encouraged partnerships between States for the development of action plans, including through the mobilization of financial and technical support for those States that are willing to develop action plans.

17.3.15 In WP/317, 18 Member States of the Latin American Civil Aviation Commission (LACAC) recognized the importance of States' voluntary action plans for achieving ICAO's environmental objectives and promoting sustainable aviation. Therefore, the Latin American region was highly committed to promoting the development of such plans, and it was noted that six States of Central America developed and submitted a joint action plan (WP/279 refers).

17.3.16 The Chairperson acknowledged five working papers (WPs 131, 268, 279, 328 and 346) submitted for information purposes.

17.3.17 The Committee acknowledged the successful outcome of the initiatives and the progress made by the Organization with respect to the preparation and submission of States' action plans, and supported the continued work of the Organization in further assisting States in the preparation and update of action plans, and the implementation of the measures contained therein.

17.3.18 The Committee highlighted the importance of reinforcing the voluntary nature of States' action plans. It encouraged Member States to voluntarily submit more complete and robust data in their action plans to facilitate the compilation of global emissions data by ICAO, and to make their action plans publically available. It also encouraged the partnerships among ICAO, States and other organizations to support the preparation of action plans, and emphasized the need for the Secretariat to provide further guidance and other technical assistance.

Assistance to States

17.3.19 The Council submitted WP/31 on developments in ICAO since the last Assembly concerning the provision of assistance to Member States in facilitating access to technology transfer, capacity building and financial resources, as well as in the preparation of States' action plans.

17.3.20 The high level of interest, cooperation and engagement of Member States and other stakeholders during the action plans initiative and the substantial progress made, within a very short timeframe, was in large part due to a robust capacity building programme, ranging from the provision of guidance material and practical tools, such as the ICAO Fuel Savings Estimation Tool (IFSET), to hands-on training workshops and over 200 teleconferences with individual national focal points. Other outreach activities, including the ICAO Symposium on Aviation and Climate Change held in May 2013, as well as various publications, have enhanced capacity building for, and technology transfer to, States.

17.3.21 The ICAO Assistance for Action – Aviation and Climate Change Seminar, held in October 2012, identified opportunities to provide the assistance required to implement the measures identified in States' action plans. It was highlighted that ICAO has been building partnerships with other international organizations with a view to establishing processes that can facilitate financing to Member States that require such assistance. ICAO has entered into such partnerships with the Global Environment Facility (GEF), as well as the European Union (EU).

17.3.22 In WP/176, the Kingdom of Saudi Arabia provided its viewpoint on issues related to international aviation and climate change. Regarding assistance to States, the paper invited the Assembly to urge studying the identification and development of mechanisms to facilitate the provision of technical and financial assistance to developing countries, and facilitate their access to existing and new financial resources, technology transfer, capacity building, and measures to adapt to environmental impacts. It also invited the Assembly to urge the study of innovative ideas on funding sources to cover the cost of adaptation measures, and technology transfer without resorting to the imposition of fees or taxes on the consumption of aircraft fuel.

17.3.23 The Chairperson acknowledged two working papers (WPs 166 and 270) submitted for information purposes.

17.3.24 The Committee acknowledged the developments in ICAO related to the provision of assistance to States on aviation and climate change, including the recent partnerships established with the GEF and with the EU to facilitate financing for States' action plans. It also supported the continued work of the Organization in providing assistance to States in the preparation and implementation of action plans and in continuing to facilitate access to existing and new financial resources, technology transfer and capacity building to developing countries.

Cooperation with Other United Nations (UN) Bodies and International Organizations

17.3.25 The Council submitted WP/32 on developments since the last Assembly related to the environmental work of ICAO, undertaken in cooperation with other UN bodies and international organizations. Information provided in WP/32 included the developments emanating from: the United Nations Framework Convention on Climate Change (UNFCCC) process; the International Maritime Organization (IMO); the United Nations Conference on Sustainable Development (UNCSD), also known as the Rio+20 Summit; the Intergovernmental Panel on Climate Change (IPCC); the United Nations Development Programme (UNDP); and the World Tourism Organization (UNWTO).

17.3.26 Regarding the mobilization of revenue for climate finance and the use of international aviation as a potential source of such revenue to the other sectors under discussion by the UNFCCC process, text conveying a concern that international aviation should not be targeted as a source of such revenue in a disproportionate manner, was proposed in the action of WP/32, as well as draft Assembly Resolution text on international aviation and climate change, as proposed in WP/34.

17.3.27 The Committee agreed to the proposed actions contained in WP/32, and recommended the Assembly to:

- a) support the continued cooperation of ICAO with other UN bodies and international organizations, in particular in the field of international aviation and climate change;
- request Member States to express a clear concern, through the UNFCCC process, on the use of international aviation as a potential source for the mobilization of revenue for climate finance to the other sectors, in order to ensure that international aviation would not be targeted as a source of such revenue in a disproportionate manner; and
- request Member States to communicate and coordinate with their delegations of Parties to the UNFCCC process regarding developments on international aviation and climate change under ICAO.

17.3.28 The Council submitted WP/33 on the progress of ICAO in providing support to the other UN agencies under the UN Climate Neutral Initiative. The ICAO Carbon Emissions Calculator continued to serve as the official UN tool to estimate the air travel component of UN bodies' emissions inventories, and updates and technical assistance for the Calculator were provided. ICAO also developed the Green Meetings Calculator which generates an optimal location for a meeting in terms of air travel CO₂ emissions of the meeting participants. ICAO's carbon emissions inventory is updated annually, and substantial work was also undertaken by the Secretariat task force to develop the Emissions Reduction Plan for the Organization.

17.3.29 The Committee requested the Council to continue to cooperate with the UN Climate Neutral Initiative and to maintain its leadership by developing methods and updating tools for quantifying aviation's GHG emissions. It also requested the Council to further develop and implement the strategy for reducing GHG emissions and enhancing sustainability management practices within the Organization.

Market-based Measures (MBMs)

17.3.30 The Council submitted WP/29 on the work of the Organization related to market-based measures (MBMs) in response to the last Assembly, which requested the Council to: develop a framework for MBMs; review the *de minimis* threshold to MBMs; explore the feasibility of a global MBM scheme; collect information on the volume of carbon offsets; and study the Clean Development Mechanism of the Kyoto Protocol for application to international aviation.

17.3.31 WP/29 informed that, regarding the feasibility of a global MBM scheme, potential options for a global scheme were reviewed, and in June 2012, the Council reduced the options to three, for further

elaboration of design elements and impacts analysis. In November 2012, the Council recognized that the results of the qualitative and quantitative analysis of the three options demonstrated that they were technically feasible. In 2013, the analysis was further refined, using updated traffic forecasts and CO₂ trends from CAEP. WP/29 also covered the work on the development of a framework for MBMs, which was undertaken in parallel with the work on a global scheme, and focused on the key issues including: the purpose of the framework, geographical coverage of MBMs, and how to accommodate States' special circumstances and respective capabilities.

17.3.32 The Committee acknowledged the work undertaken by the Organization on MBMs in responding to the requests of the last Assembly.

17.3.33 In WPs 250 and 275, the Russian Federation presented an analysis of an MBM's capacity to reduce the volume of CO₂ emission within the international aviation sector. WP/250 proposed an alternative approach for reductions of CO₂ emissions within the sector. It proposed to revise the global aspirational goals, so that the goals could be achieved by reducing CO₂ emissions within the sector and to study the possibility of replacing the concept of MBMs with the concept of "economic incentives" to achieve "real" reductions. The paper also proposed examining the possibility of creating an ICAO climate fund to provide assistance to developing States, and establishing "an aviation mobile forest fire fighting forces" under the auspices of the UN as an alternative for the sector to provide financial resources to the UNFCCC Green Climate Fund. The paper also urged States to abandon the principle of *de minimis* exemptions to MBMs. WP/275 proposed amendments to draft Resolution text on international aviation and climate change being submitted by the Council in WP/34.

17.3.34 In WP/176, the Kingdom of Saudi Arabia provided its viewpoint on issues related to international aviation and climate change. Regarding MBMs, the paper invited the Assembly to focus on more effective measures than MBMs to reduce emissions, and to request further study by the Secretariat on the economic impact of MBMs on developing and remote States.

17.3.35 In WP/258, the United Arab Emirates provided its views on the proposed Resolution text contained in WP/34. The paper invited the Assembly to: adopt a framework for MBMs applicable within the airspace of the implementing State without the requirement of mutual consent; agree to develop a global MBM scheme for international aviation including a roadmap and timeline; request the Council to present the results of such work to the 39th Session of the Assembly in 2016; request Council to develop ICAO Standards for monitoring, reporting and verification (MRV) with respect to GHG emissions from aircraft operators engaged in international aviation; and request the Council to further explore an alternative fuel efficiency metric.

17.3.36 In WP/350, Viet Nam invited the Assembly to request States to refrain from taking unilateral MBMs and to work collaboratively with ICAO to address aviation emissions. The paper also urged ICAO to provide strong leadership in continuing its efforts to reduce aviation's contribution to climate change, while keeping aviation safe, affordable and accessible.

17.3.37 In WP/272, 54 African States outlined their position, in particular on MBMs. The paper invited the Assembly to request the Council to develop, for consideration at the 39th Session of the Assembly in 2016, an administratively simple global MBM Scheme, which should be a transitional measure and complementary to technical measures. It also invited the Assembly to resolve that any MBM that a State or a Region proposes with respect to international civil aviation prior to the adoption of the global scheme, should be based on mutual consent of concerned States and should grant exemptions on the routes to and from developing States whose international civil aviation activities is below the threshold of 1% of total revenue tonne kilometres of international civil aviation activities.

17.3.38 In WP/234, the United States welcomed technical work undertaken to assess the feasibility of a global MBM scheme and consider elements of a framework for MBMs. The United States supported the

finding that MBMs would be technically feasible. The paper stressed the need to build on the work already completed and to work towards the development of a global MBM scheme with the Council making a recommendation on such a scheme at the 39th Assembly in 2016. Future work would include the development of a common approach to MRV of emissions, establishment of acceptable types of carbon credits that would be eligible for compliance with an MBM, and development of approaches to address special circumstances and respective capabilities. The framework should provide guidance to States and Regions for the implementation of MBMs in the absence of a global MBM scheme.

17.3.39 In WP/83, Lithuania, on behalf of the European Union (EU) and its Member States and the other Member States of the European Civil Aviation Conference (ECAC), highlighted the progress made since the last ICAO Assembly, including the recognition by the ICAO Council in November 2012 that global MBMs would be technically feasible. The support for adoption of a global MBM by the global aviation industry and by civil society organisations was also highlighted. This paper invited the Assembly to: agree to establish a long-term global goal for emissions reduction and adopt a work programme and timetable for completing the design of the global MBM, including a set of tasks to deliver the key technical elements, for endorsement at the 39th Session of the Assembly in 2016; agree to the application of a global MBM by 2020; and work towards an enabling framework for MBMs implemented by States or groups of States, pending the entry into force of the global MBM.

17.3.40 In WP/68, the Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO), the International Air Transport Association (IATA), the International Business Aviation Council (IBAC) and the International Coordinating Council of Aerospace Industries Associations (ICCAIA) recognized the complementary and transitional nature of MBMs in the context of the four-pillar strategy, and called for the Assembly to establish a clearly defined process for the Council to develop, for adoption at the 39th Session of the Assembly in 2016, a single, global MBM based on the principles set out in the Appendix to WP/68. Such principles included maximizing environmental integrity, while minimizing competitive distortion and administrative complexity. The aviation industry believed that a simple carbon offsetting scheme would be the quickest to implement, the easiest to administer and the most cost-efficient. WP/68 invited the Assembly to request the Council to develop key design elements of a global MBM scheme, including the development of an ICAO Standard for the MRV of emissions with the principle that each operator should report its emissions to one State only.

17.3.41 In WP/288, the International Coalition for Sustainable Aviation (ICSA) stressed that a global MBM would be the only feasible mechanism to close the gap between emission goals and projected actual emissions, highlighting the importance of taking early action. This paper invited the Assembly to agree to develop a global MBM for adoption in 2015 and implementation in 2016 which would be effective in reducing emissions, non-discriminatory, non-distortive, and accommodates Special Circumstances and Respective Capabilities (SCRC) concerns. It also recognized that national and regional MBMs would be essential tools in the interim if the sector is to make its fair contribution to ensure global warming remains below 2 degrees.

17.3.42 In WP/289, ICSA called for establishing a more effective committee-based decision-making process on environmental issues and enhancing transparency by embracing opportunities for positive public participation in ICAO work on the climate change impacts of international civil aviation.

17.3.43 The Chairperson acknowledged two working papers (WPs 183 and 271) submitted for information purposes.

Discussion

17.3.44 In WP/34, the Council submitted a proposal for updating Assembly Resolution A37-19, *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, in light of the progress made since the last Assembly in key areas of work on international

aviation and climate change. It was highlighted that since 2010, the Council was engaged in extensive discussions and consultations to bridge the different views and expectations on important issues and to develop draft Assembly Resolution text that would reflect a good level of compromise that would be acceptable by most. While the Council decided to submit the proposal presented in the Appendix to WP/34, some Council members expressed divergent views on issues related to MBMs.

17.3.45 During the discussion on WP/34, a substantial number of States expressed the view that, although draft Assembly Resolution text presented in the Appendix to WP/34 was not perfect, they were ready to accept the proposed text, as it represented the results of significant efforts made by the Council and it would be a well-balanced and acceptable compromise.

17.3.46 Several other States expressed concern, in particular on paragraphs 17 and 18 of draft Assembly Resolution text related to MBMs and other issues, and suggested that further discussion and consultation be undertaken to improve the proposed text. A few States suggested the establishment of a working group to move forward.

17.3.47 Noting the different views expressed by States, in particular on issues related to MBMs, the Chairperson proposed, and the Committee agreed, that the Chair would undertake informal consultations with delegations to bridge the different views, using the proposed text presented in the Appendix to WP/34 as the basis to move forward.

17.3.48 At its seventh, eighth, ninth and tenth meetings, the Executive Committee considered possible amendments to the draft Assembly Resolution text in WP/34. The Committee was informed of the progress of the informal consultations, which were undertaken in a true spirit of cooperation, and was presented with a revised proposal for the revisions to Assembly Resolution A37-19 as reflected in WP/378. It also received additional proposals to amend draft Assembly Resolution text, including those contained in WPs 424, 425, 426, 427 and 432. The proposals contained in WP/425 were accepted by voting in accordance with Standing Rules of Procedure of the Assembly, and were reflected in the draft Assembly Resolution text accordingly. Other proposals and amendments were considered and, after substantial discussion, amendments to paras. 18 and 19 of the draft Assembly Resolution in WP/378, as well as a new item in the list of guiding principles contained in the Annex to the draft Assembly Resolution, were accepted by consensus. The Committee agreed to recommend that the Assembly adopt the following draft Resolution:

Resolution 17/2 (Renumbered A38-18)

**Consolidated statement of continuing ICAO policies and practices related to environmental protection
– Climate change**

Whereas ICAO and its member States recognize the critical importance of providing continuous leadership to international civil aviation in limiting or reducing its emissions that contribute to global climate change;

Reemphasizing the vital role which international aviation plays in global economic and social development and the need to ensure that international aviation continues to develop in a sustainable manner;

Whereas the ultimate objective of the United Nations Framework Convention on Climate Change (UNFCCC) is to achieve stabilization of greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

Whereas the Kyoto Protocol, which was adopted by the Conference of the Parties to the UNFCCC in December 1997 and entered into force on 16 February 2005, calls for developed countries (Annex I Parties) to

pursue limitation or reduction of greenhouse gases from “aviation bunker fuels” (international aviation) working through ICAO (Article 2.2);

Acknowledging that international aviation emissions, currently accounting for less than 2 per cent of total global CO₂ emissions, are projected to grow as a result of the continued development of the sector;

Whereas a comprehensive assessment of aviation’s impact on the atmosphere is contained in the special report on *Aviation and the Global Atmosphere*, published in 1999, which was prepared at ICAO’s request by the Intergovernmental Panel on Climate Change (IPCC) in collaboration with the Scientific Assessment Panel to the Montreal Protocol on Substances that Deplete the Ozone Layer;

Whereas the IPCC special report recognized that the effects of some types of aircraft emissions are well understood, it revealed that the effects of others are not, and identified a number of key areas of scientific uncertainty that limit the ability to project aviation’s full impacts on climate and ozone;

Whereas ICAO requested that the IPCC include an update of the main findings of the special report in its Fourth Assessment Report, published in 2007 and its Fifth Assessment Report to be published in 2014;

Noting the scientific view that the increase in global average temperature above pre-industrial levels ought not to exceed 2°C;

Acknowledging the principles and provisions on common but differentiated responsibilities and respective capabilities, and with developed countries taking the lead under the UNFCCC and the Kyoto Protocol;

Also acknowledging the principles of non-discrimination and equal and fair opportunities to develop international aviation set forth in the Chicago Convention;

Recognizing that this Resolution does not set a precedent for or prejudice the outcome of negotiations under the UNFCCC and its Kyoto Protocol nor represent the position of the Parties to the UNFCCC and its Kyoto Protocol;

Recognizing that the aspirational goal of 2 per cent annual fuel efficiency improvement is unlikely to deliver the level of reduction necessary to stabilize and then reduce aviation’s absolute emissions contribution to climate change, and that goals of more ambition will need to be considered to deliver a sustainable path for aviation;

Noting that, to promote sustainable growth of aviation, a comprehensive approach, consisting of work on technology and standards, and on operational and market-based measures to reduce emissions is necessary;

Acknowledging the significant technological progress made in the aviation sector, with aircraft produced today being about 80 per cent more fuel efficient per passenger kilometre than in the 1960’s;

Welcoming the agreement by the Committee on Aviation Environmental Protection (CAEP) of certification requirements for a global CO₂ Standard for aircraft;

Recognizing that air traffic management (ATM) measures under the ICAO’s Global Air Navigation Plan contribute to enhanced operational efficiency and the reduction of aircraft CO₂ emissions;

Welcoming the adoption of the Aviation System Block Upgrades (ASBUs) strategy at the ICAO Twelfth Air Navigation Conference in November 2012;

Recalling that Assembly Resolution A37-19 requested the Council, with the support of member States, to undertake work to develop a framework for market-based measures (MBMs) in international aviation,

including further elaboration of the guiding principles listed in the Annex to A37-19, for consideration by the 38th Session of the ICAO Assembly;

Recognizing the importance of avoiding a multiplicity of approaches for the design and implementation of MBM framework and MBM schemes;

Recalling that Assembly Resolution A37-19 requested the Council to explore the feasibility of a global MBM scheme to address emissions from international aviation;

Noting the decision of the Council on 9 November 2012, which recognized that the results of the qualitative and quantitative analysis of the three options for a global MBM scheme evaluated by the Secretariat with the support of the Experts on MBMs demonstrated that all three options were technically feasible and had the capacity to contribute to achieving ICAO's environmental goals, and that the Council agreed that further quantitative analysis of the three options needed to be undertaken to develop more robust and concrete conclusions;

Recognizing the potential desirability of a global MBM scheme in terms of providing an additional means of promoting achievement of the aspirational global goal referred to in paragraph 7;

Noting the support of the aviation industry for a single global carbon offsetting scheme, as opposed to a patchwork of State and regional MBMs, as a cost effective measure to complement a broader package of measures including technology, operations and infrastructure measures;

Noting that the Conference on Aviation and Alternative Fuels in November 2009 (CAAF/09) endorsed the use of sustainable alternative fuels for aviation, particularly the use of drop-in fuels in the short to mid-term, as an important means of reducing aviation emissions;

Also noting that the CAAF/09 established an ICAO Global Framework for Aviation Alternative Fuels (GFAAF);

Noting the progress achieved in proving the technological feasibility of drop-in sustainable alternative fuels for aviation and that such fuels will require the introduction of appropriate policies and incentives to create a long-term market perspective;

Acknowledging the need for such fuels to be developed and deployed in an economically feasible, socially and environmentally acceptable manner and the need for increased harmonization of the approaches to sustainability;

Noting that, consistent with Assembly Resolution A37-19, a substantial strategy for capacity building was undertaken by the Organization to assist the preparation and submission of States' action plans, including the holding of hands-on training workshops and the development of guidance material, an interactive web-interface and the ICAO Fuel Savings Estimation Tool (IFSET);

Welcoming that, as of 30 June 2013, 61 member States that represent 78.89 per cent of global international air traffic voluntarily prepared and submitted their action plans to ICAO;

Noting that the ICAO "Assistance for Action – Aviation and Climate Change" Seminar in October 2012 highlighted the active involvement of member States and international organizations in the activities related to States' action plans, explored possible sources of financial support for environmental action and provided an opportunity to share information and build partnerships in order to facilitate assistance identified by States for the preparation and implementation of their action plans;

Recognizing the different circumstances among States in their capacity to respond to the challenges associated with climate change and the need to provide necessary support, in particular to developing countries and States having particular needs;

Affirming that specific measures to assist developing States as well as to facilitate access to financial support, technology transfer and capacity building should be initiated as soon as possible;

Whereas the Kyoto Protocol provides for different flexible instruments (such as the Clean Development Mechanism — CDM) which would benefit projects involving developing States;

Affirming that addressing GHG emissions from international aviation requires the active engagement and cooperation of States and the industry, and *noting* the collective commitments announced by Airports Council International (ACI), Civil Air Navigation Services Organisation (CANSO), International Air Transport Association (IATA), International Business Aviation Council (IBAC) and International Coordinating Council of Aerospace Industries Associations (ICCAIA) on behalf of the international air transport industry, to continuously improve CO₂ efficiency by an average of 1.5 per cent per annum from 2009 until 2020, to achieve carbon neutral growth from 2020 and to reduce its carbon emissions by 50 per cent by 2050 compared to 2005 levels;

Recognizing the need to monitor and report the potential impacts of climate change on international aviation operations and related infrastructure; and

Recognizing the progress made by ICAO in its implementation of the Climate Neutral UN initiative and the significant support provided by ICAO to the initiative, in particular through the development of a common methodology for calculating GHG emissions from air travel;

The Assembly:

1. *Resolves* that this Resolution, together with Resolution A38-17: Consolidated statement of continuing ICAO policies and practices related to environmental protection - General provisions, noise and local air quality, supersede Resolutions A37-18 and A37-19 and constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection;
2. *Requests* the Council to:
 - a) ensure that ICAO exercise continuous leadership on environmental issues relating to international civil aviation, including GHG emissions;
 - b) continue to study policy options to limit or reduce the environmental impact of aircraft engine emissions and to develop concrete proposals and provide advice as soon as possible to the Conference of the Parties of the UNFCCC, encompassing technical solutions and market-based measures, and taking into account potential implications of such measures for developing as well as developed countries; and
 - c) continue to cooperate with organizations involved in policy-making in this field, notably with the Conference of the Parties to the UNFCCC;
3. *Reiterates* that:
 - a) ICAO should continue to take initiatives to promote information on scientific understanding of aviation's impact and action undertaken to address aviation emissions and continue to provide the forum to facilitate discussions on solutions to address aviation emissions; and

- b) emphasis should be on those policy options that will reduce aircraft engine emissions without negatively impacting the growth of air transport especially in developing economies;

4. *Reaffirms* that this Resolution does not set a precedent for or prejudge the outcome of negotiations under the UNFCCC and its Kyoto Protocol nor represent the position of the Parties to the UNFCCC and its Kyoto Protocol;

5. Resolves that States and relevant organizations will work through ICAO to achieve a global annual average fuel efficiency improvement of 2 per cent until 2020 and an aspirational global fuel efficiency improvement rate of 2 per cent per annum from 2021 to 2050, calculated on the basis of volume of fuel used per revenue tonne kilometre performed;

6. *Agrees* that the goals mentioned in paragraph 5 above would not attribute specific obligations to individual States, and the different circumstances, respective capabilities and contribution of developing and developed States to the concentration of aviation GHG emissions in the atmosphere will determine how each State may voluntarily contribute to achieving the global aspirational goals;

7. *Also resolves* that, without any attribution of specific obligations to individual States, ICAO and its member States with relevant organizations will work together to strive to achieve a collective medium term global aspirational goal of keeping the global net carbon emissions from international aviation from 2020 at the same level, taking into account: the special circumstances and respective capabilities of States, in particular developing countries; the maturity of aviation markets; the sustainable growth of the international aviation industry; and that emissions may increase due to the expected growth in international air traffic until lower emitting technologies and fuels and other mitigating measures are developed and deployed;

8. *Recognizes* the many actions that ICAO member States have taken and intend to take in support of the achievement of the collective aspirational goals, including air traffic management modernization, acceleration of the use of fuel-efficient aircraft technologies, and the development and deployment of sustainable alternative fuels, and *encourages* further such efforts;

9. *Agrees* to review, at its 39th Session, the goal mentioned in paragraph 7 above in light of progress towards the goal, studies regarding the feasibility of achieving the goal, and relevant information from States;

10. *Requests* the Council to continue to explore the feasibility of a long term global aspirational goal for international aviation, through conducting detailed studies assessing the attainability and impacts of any goals proposed, including the impact on growth as well as costs in all countries, especially developing countries, for the progress of the work to be presented to the 39th Session of the ICAO Assembly. Assessment of long term goals should include information from member States on their experiences working towards the medium term goal.

11. *Further encourages* States to submit their voluntary action plans outlining their respective policies and actions, and annual reporting on international aviation CO₂ emissions to ICAO;

12. *Invites* those States that choose to prepare or update their action plans to submit them to ICAO as soon as possible preferably by the end of June 2015 and once every three years thereafter, in order that ICAO can continue to compile the information in relation to achieving the global aspirational goals, and the action plans should include information on the basket of measures considered by States, reflecting their respective national capacities and circumstances, information on the expected environmental benefits from the implementation of the measures chosen from the basket, and information on any specific assistance needs;

13. *Encourages* States that already submitted their action plans to share information contained in their action plans and build partnerships with other member States in order to support those States that have not prepared their action plans;

14. *Encourages* States to make their action plans available to the public, taking into account the commercial sensitivity of information contained in States' action plans;

15. *Requests* the Council to facilitate the dissemination of economic and technical studies and best practices related to aspirational goals and to continue to provide guidance and other technical assistance for the preparation and update of States' action plans prior to the end of June 2015, in order for States to conduct their necessary studies and to voluntarily submit their action plans to ICAO;

16. *Resolves* that States, when designing new and implementing existing MBMs for international aviation should:

- a) engage in constructive bilateral and/or multilateral consultations and negotiations with other States to reach an agreement; and
- b) grant exemptions for application of MBMs on routes to and from developing States whose share of international civil aviation activities is below the threshold of 1% of total revenue ton kilometers of international civil aviation activities, until the global scheme is implemented;

17. *Requests* the Council to review the *de minimis*, including the *de minimis* threshold of MBMs mentioned in paragraph 16 b) above, taking into account the specific circumstances of States and potential impacts on the international aviation industry and markets, and with regard to the guiding principles listed in the Annex, to be presented for consideration by the 39th Session of the Assembly in 2016;

18. *Decides* to develop a global MBM scheme for international aviation, taking into account the work called for in paragraph 19;

19. *Requests* the Council, with the support of member States, to:

- a) finalize the work on the technical aspects, environmental and economic impacts and modalities of the possible options for a global MBM scheme, including on its feasibility and practicability, taking into account the need for development of international aviation, the proposal of the aviation industry and other international developments, as appropriate, and without prejudice to the negotiations under the UNFCCC;
- b) organize seminars, workshops on a global scheme for international aviation participated by officials and experts of member States as well as relevant organizations;
- c) identify the major issues and problems, including for member States, and make a recommendation on a global MBM scheme that appropriately addresses them and key design elements, including a means to take into account special circumstances and respective capabilities as provided for in paragraphs 20 to 24 below, and the mechanisms for the implementation of the scheme from 2020 as part of a basket of measures which also include technologies, operational improvements and sustainable alternative fuels to achieve ICAO's global aspirational goals; and
- d) report the results of the work in sub-paragraphs a), b) and c) above, for decision by the 39th Session of the Assembly;

20. *Resolves* that an MBM should take into account the special circumstances and respective capabilities of States, in particular developing States, while minimizing market distortion;
21. *Also resolves* that special circumstances and respective capabilities of developing States could be accommodated through *de minimis* exemptions from, or phased implementation for, the application of an MBM to particular routes or markets with low levels of international aviation activity, particularly those serving developing States;
22. *Also resolves* that, the administrative burden associated with the implementation of an MBM to States or aircraft operators with very low levels of international aviation activity should not exceed the benefits from their participation in the MBM, and that exemptions from the application of the MBM to such States or aircraft operators should be considered, while maintaining the environmental integrity of the MBM;
23. *Also resolves* that adjustments to MBM requirements for aircraft operators could be on the basis of fast growth, early action to improve fuel efficiency, and provisions for new entrants;
24. *Further resolves* that, to the extent that the implementation of an MBM generates revenues, it should be used in consistency with guiding principle n) in the Annex;
25. *Recognizes* that in the short term voluntary carbon offsetting schemes constitute a practical way to offset CO₂ emissions, and *invites* States to encourage their operators wishing to take early actions to use carbon offsetting, particularly through the use of credits generated from internationally recognized schemes such as the CDM;
26. *Requests* the Council to collect information on the volume of carbon offsets purchased in relation to air transport, including through States' action plans submitted to ICAO, and to continue to develop and disseminate best practices and tools, such as the ICAO Carbon Emissions Calculator, that will help harmonize the implementation of carbon offset programmes;
27. *Requests* the Council to maintain and enhance appropriate standard, methodologies and a mechanism to measure/estimate, monitor and verify global GHG emissions from international aviation, and States support the work of ICAO on measuring progress through the reporting of annual data on traffic, fuel consumption and CO₂ emissions;
28. *Requests* the Council to request States to continue to support the efforts of ICAO on enhancing the reliability of measuring/estimating global GHG emissions from international aviation;
29. *Requests* the Council to regularly report CO₂ emissions from international aviation to the UNFCCC, as part of its contribution to assessing progress made in the implementation actions in the sector based on information approved by its member States;
30. While recognizing that no effort should be spared to obtain means to support the reduction and stabilization of CO₂ emissions from all sources, *urges* that ICAO and its member States express a clear concern, through the UNFCCC process, on the use of international aviation as a potential source for the mobilization of revenue for climate finance to the other sectors, in order to ensure that international aviation would not be targeted as a source of such revenue in a disproportionate manner;
31. *Requests* the Council to:
 - a) continue to play a pivotal role in providing assistance to its member States through the dissemination of the latest information on best practices and the provision of guidance and other

technical assistance to enhance capacity building and technology transfer, including through the ICAO Technical Cooperation Programme;

- b) consolidate and build on the partnership with other international organizations to meet the assistance needs of ICAO's member States, including through their action plans, which will bring about reductions in international aviation emissions;
- c) initiate work immediately and as a priority in order to develop a process and mechanisms to facilitate the provision of technical and financial assistance, as well as facilitate access to existing and new financial resources, technology transfer and capacity building, to developing countries and report on results achieved as well as further recommendations, preliminarily by the end of 2015 and at the 39th Session of the Assembly; and
- d) continue to initiate specific measures to assist developing States as well as to facilitate access to financial resources, technology transfer and capacity building;

32. *Requests States to:*

- a) promote scientific research aimed at continuing to address the uncertainties identified in the IPCC special report on Aviation and the Global Atmosphere and in the Fourth Assessment report;
- b) ensure that future international assessments of climate change undertaken by IPCC and other relevant United Nations bodies include updated information, if any, on aircraft-induced effects on the atmosphere;
- c) consider policies to encourage the introduction of more fuel efficient aircraft in the market;
- d) accelerate investments on research and development to bring to market even more efficient technology by 2020;
- e) accelerate the development and implementation of fuel efficient routings and procedures to reduce aviation emissions;
- f) accelerate efforts to achieve environmental benefits through the application of technologies that improve the efficiency of air navigation and work with ICAO to bring these benefits to all regions and States, taking into account the Aviation System Block Upgrades (ASBUs) strategy;
- g) reduce legal, security, economic and other institutional barriers to enable implementation of the new ATM operating concepts for the environmentally efficient use of airspace;
- h) set a coordinated approach in their national administrations in order to develop policy actions to accelerate the appropriate development, deployment and use of sustainable alternative fuels for aviation, in accordance with their national circumstances;
- i) consider measures to support research and development as well as processing technology and feedstock production in order to decrease costs and support scale-up of sustainable production pathways up to commercial scale, taking into account the sustainable development of States;
- j) recognize existing approaches to assess the sustainability of all alternative fuels in general, including those for use in aviation which should:

- i. achieve net GHG emissions reduction on a life cycle basis;
 - ii. respect the areas of high importance for biodiversity, conservation and benefits for people from ecosystems, in accordance with international and national regulations;
 - iii. contribute to local social and economic development, and competition with food and water should be avoided;
- k) adopt measures to ensure the sustainability of alternative fuels for aviation, building on existing approaches or combination of approaches, and monitor, at a national level, the sustainability of the production of alternative fuels for aviation;
 - l) work together through ICAO and other relevant international bodies, to exchange information and best practices, including on the sustainability of alternative fuels for aviation;

33. *Requests* the Council to:

- a) continue to develop and keep up-to-date the guidance for member States on the application of policies and measures aimed at reducing or limiting the environmental impact of emissions from international aviation, and conduct further studies with respect to mitigating the impact of international aviation on climate change;
- b) encourage States to cooperate in the development of predictive analytical models for the assessment of aviation impacts;
- c) continue evaluating the costs and benefits of the various measures, including existing measures, with the goal of addressing aircraft engine emissions in the most cost-effective manner, taking into account the interests of all parties concerned, including potential impacts on developing world;
- d) provide the necessary guidance and direction to ICAO's Regional Offices to assist member States with studies, evaluations and development of procedures, in collaboration with other States in the region, to limit or reduce GHG emissions on a global basis and work together collaboratively to optimize the environmental benefits that can be achieved through their various programmes;
- e) develop a global CO₂ Standard for aircraft_aiming to finalize analyses by late 2015 and adoption by the Council in 2016;
- f) further elaborate on relevant fuel efficiency metrics, including for international business aviation, and develop and update medium and long term technological and operational goals for aircraft fuel burn;
- g) maintain and update guidance on ATM improvements and other operational measures to reduce international aviation emissions;
- h) implement an emphasis on increasing fuel efficiency in all aspects of the ICAO's Global Air Navigation Plan, and encourage States and stakeholders to develop air traffic management that optimize environmental benefits and to promote and share best practices applied at airports in reducing the adverse effects of GHG emissions of civil aviation;

- i) continue to develop and update the necessary tools and guidance to assess the benefits associated with ATM improvements, and assess the environmental benefits associated with the implementation of the Aviation System Block Upgrades (ASBUs) strategy;
- j) encourage member States and invite industry, financial institutions and other international organizations to actively participate in exchange of information and best practices and in further work under ICAO on sustainable alternative fuels for aviation;
- k) continue to maintain the ICAO Global Framework for Aviation Alternative Fuels (GFAAF);
- l) collect information on progress of alternative fuels in aviation, including through States' action plans, to give a global view of the future use of alternative jet fuels and to account for changes in life cycle GHG emissions in order to assess progress toward achieving global aspirational goals;
- m) work with financial institutions to facilitate access to financing infrastructure development projects dedicated to sustainable aviation alternative fuels and incentives to overcome initial market hurdles;
- n) monitor and disseminate relevant information on the potential impacts of climate change on international aviation operations and related infrastructure, in cooperation with other relevant international organizations and the industry; and
- o) continue to cooperate with the Climate Neutral UN initiative, remain at the forefront of developing methods and tools for quantifying aviation's GHG emissions with respect to the initiative, and further develop and implement the strategy for reducing GHG emissions and enhancing in-house sustainability management practices of the Organization.

Annex

The guiding principles for the design and implementation of market-based measures (MBMs) for international aviation:

- a) MBMs should support sustainable development of the international aviation sector;
- b) MBMs should support the mitigation of GHG emissions from international aviation;
- c) MBMs should contribute towards achieving global aspirational goals;
- d) MBMs should be transparent and administratively simple;
- e) MBMs should be cost-effective;
- f) MBMs should not be duplicative and international aviation CO₂ emissions should be accounted for only once;
- g) MBMs should minimize carbon leakage and market distortions;
- h) MBMs should ensure the fair treatment of the international aviation sector in relation to other sectors;

- i) MBMs should recognize past and future achievements and investments in aviation fuel efficiency and in other measures to reduce aviation emissions;
- j) MBMs should not impose inappropriate economic burden on international aviation;
- k) MBMs should facilitate appropriate access to all carbon markets;
- l) MBMs should be assessed in relation to various measures on the basis of performance measured in terms of CO₂ emissions reductions or avoidance, where appropriate;
- m) MBMs should include *de minimis* provisions;
- n) where revenues are generated from MBMs, it is strongly recommended that they should be applied in the first instance to mitigating the environmental impact of aircraft engine emissions, including mitigation and adaptation, as well as assistance to and support for developing States;
- o) where emissions reductions are achieved through MBMs, they should be identified in States' emissions reporting; and
- p) MBMs should take into account the principle of common but differentiated responsibilities and respective capabilities, the special circumstances and respective capabilities, and the principle of non-discrimination and equal and fair opportunities.

Agenda Item 18: Cooperation with regional organizations and regional civil aviation bodies

The Executive Committee, at its second meeting, considered WP/9 – Cooperation with Regional Organizations and Regional Civil Aviation Bodies which included, in the Appendix, a report on the implementation of the ICAO policy on regional cooperation.

Colombia in introducing WP/286 Revision No. 1, presented by 22 Member States of the Latin American Civil Aviation Commission (LACAC), noted the need for further cooperation between ICAO and the regional organizations in the field of air transport.

One delegation noted that a regional body similar to those in other regions had not been established in the Asia and Pacific Region, and offered to support its regional neighbours in exploring further initiatives for coordinated engagement that could be complementary to existing arrangements.

The Secretary General affirmed that ICAO would cooperate fully with regional organizations in all fields related to its strategic objectives and is committed to supporting other initiatives for cooperation to facilitate implementation of those objectives.

The Committee noted the information provided in WP/9 on the overall implementation of ICAO policy on regional cooperation and the progress made. The Committee also noted the contents of WP/286 and the information in WP/157 presented by Indonesia. The Committee noted further that ICAO would continue to strengthen and intensify its efforts to promote cooperation with regional organizations and regional civil aviation bodies.

Agenda Item 19: Duration of the terms of the Secretary General

The Executive Committee, at its second meeting, considered WP/5 – Duration of the Terms of the Secretaries General, presented by the Council. The paper cited Articles 54 h) and 58 of the Convention on International Civil Aviation which grant the Council the power to appoint the Secretary General, and to determine his or her method of appointment subject to any rules laid down by the Assembly. WP/5 further recalled the decision of the Council at its 178th Session that a Secretary General be appointed for a term of three to four years but that a four-year term would only apply in exceptional circumstances, and the adoption by the Assembly of A36-28 which in part incorporates this policy.

WP/5 informed that the Council had, during its 193rd Session, decided that the duration of all future appointments of a Secretary General should specifically be three years and should not vary between three and four years, and adopted a consequential amendment to its Rules of Procedure. The Assembly was invited to adopt the draft Resolution in the Appendix to WP/5, which updates Resolution A36-28.

One delegation, in supporting the decision of the Council, noted that it would enhance transparency and offer further opportunities in appointments for the position of Secretary General.

The Committee consequently agreed to invite the Assembly to adopt the proposed Resolution hereunder:

Resolution 19/1 (Renumbered A38-21)

Term limits for the Offices of the Secretary General and the President of the Council

Having regard to the terms of UN Resolution 51/241 “Strengthening the United Nations System”, unanimously adopted by the UN General Assembly in 1997, which recommended that uniform terms of Office of four years, renewable once, should be introduced for the executive heads of UN programmes, funds and other bodies of the UN Assembly and the Economic and Social Council; and which encouraged the UN specialized agencies to consider uniform terms and term limits for their executive heads;

Whereas the Assembly, pursuant to Article 58 of the Convention on International Civil Aviation (Chicago, 1944), may lay down the rules governing the determination by the Council of the method of appointment and of termination of the appointment of the Secretary General;

Considering that, on 2 and 9 June 2006, the Council decided that the Secretary General shall be appointed for a specified term of three to four years; and that a Secretary General who has served for two terms shall not be appointed for a third term;

Considering further that on 22 June 2011 the Council decided that the duration of all future appointments of a Secretary General should be three years and that it should not vary between three and four years or be four years in exceptional cases;

Whereas Article 51 does not specify the number of times a President of the Council may be re-elected, leaving it open for a reasonable limit to be applied in practice;

Acknowledging that it would be desirable and appropriate to establish term limits for the Offices of Secretary General and of President of the Council because such limits, while giving office holders a reasonable period of time in which to achieve the objectives set by the Council before entering office, will also help to ensure that,

periodically, ICAO will benefit from an injection of fresh insights and expertise at top level, and from the greater range of leadership styles and cultural and regional diversity which a regular change in the top office holders will bring; and

Acknowledging that, for similar reasons, it is desirable to apply these term limits so that no more than two full terms may be served in either or both Offices of President of the Council or Secretary General;

The Assembly:

1. *Notes* the Council's decision to introduce a limit of two terms for the Office of Secretary General, each term to be of a duration of three years;
2. *Urges* Contracting States not to nominate, and requests the Council not to admit as a candidate for the Office of the President of the Council, anyone who, by the date on which the office is to commence, will have served two full terms as President;
3. *Urges* Contracting States not to nominate, and requests the Council not to admit as a candidate for the Office of either President of the Council or Secretary General, anyone who, by the date on which the term of office is to end, would have served for a total of more than two full terms in both offices combined; and
4. *Declares* that this resolution supersedes Resolution A36-28.

Agenda Item 20: Proposal to hold Assembly sessions every two years

20.1 The Committee examined this issue during its second meeting. The Committee had before it the documentation submitted by the Council in A38-WP/18.

20.2 The Acting Director of the Legal Affairs and External Relations Bureau introduced A38-WP/18 and recalled that following a proposal by Saudi Arabia to consider holding Assembly Sessions every two years and establishing a budget of the Organization for two years, the 37th Session of the Assembly requested the Council to study the issue, taking into consideration the need to ensure that the preparation for an Assembly every two years would not result in any additional overhead costs for the Organization; to consider the possibility of reducing the number of Council Sessions, from three to two, during a year when the Assembly will be convened; and to submit a report thereon to the next session of the Assembly. He also recalled that during its 182nd Session, the Council had considered a Joint Inspection Unit report which called for ICAO to hold Assembly Sessions every two years and to adopt a biennial budget and that during Council's 183rd Session, the Finance Committee recommended against acceptance of these recommendations and that the Council agreed with the Finance Committee. Additionally, the Council had again considered these questions during its 187th Session and once more decided to continue to hold Assembly sessions every three years. The Acting Director further noted that the Council considered the latest proposal by Saudi Arabia at the 9th meeting of its 198th Session and the first meeting of its 199th Session, and decided not to recommend the holding of Assembly Sessions every two years, the adoption of a two-year budget and the reduction of the number of Council Sessions from three to two during a year when the Assembly will be convened.

20.3 One delegation noted that the Executive Committee had just approved a three-year mandate for the Secretary General, which coincides with holding triennial Sessions of the Assembly. It further remarked that continuing to hold Assembly Sessions every three years would be beneficial to States concerned about the increased costs associated with preparing and participating in more frequent Assembly Sessions. On these bases, it supported the recommendation of the Council against the holding of Assembly Sessions every two years.

20.4 Another delegation emphasized that the proposal by Saudi Arabia had been analysed in-depth by the Council and based on the need for changes to the *Convention on International Civil Aviation*, which would divert the attention of the Organization from other priorities, and the additional costs that would result to both the Organization and its Member States, the Council deemed it unjustified. It further noted that the Organization had other mechanisms available, such as the ability to hold High-Level Conferences or Extraordinary Sessions of the Assembly if necessary, should there be a need for Member States to meet in the intervening years between triennial Assembly Sessions.

20.5 Some other delegations agreed with these two delegations and also voiced support for the recommendation of the Council to continue holding Assembly Sessions on a three-year cycle.

20.6 The Chairman of the Committee concluded that, in the absence of support for the proposal, and based on the discussion, the Committee agreed to recommend that the current triennial cycle for Assembly Sessions be retained.

Agenda Item 21: Proposal to amend Article 50 (a) of the Chicago Convention so as to increase the membership of the Council to 39

21.1 The Committee examined this constitutional issue during its second meeting. The Committee had before it the documentation submitted by the Council in A38-WP/17.

21.2 The Acting Director of the Legal Affairs and External Relations Bureau introduced A38-WP/17 and recalled that during its 37th Session (September-October 2010) the Assembly had considered under Agenda Item 8: Election of Contracting States to be represented on the Council, a proposal by Saudi Arabia to increase the membership of the Council from 36 to 39. The 37th Session of the Assembly referred to the Council the question of an increase in the number of members of the Council by the addition of three seats, in order that the Council should study the matter. In accordance with the decision of the Assembly, the Council considered the proposed amendment at the 9th Meeting of its 198th Session on 8 March 2013, and the Council recommended against enlarging its membership.

21.3 One delegation remarked that all Member States are entitled to be represented on the Council; however, he did not support expanding the number of seats on the Council, but instead called for regional agreements among States with mutual interests to provide more States the opportunity to sit on the Council on a rotational basis. A delegation voiced support for this approach.

21.4 Another delegation noted that the approach advocated by the earlier speakers for increasing Member State participation on the Council is one possible solution to the issue, but that there may be others. It indicated that the suggestion above and other potential solutions should be considered. It further acknowledged that taking into account the current number of ICAO Member States; the conclusion of A38-WP/17 that the cost to the Organization of the proposed increase in Council membership would not be overly significant; and the fact that A38-WP/17 shows that the ICAO Council is relatively small in comparison to the governing bodies of other UN Organizations with similar numbers of Member States, an increase in the membership of the Council should be reconsidered in the future.

21.5 One delegation stressed that the idea of expanding the Council should not be shelved indefinitely and was worthy of consideration.

21.6 The delegation of Saudi Arabia noted that its proposal, as explained in A38-WP/17, spoke for itself. It further highlighted the fact that the proposal had been duly considered by the Council.

21.7 The Chairman of the Committee noted that, there was no marked support for the proposal to increase membership in the Council at the present time although there was some support for reconsidering it in the future. The Committee agreed to therefore report the same to the Assembly and to note that the views expressed about representation on the Council could be addressed through regional arrangements for rotation.

Agenda Item 22: Human resources management

At its fifth meeting, the Executive Committee considered A38-WP/75 outlining the ongoing initiatives to improve human resources management and to promote ethics, efficiency and transparency throughout the Organization.

The Committee noted that Human Resources Management in ICAO continued to improve: *The ICAO Service Code* was further refined; an ICAO Framework on Ethics was implemented; the Staff Rules were reviewed to keep ICAO abreast of developments in the UN system and to reflect policy guidance from Member States; policies on staff mobility, performance management, learning and staff development, as well as outreach and targeted recruitment were either issued or enhanced; and modernization of human resources business processes continued in tandem with the implementation of automation improvements aimed to improve efficiency and responsiveness to programme needs.

The Executive Committee noted the achievements mentioned in A38-WP/75 and invites the Assembly to:

- a) Note the ongoing reforms undertaken and achievements made by the Organization to improve human resources management; and
- b) Endorse the priority initiatives and further actions identified for further improvements in human resources management for the next triennium.

Agenda Item 23: Status of ICAO workforce

23.1 At its fifth meeting, the Executive Committee considered A38-WP/76 dealing with the status of the ICAO workforce. This paper presented the status of the ICAO workforce for 2010, 2011 and 2012 and included the status of Equitable Geographical Representation (EGR) and Gender, together with an analysis of the Professional and Higher Category appointments and their impact on EGR and Gender, as well as Human Resources (HR) data on age, length of service and retirement projections. It also provided observations based on the statistics and outlined future actions on workforce planning, EGR and Gender.

23.2 The Executive Committee noted that with regard to EGR the number of Member States represented in the Secretariat had increased. With regard to Gender, the Committee welcomed the pro-active measures aimed at improving the representation of women in Professional and Higher Category posts in ICAO. It was acknowledged that this was a common goal for both the Secretariat and the Member States and that achievements resulting from joint efforts could serve as a model for the aviation sector.

23.3 With regard to workforce planning, the Committee highlighted the importance of advance planning to ensure timely filling of posts to optimize efficiency, taking into account all relevant budgetary and management considerations.

23.4 The Committee noted the information provided in WP/226 presented by China.

23.5 With the view to achieving and maintaining a diverse, flexible and motivated workforce, and with an emphasis on workforce planning and the corporate objectives of having as broad geographical representation as possible while working towards gender parity, the Executive Committee invites the Assembly to endorse the future actions outlined in the working paper, as follows:

- a) Workforce planning, including the development of succession planning strategies and procedures, that are integrated with staff mobility and staff development policies;
- b) Talent management strategies aimed at identifying, obtaining and retaining the right competencies at the right time, while ensuring that these strategies are inter-linked with other organizational strategies and measures aimed at capturing, sharing and transferring institutional memory and knowledge;
- c) Enhancing recruitment policy and procedures, as well as internal monitoring and accountability for meeting diversity goals; and
- d) Strengthening outreach and development opportunities for Professional and Higher category candidates from unrepresented and below desirable level States, as well as women candidates.

Agenda Item 24: Increasing the efficiency and effectiveness of ICAO

24.1 At its fifth meeting, the Executive Committee considered five working papers (A38-WP/6, 74, 227, 307, 362) under the agenda item “*Increasing the efficiency and effectiveness of ICAO*”.

24.2 A38-WP/6, which proposed an amendment to Rule 63 of the *Standing Rules of Procedure for the Assembly of the International Civil Aviation Organization* (Doc 7600), pursuant to Decision A-22 and Resolution A31-16, in order to include the Chinese language in the languages of documentation, was presented. The Committee agreed to recommend to the Plenary the action proposed in A38-WP/6, which is to approve the amendment of Rule 63 of the Standing Rules of Procedure as set out in the Appendix of the working paper.

24.3 A38-WP/74, which contained the report of the Council outlining the continuing progress to improve efficiency and effectiveness of the Organization, as requested by the 37th Session of the Assembly, was presented. This report also presented actions and identified measures for further improvement during the 2014-2016 triennium. The Committee noted with appreciation the progress made by the Organization in improving its efficiency and effectiveness and expressed its support for the use of new technologies. Several Member States expressed concerns over the efficiency of the Organization in relation to the preparatory work for the Assembly, in particular the holding of three high-level conferences in relatively short succession prior to the 38th Session of the Assembly. A review of the methodology for drafting Assembly resolutions was also requested. The Committee agreed to recommend to the Assembly to request the Council to examine ways on improving the overall structure of the preparatory work leading up to the Assembly and to take provisions to further improve the efficiency and effectiveness of the Organization.

24.4 WP/307, presented by the Russian Federation, reported that language services within ICAO were being reduced to the detriment of non-English speaking countries and requested that the Assembly be invited to take a number of steps aimed at reinforcing Assembly resolutions in force on this matter.

24.5 WP/362, presented by France and Burkina Faso, Cameroon, Canada, Egypt, Libya, Morocco, Saudi Arabia, Ukraine and the United Arab Emirates, underlined the importance of multilingualism in ICAO and suggested practices to be adopted within ICAO in order to achieve and maintain multilingualism within the Organization, while searching for efficiency and expenditure control.

24.6 WP/227, presented by the 22 Member States¹ of the Latin American Civil Aviation Commission, highlighted the need for documentation that supports safety and other important areas of work of the Organization to be available in all official languages. The paper proposed an amendment of resolutions A37-15 and A37-25 and invited the Assembly to support an appropriate endowment of language services for translation of documentation.

24.7 Several Member States took the floor to support multilingualism as a fundamental principle to achieve the goals of ICAO. Some Member States stated that multilingualism should not be affected by budgetary constraints. Others invoked the need to find alternative funding to ensure the availability of documentation, mainly related to the implementation of safety and security matters. One Member State noted that one working paper was considered overly prescriptive and that some provisions therein would infringe on the policy-making and management responsibilities of the Council and the Secretary General. It was noted that one Member State had submitted a draft Memorandum of Understanding on cooperation in language services with the Secretariat.

24.8 The Secretary General fully endorsed multilingualism as a principal objective of ICAO and reminded the Assembly that Standards and Recommended Practices were always approved in the six official languages. The Secretary General noted that, as reported to Council, some of the measures presented in the papers had already been put in place but that budgetary restrictions could not be ignored. ICAO could not dedicate more funds to language services, but Member States were encouraged to support these activities through voluntary contributions. He highlighted that language services were an integral part of the programme activities in the budget proposal for the coming triennium 2014-2015-2016.

24.9 The Committee agreed to request the Assembly to instruct the Council to closely monitor the implementation of the policies and decisions it had adopted to enhance efficiency and effectiveness on language service matters.

24.10 Having considered A38-WP/6, 74, 227, 307 and 362, the Committee recommends that the Assembly:

- a) Approves the amendment of Rule 63 of the *Standing Rules of Procedure of the Assembly* (Doc 7600) as proposed in A38-WP/6;
- b) Recognizes with appreciation the progress that has been made and results achieved in the implementation of Assembly Resolution A31-2 and A32-1 and the decision of the 37th Session of the Assembly on increasing the efficiency and effectiveness of ICAO;
- c) Requests the Council to examine ways on improving the overall structure of the preparatory work leading up to the Assembly and to continue, as part of the ongoing process, to work on the improvement of the effectiveness and efficiency of ICAO; and

¹ Argentina, Aruba, Belize, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay and Venezuela (Bolivarian Republic of).

- d) Recognizing multilingualism as fundamental principle to achieve the goals of ICAO, requests the Council to closely monitor the implementation of the policies and decisions it had adopted to enhance efficiency and effectiveness on language service matters.

Agenda Item 25: Other high-level policy issues to be considered by the Executive Committee

Update of Assembly Resolution A22-4, Composition of the Air Navigation Commission and Participation in its Work

25.1 In relation to A38-WP/24, the Executive Committee considered a proposal for updating Resolution A22-4: Composition of the Air Navigation Commission and participation in its work, to reflect the current membership of the Air Navigation Commission which is composed of nineteen Commissioners.

25.2 In light of the discussion, the Committee agreed to submit, for adoption by the Plenary, the following resolution:

Resolution 25/1 (Renumbered A38-13)

Composition of the Air Navigation Commission and Participation in its Work

Whereas Article 56 of the Convention provides that the Air Navigation Commission shall be composed of nineteen members appointed by the Council from among persons nominated by Contracting States, but does not make any distinction of nationality nor specify whether such nominations should be made by Council-member or non-Council-member States;

Whereas it is essential that those members are not only professionally qualified but also able to devote their full time to the discharge of their responsibilities;

Whereas the Assembly desires that provision should be made for the fullest possible participation by all interested Contracting States in the work of the Air Navigation Commission; and

Whereas the above objectives can be achieved, consistently with the requirements of the Convention, by the establishment of appropriate procedures by the Council;

The Assembly:

1. *Resolves* that the Council be directed to endeavour, each time that new appointments to the Air Navigation Commission are to be made, to secure from all Contracting States nominations from which the nineteen members of the Commission may be selected;
2. *Urges* all Contracting States, particularly those not represented on the Council, to make further efforts to nominate candidates for membership in the Commission;
3. *Recommends* that the Council not appoint more than one nominee from any one Contracting State and that it take full account of the fact that it is desirable for every region of the world to be represented;

4. *Recommends* that the Council take steps to provide for and encourage the fullest possible participation by every Contracting State in the work of the Commission; and
5. *Declares* that this resolution supersedes Resolution A22-4.

Formulation and Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and Notification of Differences

25.3 The Council, in WP/48, reported on the outcome of a study on issues in respect of the notification and publication of differences, and the activities undertaken by ICAO to address these issues, and proposed a draft Resolution on Formulation and Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and Notification of Differences.

25.4 Venezuela (Bolivarian Republic of), in WP/260, recommended that ICAO develop guidance material and training initiatives for the identification and notification of differences and publication of significant differences. The Committee supported the recommendations made by Venezuela. In support of WP/260, Togo proposed that regional workshops and seminars be organized on the identification and notification of differences. This will be reviewed by the Council taking into consideration budgetary implications.

25.5 With regard to WP/48, France proposed amending the draft Resolution in Appendix A to WP/48 by adding a new Associate Practice asking the Council to ensure that new Annex provisions would be in compliance with the definitions of the terms “Standard” and “Recommended Practice”. France outlined that it would be desirable that the corresponding SARPs rationales be shared through appropriate means. This would enhance the relevance of SARPs and improve their understanding and implementation by Member States.

25.6 The Committee noted with appreciation the work done by ICAO and the Filing of Differences Task Force (FDTF) in respect to identifying issues related to the notification of differences. The Committee requested the Council to take all necessary actions to rectify issues outlined in WP/48 and implement the draft Assembly Resolution, and to report on the progress achieved in this regard to the next Session of the Assembly.

25.7 Italy, on behalf of the European Union and its Member States, asked for the provision of guidance on the notification and publication of differences within twelve months. The Secretariat noted that this timeframe would be challenging due to limited resources and, in this regard, the task would be reviewed by the Council taking into consideration budgetary implications. The Secretary remarked that the Organization would welcome any support from Member States to complete the task.

25.8 In light of the discussion, the Committee agreed to submit, for adoption by the Plenary, the following resolution:

Resolution 25/2 (Renumbered A38-11)

Formulation and Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and Notification of Differences

Whereas Article 37 of the *Convention on International Civil Aviation* requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

Whereas Article 37 of the *Convention* requires the Organization to adopt and amend international standards and Recommended Practices and procedures and states the purpose of and the matters to be dealt with in that action, and Articles 38, 54, 57 and 90 contain additional relevant provisions;

Whereas in accordance with Article 38 of the *Convention* any Contracting State which finds it impractical to comply in all respects with any international standard or procedure or deems it necessary to adopt regulations or practices differing therefrom is obliged to give immediate notification to ICAO;

Whereas the Assembly deems it advisable to establish certain policies to be followed in complying with these provisions of the *Convention*;

Recognizing the effective implementation of SARPs and PANS promotes safe, secure and sustainable development of international civil aviation;

Recognizing that making differences information easily available to all stakeholders in a timely manner is important to promote safety, regularity and efficiency in international civil aviation;

Noting that many Contracting States experience difficulty in fulfilling their obligations under Articles 37 and 38 of the *Convention* and keeping pace with frequent amendments to Annexes;

Recognizing that up-to-date ICAO technical guidance material provides valuable assistance to Contracting States in the effective implementation of SARPs, PANS and Regional Plans;

Recognizing that substantial resources are required to develop and maintain all ICAO technical guidance material for SARPs and PANS;

Noting the increase of the number of notified differences to ICAO;

Recognizing that there is a strong need for all available means to be sought and employed in encouraging and assisting Contracting States in overcoming their difficulties in implementation of SARPs and PANS;

The Assembly:

1. *Calls on* Contracting States to reaffirm their commitment to abide by the obligations under Articles 37 and 38 of the *Convention*;
2. *Resolves* that SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, *inter alia*, to provide a sound basis for global and regional planning and implementation;

3. *Agrees* that subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to enable the Contracting States to maintain stability in their national regulations. To this end amendments shall be limited to those significant to safety, regularity and efficiency and editorial amendments shall be made only if essential;
4. *Reiterates* that SARPs and PANS shall be drafted in clear, simple and concise language. SARPs shall consist of broad, mature and stable provisions specifying functional and performance requirements that provide for the requisite levels of safety, regularity and efficiency. Supporting technical specifications, when developed by ICAO, should be translated in all working languages of ICAO in a timely manner and shall be placed in separate documents to the extent possible;
5. *Instructs* the Council to utilize, to the maximum extent appropriate and subject to the adequacy of a verification and validation process, the work of other recognized standards making organizations in the development of SARPs, PANS and ICAO technical guidance material. Material developed by these other standards-making organizations may be deemed appropriate by the Council as meeting ICAO requirements; in this case such material should be referenced in ICAO documentation;
6. *Resolves* that to the extent consistent with the requirements of safety regularity and efficiency, SARPs specifying the provision of facilities and services shall reflect a proper balance between the operational requirements for such facilities and services and the economic implications of providing them;
7. *Instructs* the Council to consult Contracting States on proposals for the amendment of SARPs and PANS before the Council acts on them, except when the Council may deem urgent action to be necessary. Furthermore, subject to the adequacy of the verification and validation process, technical specifications may be acted upon by the Council without consultation with Contracting States. Such material shall however be made available to Contracting States upon request;
8. *Resolves* that the applicability dates of amendments to SARPs and PANS shall be so established as to allow Contracting States sufficient time for their implementation;
9. *Agrees* that no Annex or PANS document shall be amended more frequently than once per calendar year;
10. *Reminds* Contracting States of the requirement in Annex 15 to publish any significant differences in their Aeronautical Information Publication (AIP) and to include English text for those parts expressed in plain language;
11. *Encourages* Contracting States to use the Electronic Filing of Differences (EFOD) System when notifying their differences to ICAO.
12. *Instructs* the Secretary General to continue improving the EFOD system and assist Contracting States in transitioning from the paper-based processes to the use of the EFOD system.
13. *Directs* the Council to monitor and analyse the differences between the regulations and the practices of Contracting States and the SARPs and PANS with the aim of encouraging the elimination of those differences that are important for the safety, regularity and efficiency of international air navigation and taking appropriate actions;

14. *Instructs* the Council to explore possibilities to make differences information more easily available to all interested stakeholders and assess appropriate mechanism and form in which this information is made available;
15. *Resolves* that Contracting States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means and provided as soon as possible with more guidance in respect of the notification and publication of differences;
16. *Calls on* all Contracting States able to do so to provide requesting States with technical cooperation in the form of financial and technical resources to enable those States to carry out their obligations under Articles 37 and 38 of the Convention;
17. *Instructs* ICAO to establish priorities for the continuing updating of the contents of present ICAO technical guidance material and the development of additional guidance material thus ensuring optimum value for Contracting States in their planning and implementation of SARPs and PANS;
18. *Resolves* that the associated practices in this Resolution constitute guidance intended to facilitate and ensure implementation of this Resolution; and
19. *Declares* that this Resolution supersedes Resolution A37-15, Appendixes A, D and E.

Associated practices

1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system-level, functional and performance requirements. The Council should continue seeking the most appropriate means of development, translation, processing and dissemination of technical specifications
2. Contracting States should comment fully and in detail on the proposals for amendment of SARPs and PANS or at least should express their agreement or disagreement on their substance. They should be allowed at least three months for this purpose. Furthermore, Contracting States should receive at least 30 days of notification of the intended approval or adoption of detailed material on which they are not consulted.
3. Contracting States should be allowed a full three months for notifying disapproval of adopted SARPs amendments; in establishing a date for notifying disapproval the Council should take into account the time needed for transmission of the adopted amendments and for receipt of notifications from States.
4. The Council should ensure that, whenever practicable, the interval between successive common applicability dates of amendments to Annexes and PANS is at least six months.
5. The Council, prior to the adoption and approval of amendments to SARPs and PANS, should take into account feasibility of the implementation of SARPs and PANS by the intended applicability dates.
6. The Council, taking into account the definitions of terms “Standard” and “Recommended Practice”, should ensure that new Annex provisions, uniform application of which is recognized as necessary, are adopted as Standards, and that those new provisions, uniform application of which is recognized as desirable, are adopted as Recommended Practices”.

7. The Council should urge Contracting States to notify the Organization of any differences that exist between their national regulations and practices and the provisions of SARPs as well as the date or dates by which they will comply with the SARPs. If a Contracting State finds itself unable to comply with any SARPs, it should inform ICAO of the reason for non-implementation, including any applicable national regulations and practices which are different in character or in principle.

8. Differences from SARPs received should be promptly made available to Contracting States.

9. In encouraging and assisting Contracting States in the implementation of SARPs and PANS, the Council should make use of all existing means of ICAO and strengthen partnerships with entities which provide resources and assistance towards development of international civil aviation.

10. Contracting States should establish internal processes and procedures by which they give effect to the implementation of provisions of SARPs and PANS.

11. ICAO should update and develop guidance material in accordance with the established priorities to adequately cover all technical fields.

A Policy on Assistance to Aircraft Accident Victims and their Families

25.9 The Committee reviewed A38-WP/22, presented by the Council, providing a progress report on actions taken by ICAO pursuant to Assembly Resolution A32-7: *Harmonization of the regulations and programmes for dealing with assistance to victims of aviation accidents and their families*, including the recent publishing of *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) in May 2013. The efforts by the Council in developing Doc 9998 were highly appreciated by the Committee which endorsed the Policy and agreed with the proposed Resolution in A38-WP/22 to supersede Resolution A32-7.

25.10 The Committee discussed A38-WP/301 presented by Spain. The paper, which supported the Assembly resolution in WP/22, invited the Assembly to acknowledge the work by the special Task Force and the Council and to endorse with appreciation the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) and invited the Council to consider the introduction of a relevant provision in an appropriate Annex to the Convention, while ensuring that the independence and effectiveness of investigations would not be adversely affected. To this effect, the paper proposed the introduction of a Recommended Practice in Annex 9 regarding the establishment of legislation, regulation and/or policies by States to support aircraft accident victims and their families.

25.11 Several States supported the proposal to develop Recommended Practices in Annex 9 to the Convention dedicated to assistance to accident victims and their families. The Committee agreed to invite the Council to consider the introduction of a provision related to assistance to aircraft accident victims and their families in an Annex other than Annex 13, so as to ensure the independence and effectiveness of accident investigations. This proposal was adopted by the Committee.

25.12 One State mentioned that taking into account the new Strategic Objective – Security and Facilitation, and considering the commonalities of objectives between facilitation and the protection of the interests of air transport users, it may be appropriate to request the Council to include in the work programme of facilitation all the related activities and to consider the appropriate restructuring of the Annex 9 if necessary.

25.13 The Committee also agreed to submit, for adoption by the Plenary, the following resolution:

Resolution 25/3 (Renumbered A38-1)

Assistance to victims of aviation accidents and their families

Having considered that, even though international air transport is the safest means of transportation, the total elimination of serious accidents cannot be guaranteed;

Whereas the actions of the State of Occurrence should address the most critical needs of persons affected by a civil aviation accident;

Whereas the policy of the International Civil Aviation Organization (ICAO) should be to ensure that the mental, physical, and spiritual well-being of victims involved in civil aviation accidents and their families are considered and accommodated by ICAO and its Contracting States;

Whereas it is essential that ICAO and its Contracting States recognize the importance of timely notification of family members of victims involved in civil aviation accidents; the prompt recovery and accurate identification of victims; the return of the victims' personal effects; and the dissemination of accurate information to family members;

Recognizing the role of Governments of nationals, who are victims of civil aviation accidents, in notifying and assisting families of the victims;

Whereas it is essential that support be provided to family members of victims of civil aviation accidents, wherever the accident may occur, and any lessons learned from support providers, including effective procedures and policies, be promptly disseminated to other Contracting States and ICAO to improve States' family support operations;

Considering that harmonization of the regulations for dealing with the needs of victims of civil aviation accidents and their families is also a humanitarian duty and an optional function of the ICAO Council contemplated in Article 55 (c) of the Chicago Convention;

Considering that States should provide a homogeneous solution for treatment of victims of civil aviation accidents and their families;

Recognizing that the air carrier involved in a civil aviation accident is often best situated to assist families in the immediate aftermath of the accident;

Noting that family members of victims of a civil aviation accident, irrespective of where the accident occurs or the national origin of the victims, express certain fundamental human needs and emotions;

Recognizing that public attention will continue to focus on States' investigative actions, as well as the human interest aspects of a civil aviation accident;

Recalling the issuance of ICAO *Guidance on Assistance to Aircraft Accident Victims and their Families* (Circ 285) in 2001 as well as the inclusion, in 2005, of provisions in Annex 9 to enable expeditious entry into the State in which an accident occurs for family members of victims of aircraft accidents; and

Acknowledging the approval by the Council of the ICAO *Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) in March 2013;

The Assembly:

1. *Calls on* Contracting States to reaffirm their commitment to support victims of civil aviation accidents and their family members;
2. *Urges* Contracting States to establish legislation, regulations and/or policies to support victims of civil aviation accidents and their family members, in consideration of the ICAO Policy in Doc 9998;
3. *Encourages* States that have legislation, regulations and/or policies to support civil aviation accident victims and their families to review these documents, as necessary, in consideration of the ICAO Policy in Doc 9998;
4. *Urges* the Council to give further consideration to the development of Standards and Recommended Practices regarding the establishment by States of legislation, regulations and/or policies to support victims of civil aviation accidents and their family members; and
5. *Declares* that this resolution supersedes Resolution A32-7.

Policy on Third-Party Endorsements and Memoranda of Understanding (MOUs)

25.14 Columbia presented A38-WP/338, proposing that the Assembly direct the Council to establish an ICAO policy on cooperation with third-parties (e.g., other international and regional organizations, industry and academia), specifically to address matters such as the bases and standards for such cooperation; ICAO endorsement of third-party entities or activities; and use of the ICAO emblem by third-party entities or activities. The Assembly would further be asked to call upon the Council to develop and publish a list of existing Memoranda of Understanding (MoU) that have been entered into by ICAO with outside parties. While recognizing the important role that key third-party stakeholders play in supporting ICAO strategic objectives, the delegation of Columbia urged that these measures were necessary in the interests of, inter alia, transparency, fair competition and equal opportunity.

25.15 Numerous other delegations took to the floor in full support of A38-WP/338 and the need for a clear and express framework for ICAO cooperation with other international bodies and industry, with one State proposing that the existing United Nations framework for cooperation with the business sector serve as the basis for the Council's work.

25.16 The Committee supported the action requested of the Assembly, namely, to request:

- a) the Council to provide guidelines and adopt policies for the interactions of ICAO with third parties in the form of endorsements and memoranda of understanding, and
- b) the Council, in the interests of transparency, to publish the list of MOUs and endorsements in force.

Alignment of ICAO Strategic Objectives with Member States and a Progress Reporting Mechanism

25.17 The United Arab Emirates presented A38-WP/335 entitled *Alignment of ICAO Strategic Objectives with Member States and a Progress Reporting Mechanism* to the Executive Committee on 27 September 2013.

25.18 This Working Paper proposes the implementation of an Integrated Performance Management System at ICAO that will cascade the overall ICAO Strategic Objectives and link these with the Operational

Plans at Member State level thus ensuring a strategic alignment of ICAO with Member States and the Regional Organizations.

25.19 The Assembly was invited to request the Council to develop a system that supports the dissemination of ICAO Strategic Objectives into the Business Plans of Member States and a transparent reporting mechanism to promote the culture of commitment and accountability.

25.20 Colombia, Egypt, Somalia and Yemen all voiced their support for the aforementioned Working Paper (WP/335) and encouraged it be approved.

25.21 The Chair of the Executive Committee stated that WP/335 was approved.

PART II
MINUTES OF
THE EXECUTIVE COMMITTEE

Minutes of the First Meeting
(Wednesday, 25 September 2013 at 0900 hours)

SUBJECTS DISCUSSED

Closed Meeting

1. Agenda Item 10: Contributions in arrears
 - Financial aspects of the question of contributions in arrears
2. Agenda Item 10: Contributions in arrears
 - Approval of oral report to the Plenary

SUMMARY OF DISCUSSIONS

1. Opening the meeting, the Chairperson of the Executive Committee stated that this item on the order of business would be taken in closed session, with attendance restricted to Delegations of ICAO Member States.

Agenda Item 10: Contributions in arrears

Financial aspects of the question of contributions in arrears

2. The Secretary General introduced WP/43 Revision No. 1 (with Addendum No. 1), which dealt with the financial aspects of the question of contributions in arrears. The paper provided information relating to: the status of contributions in arrears and of Member States that had their voting rights deemed suspended; the impact of delays in receipt of contributions; measures in dealing with contributions in arrears; and the Incentive Scheme for the Settlement of Long-outstanding Arrears. Addendum No. 1 presented an updated Appendix C to the paper which set forth the arrears of Member States that had their voting rights deemed suspended as at 20 September 2013.

3. Referring to paragraph 2.3 of the paper on the impact of non-payment or delayed payment of contributions on the cash flow of the Organization, the Secretary General highlighted that the total outstanding contributions in arrears as at 18 September 2013 was CAD 9.7 million. That amount was almost one and a half times the level of the Working Capital Fund (WCF), which currently stood at USD 6.0 million. In terms of outstanding commitments, it represented approximately 11 per cent of the Organization's assessed budget for 2013. The Secretary General recalled that the Council, in taking note that liquidity problems arising from delays in receipt of contributions would have serious repercussions on ICAO's ability to deliver its work programme, had agreed to increase the level of the WCF to USD 8.0 million. That subject was reported on in a separate paper (WP/42).

4. With regard to paragraph 3 on measures taken by ICAO to encourage Member States to pay their annual assessed contributions in a timely manner, the Secretary General was pleased to report that, as a result of the tremendous efforts made by the Secretariat to reduce the amount of outstanding arrears, the total amount thereof was the lowest that it had been in many years. Figure 2 in paragraph 2.1.3 showed a decrease in the amount of arrears receivable from CAD 10.7 million in 2006 to CAD 9.7 million as at 18 September 2013, even as the amount assessed to States increased from CAD 68.3 million to CAD 88.7 million over the same period.

5. With reference to updated Appendix C in Addendum No. 1, the Secretary General reported that, as at 20 September 2013, the voting privileges of 11 Member States remained suspended under Article 62 of the *Convention on International Civil Aviation*, as compared to 14 States at the time of the last Assembly in 2010. Any changes that might occur to the status of voting privileges during the course of the 38th Session of the Assembly would be notified by means of further addenda to WP/43 Revision 1.

6. The Secretary General then drew attention to Appendix D to the paper, which presented draft Resolution A10/1 (Discharge by Member States of financial obligations to the Organization and action to be taken in case of their failure to do so) updating Assembly Resolution A37-32. It proposed two changes: an amendment to Resolving Clause 6, whereby reference to voting powers in the Council would be deleted; and the introduction of a new Resolving Clause 7, according to which the voting power in the Council would be suspended for those Council Member States that had annual assessed contributions, or part thereof, in arrears for longer than 18 months.

7. During the ensuing discussion, the Delegate of Singapore voiced support for draft Resolution A10/1, which had been carefully considered by the Council. He was heartened to note, from updated Appendix C, that the level of the combined outstanding arrears of Group A States (those States that had concluded agreements with the Council to liquidate their arrears over a number of years but were not in compliance with the terms of their agreements) and Group B States (those States with contributions in arrears for three full years or more which had not concluded agreements with the Council to liquidate their arrears) had improved from 2006 to 2012, and encouraged those States that had not yet reached an agreement with the Council to liquidate their arrears to do so. The Delegate of Singapore also urged the Council to take into account the States' gross domestic product (GDP), international air traffic volume and circumstances in concluding such agreements to ensure that the terms were minimal and within the States' financial means.

8. In the absence of further comments, the Committee agreed to invite the Assembly to: note the progress made in the collection of long-outstanding arrears; and adopt draft Resolution A10/1 set forth in Appendix D to WP/43 Revision No. 1.

9. The Chairperson thanked all those Member States that had paid their contributions on time and those that were making every effort not to be in arrears by concluding agreements with ICAO to settle their arrears. He urged those Member States that had thus far not paid their arrears or concluded such agreements for their settlement to do so as early as possible.

***Approval of oral report
on Agenda Item 10***

10. The Committee approved the Chairperson's proposed oral report to the Plenary on Agenda Item 10.

11. The meeting adjourned at 0920 hours to enable the Committee to reconvene as the Plenary and continue deliberations on that and other Agenda Items.

Minutes of the Second Meeting
(Wednesday, 25 September 2013 at 1400 hours)

SUBJECTS DISCUSSED

1. Agenda Item 12: Technical Cooperation – Policy and activities on technical cooperation and assistance
 - Paper presented by Indonesia
 - Paper presented by Japan
 - Information paper presented by the Interstate Aviation Committee (IAC)
2. Agenda Item 18: Cooperation with regional organizations and regional civil aviation bodies
 - Paper presented by the 22 Member States of the Latin American Civil Aviation Commission (LACAC)
 - Information paper presented by Indonesia
3. Agenda Item 19: Duration of the terms of the Secretary General
4. Agenda Item 20: Proposal to hold Assembly sessions every two years
5. Agenda Item 21: Proposal to amend Article 50 a) of the Chicago Convention so as to increase the membership of the Council to 39

SUMMARY OF DISCUSSIONS

Agenda Item 12: Technical Cooperation – Policy and activities on technical cooperation and assistance

Policy on technical assistance and technical cooperation and activities in technical cooperation during the period 2010-2012

12. The Director of the Technical Cooperation Bureau (D/TCB) introduced WP/19 [Revised (Spanish only)], which: provided an update on ICAO's policy and strategy for technical assistance and technical cooperation, including the delineation of responsibilities for the implementation of those activities within the Secretariat, as well as the related principles and priorities of funding projects; presented an analysis of the performance results for the 2010-2012 period from the financial and non-quantifiable operational perspectives, including a comparison with the preceding triennium; and set forth the results of the Administrative and Operational Services Cost (AOSC) Fund for the 2010-2012 period, complemented by information on the apportionment of costs between the AOSC Fund and the Regular Budget during the reporting period.

13. D/TCB underscored that, in the interest of streamlining and strengthening ICAO's technical support programmes, the Council had adopted new definitions for the terms "technical assistance" and "technical cooperation" within the context of the Organization. On the one hand, ICAO would provide

technical assistance with Regular Budget resources and/or Voluntary Funds, which would be allocated in accordance with funding principles and priority criteria defined by the Council, mainly to remedy deficiencies primarily identified in ICAO audits. On the other hand, within the technical cooperation concept, the Organization, through its TCB, would continue to support States and other entities in the development and implementation of projects which were funded by governments or donors on a cost-recovery basis. As a result of the new policy, the Secretary General would distribute the responsibilities for technical assistance within the Secretariat and develop mechanisms that would ensure the most efficient use of the limited resources available to ICAO. The Secretariat was confident that the implementation of that new concept would result in yet more effective and efficient delivery of ICAO's technical support programmes.

14. D/TCB emphasized that the Technical Cooperation Programme was the major operational tool for reinforcing ICAO's technical cooperation activities. As was evident from the paper, the Programme's performance in the current triennium had enjoyed the continuous interest of States, donors and private entities. ICAO's TCB had implemented an average of 100 civil aviation projects per year in approximately 150 States and programme delivery had amounted to a total of USD 337.9 million dollars. The average programme implementation volume over the last ten years was USD 129.7 million. In order for Member States to be in a position to benefit equally from ICAO's expertise and experience in assisting with the remedying of any deficiencies in the civil aviation sector, the Organization was taking steps to further strengthen its outreach programme and develop new partnerships. Considering TCB's self-financing structure, the Secretary General had introduced, during the 2010-2012 period, a number of economic measures to reduce expenditures to the extent possible. Those measures, together with an increasing programme implementation, had contributed to restoring the financial position of the AOSC Fund to a healthy level.

15. D/TCB also highlighted the development, during the reporting period, of a Management Plan for the Technical Cooperation Programme which set the goals and strategies to be followed in the next three years. He stressed that ICAO's goal remained to continuously improve the efficiency and quality of TCB's services in the best interest of its Member States. For that reason, priority had been given to the implementation of the ISO 9001:2008 as the Quality Management System in TCB. ISO certification had been obtained by the entire Bureau in 2013 except for the Field Personnel Section, which was expected to be certified in 2014.

16. D/TCB emphasized that, from the financial point of view, the results of operations for 2012 and the first six months of 2013 demonstrated a positive outlook for the coming triennium. On the operational side, it could safely be assumed that, considering the rapid development of civil aviation technology, ICAO's Technical Cooperation Programme would continue to play an important role in providing support to States. The Assembly was invited to take the actions recommended by the Council as set forth in the executive summary of WP/19.

17. The Delegate of Indonesia then presented WP/171 [with Corrigendum No. 1 (Russian only)], which set forth his State's views regarding ICAO's policy and funding of technical assistance and technical cooperation activities in light of the new definitions of those two terms adopted by the Council. He underscored that Indonesia supported ICAO's Technical Cooperation Programme, which was: a permanent priority activity of the Organization that complemented the role of the Regular Programme in providing support to States in the effective implementation of Standards and Recommended Practices (SARPs) and in the development of their civil aviation administration infrastructure and human resources; and an important instrument to assist States in remedying deficiencies and in capacity building in the field of civil aviation. In elaborating on his State's participation in numerous technical cooperation projects and three Cooperative Development of Operational Safety and Continuing Airworthiness Projects (COSCAPs), the Delegate of Indonesia highlighted the signature, on 23 September 2013, by the Secretary General of ICAO and the Director General of Civil Aviation of Indonesia, of a large-scale environmental project, *Assistance in the Development and Implementation of Environmental Measures in Civil Aviation*. He noted that Indonesia's

experience with TCB projects and cooperative programmes had been positive and that it was envisaged that its involvement with the Technical Cooperation Programme would continue.

18. Indonesia considered that since technical assistance activities were financed by the Regular Budget and/or Voluntary Funds, funds for such activities would be more limited than for technical cooperation projects. Technical assistance activities would thus be short-term or very limited in scope. Due to the nature of their funding, such activities should be those which were not only of interest to the specific State receiving the assistance but also of significant global interest to the international civil aviation community in providing assistance, such as the rectification of Significant Safety Concerns (SSCs) and Significant Security Concerns (SSECs). In order to ensure that the funding of such technical assistance activities did not dry up, new efforts should be made by ICAO to obtain voluntary contributions. The Assembly was therefore invited to request the Secretary General to renew and intensify his efforts to obtain funding from the World Bank and/or the regional development banks for technical assistance activities, in particular, for providing support for the rectification of SSCs and SSECs.

19. Introducing WP/334, the Delegate of Japan highlighted his State's extensive experience in international cooperation in aviation safety, security and other air navigation fields, including airport development, in particular, eco-airport development. He also elaborated on Japan's achievements in the planning, design, construction, operation, maintenance and management of airports, including eco-airports. In outlining the key features of eco-airports and the benefits to be derived from the latter, the Delegate of Japan recalled that his State had held several eco-airport workshops and seminars for Member States of the Association of Southeast Asian Nations (ASEAN) over the years. Noting that the Japan Civil Aviation Bureau (JCAB) was currently conducting a survey on the progress of implementation of the 2008 *ASEAN-Japan Eco-Airport Guideline*, he encouraged ASEAN Member States to cooperate by completing the questionnaire which had been transmitted to them. Concluding, the Delegate of Japan invited the Assembly to note his State's readiness to assist ASEAN Member States and other countries in its above-mentioned fields of expertise.

20. It was noted that the Interstate Aviation Committee (IAC) had submitted information paper WP/134 which outlined a new approach for the training of aviation experts under the Cooperative Development of Operational Safety and Continuing Airworthiness Project (COSCAP) between ICAO and the Commonwealth of Independent States (CIS) (Project RER/01/901).

21. Underscoring that ICAO's Policy on technical assistance and cooperation, which was the focus of WP/19, was essential for the safe and orderly development of civil aviation in its Member States, the Delegate of Venezuela (Bolivarian Republic of) congratulated the Council and the Secretariat for its conceptualization. She noted that developing adequate key performance indicators (KPIs) was essential to measure the effectiveness of the Technical Cooperation Programme in achieving the projects' expected outcomes, particularly with regard to the rectification of safety- and security-related deficiencies identified through ICAO audits. Recalling that the 37th Session of the Assembly had fully supported the use of ex-post evaluations of States' civil aviation projects, approved at the previous Assembly, the Delegate of Venezuela (Bolivarian Republic of) affirmed that they were the only way to determine the overall impact of the Technical Cooperation Programme on the implementation of ICAO's Strategic Objectives. She expressed concern, however, that the new policy and funding mechanism for technical assistance resulted in ICAO's regulatory, audit and assistance functions being executed by the same administrative entity, which could lead to conflicts of interest. The Delegate of Venezuela (Bolivarian Republic of) therefore suggested that consideration be given to assigning all responsibilities for the Technical Assistance Programme to TCB.

22. D/TCB agreed with the comments made regarding KPIs and ex-post evaluations. He confirmed that, as a follow-up to Assembly Resolution A36-17 (*Consolidated statement of ICAO policies on*

technical cooperation), a provision had been included in framework agreements signed by ICAO with governments encouraging the conduct of independent ex-post evaluations as an integral part of project planning and implementation, while KPIs were defined both at project and Programme levels and reported to the Council through the Management Plan process.

23. Emphasizing that aviation security was an even more delicate and intricate matter than safety, the Delegate of Bangladesh averred that ICAO should be more focussed on providing technical assistance to States which were resource-strapped but which required a holistic view of their aviation security situation. While civil aviation was expanding across the globe, it was the Asia/Pacific region that would register the highest movement of traffic, both in terms of passengers and cargo. Thus although ICAO rendered technically-instrumental assistance to States, it must take into consideration potential vulnerabilities that might impair a region's impetus to growth. In that context, highest priority should be accorded to funding aviation security-related technical assistance projects in States, particularly developing States, with a high risk assessment on the one hand, and on the other, inadequate resources for the mitigation of deficiencies.

24. The Observer from the World Bank noted that his institution acknowledged and welcomed WP/171 presented by Indonesia as a call for increased funding by global and regional development banks for the development of sustainable, safe and secure air transportation in emerging and developing countries. However, that paper had contained three surprises, the first being the statement made, in paragraph 2.9, that the World Bank had "only started in recent years to fund civil aviation projects (presently in the Pacific area)". He wished to remind ICAO Member States that the World Bank's first aviation project was a USD 7 million reconstruction loan to the Netherlands to finance the acquisition of Douglas DC-4 aircraft for its national carrier, KLM. That had been 61 years ago, in December 1952. Over the past 61 years, the World Bank had funded numerous transport-related projects, which included the financing of aircraft, airports, air traffic control installations and general safety and security infrastructure. The World Bank further supported client countries with sector-related policy advice, technical capacity building and advisory service for privatization of air transport infrastructure on national carriers. It did that in coordination and cooperation with various donors, such as governmental or international organizations, for example: ICAO; the International Air Transport Association (IATA); Airports Council International (ACI); the Civil Air Navigation Services Organisation (CANSO); the United States' Federal Aviation Administration (FAA); and the French Directorate General of Civil Aviation (DGAC). The Observer from the World Bank noted that at present its active portfolio of air transport projects included over 30 major projects in the public sector and approximately the same number in private entities in developing countries. The total portfolio exceeded USD 1.2 billion dollars – a relatively small amount given the World Bank's overall portfolio of USD 220 billion in all sectors.

25. The second surprise contained in WP/171 was the call on the World Bank and other regional development banks to fund ICAO technical assistance activities relating to aviation safety and security. It was important to recall that the World Bank was a Specialized Agency of the United Nations (UN) and could not directly fund operations of ICAO, its sister organization in charge of air transportation. The World Bank, similar to other development banks, must consider, negotiate and implement any development project directly with its counterpart and shareholder. That often led to the requirement to finance services of specialized third parties which would, for example, provide capacity or advisory services in the domain of aviation safety. However, the procurement of such services must follow agreed rules, which typically called for competitive bidding, something that ICAO's TCB had not engaged in in the past. Nevertheless, the World Bank was closely cooperating with ICAO on all of its air transport projects. That cooperation consisted of the regular exchange of project details, joint project discussion and preparation, as well as close cooperation in many other domains, such as the environment. As to supporting those activities, the World Bank regularly financed the cost of joint missions, as well as sector research. As to financing the execution of projects by ICAO's TCB, the latter had only been able to procure such services once in the past 10 years when the World Bank had financed an air traffic control (ATC) infrastructure review for Haiti at a cost which had been just below

the sole-source threshold of USD 100 000. Nevertheless, the World Bank welcomed TCB's decision to commence bidding on a competitive basis for major air transport projects also financed by the World Bank and other development partners.

26. The World Bank had also been surprised that the call for it to take action had been made by Indonesia. Indonesia was a very important development partner of the World Bank and currently had an active development portfolio of USD 8 billion in its various sectors. Indonesia's development portfolio in its transport sector alone exceeded USD 1 billion. However, in the last 20 years the World Bank had never been requested by Indonesia to fund aviation projects, with the exception of a small USD 5 million project component for the repairs at one of its airports following the tragic tsunami of 2004. That project had been subsequently cancelled and financed by other means. The Observer from the World Bank underscored that the purpose of his intervention was not to single out Indonesia as one of the World Bank's preferred development partners, but rather to call upon ICAO Member States to discuss and include air transport development funding needs when preparing their respective country development strategy with the World Bank and other donors. That would then be followed by donor sector specialists preparing technical projects, for example, in the transport sector. Without such a request, the World Bank and other development partners could not fund required support in any given sector.

27. In closing, the Observer from the World Bank noted that his institution welcomed WP/171 as a call for increased funding for the development of sustainable, safe and secure air transportation in emerging and developing countries. He reiterated that the World Bank encouraged its client countries, all of which were ICAO Member States, to include their air transportation development funding needs in their country's development strategy to be discussed and agreed with the World Bank and other donors. He reaffirmed that the World Bank would continue to work closely with ICAO and other relevant sector partners to maximize its development support in the domain of air transportation. The World Bank looked forward to the day when it could fund a major aviation project executed by ICAO's TCB after the latter was awarded the mandate on a competitive basis by submitting the most technically-sound proposal under the best financial conditions.

28. There was general consensus regarding the new policy and strategies on technical assistance and technical cooperation adopted by the Council in the interest of streamlining and strengthening ICAO's technical support programmes. The Executive Committee acknowledged that ICAO and other implementation partners should continue to work in the areas of their respective mandates in close cooperation and coordination, in the interest of civil aviation. With regard to the outlook in the coming triennium, it was agreed that, given the rapid development of civil aviation technologies, ICAO's Technical Cooperation Programme would continue to play an important role in providing support to States. The Executive Committee consequently agreed to the contents of WP/19 [Revised (Spanish only)] and recommended that the Assembly approve the actions proposed by the Council in the executive summary thereof. In addition, it noted the supplemental information provided by D/TCB during his introduction of WP/19, as well as the information contained in WPs/171 [with Corrigendum No. 1 (Russian only)], /334 and /134.

Agenda Item 18: Cooperation with regional organizations and regional civil aviation bodies

29. The Secretary General introduced WP/9 on this subject, which elaborated on the progress made during the 2011-2013 triennium in implementing ICAO's *Policy on Regional Cooperation* with regional organizations and regional civil aviation bodies through the adoption of proactive measures and the conduct of joint activities. Since the adoption of Assembly Resolution A37-21 on that subject, ICAO had initiated several measures to ensure closer cooperation with the regional organizations and regional civil aviation bodies, both by implementing existing arrangements and by undertaking new cooperative measures. The details of the more significant events organized and carried out jointly by ICAO and the regional organizations and regional civil aviation bodies were outlined in the Appendix to the paper.

30. In providing supplementary information, the Secretary General noted that two days earlier, on 23 September 2013, a high-level meeting on regional cooperation had been held at ICAO Headquarters with some of the regional organizations and regional civil aviation bodies to discuss, inter alia, priorities, areas of cooperation, and the development of joint work programmes for the next triennium. He emphasized that, while the said *Policy on Regional Cooperation* was absolutely necessary, it was not easy to implement as each of the said regional organizations and bodies had its own priorities as defined by its Member States. Those organizations and bodies were of different sizes and did not necessarily have the same level of resources or the same desire to coordinate their activities with ICAO. It was necessary to work within those constraints and to respect the policies of the regional organizations and bodies. The Secretary General noted that, as there was no regional organization or regional civil aviation body in the Asia/Pacific region with which ICAO could cooperate, the Organization worked with individual States in that region through its Regional Office in Bangkok, Thailand. He underscored that while the picture which he had painted was not the optimal one, it was a realistic depiction of what it had been possible to accomplish. There was, nevertheless, a common will on the part of the regional organizations and regional civil aviation bodies to work with ICAO. The Secretary General and his counterparts at the said organizations and bodies were committed to striving to optimize their common activities over the next three years, even in the case of severe budgetary constraints.

31. On behalf of the 22 Member States of the Latin American Civil Aviation Commission (LACAC), the Delegate of Colombia presented WP/286 Revision No. 1 (*Importance of the participation of regional organizations in the air transport work programme within the framework of ICAO*), which highlighted the need for ICAO to support the regional civil aviation bodies [LACAC, the African Civil Aviation Commission (AFCAC), the Arab Civil Aviation Commission (ACAC) and the European Civil Aviation Conference (ECAC)] in the implementation of the strategic plan for the economic development of air transport through economic regulation and policy integration. It was recalled in the paper that, over the years, the said regional civil aviation bodies had taken on many of the tasks related to air transport, incorporating into their strategic plans issues related to regulations, economics, market access and consumer protection, inter alia. As ICAO had been focussing its efforts on air navigation and aviation safety and security, the LACAC Member States invited the Assembly to request the Council to develop, through the Secretary General and in coordination with the Secretariats of the said regional civil aviation bodies, the procedures for entrusting air transport functions to the latter and for enhancing the implementation of the Memoranda of Cooperation concluded with those bodies, taking into account the regions' respective circumstances and needs.

32. It was noted that Indonesia had submitted information paper WP/157 relating to cooperation with regional organizations.

33. During the ensuing discussion, the Delegate of Australia noted that her State both recognized and appreciated ICAO's efforts to strengthen cooperation between ICAO Regional Offices and the regional civil aviation bodies. The Asia/Pacific region had managed to cooperate successfully on a number of initiatives, including through existing fora, such as the annual conference of Directors General of Civil Aviation (DGCAs) Asia/Pacific and the Regional Aviation Safety Group (RASG-APAC), as well as the Asia/Pacific Air Navigation Planning and Implementation Regional Group (APANPIRG). However, there was scope for further engagement across all aspects of aviation in that region and Australia would be happy to consider possible mechanisms to do so. As noted in the said information paper WP/157 submitted by Indonesia and as mentioned by the Secretary General, the Asia/Pacific region had not yet established a regional body similar to those that existed in many other ICAO regions. Australia welcomed Indonesia's efforts to raise that issue, both in WP/157 and with the Asia/Pacific States at the Fiftieth Conference of the DGCAs Asia/Pacific (Bangkok, Thailand, 1-4 July 2013). Australia was willing to work with its regional neighbours to explore further how such a body could be established and operated, noting the significant diversity that was a trademark of the Asia/Pacific region.

34. Welcoming this intervention, the Secretary General reiterated that there had been a number of initiatives undertaken by States in the Asia/Pacific region, together with ICAO, despite the lack of a regional civil aviation body. In awaiting the creation of such a body, the Secretary General committed to multiplying ICAO's initiatives with States in the Asia/Pacific region, with the assistance of Australia.

35. Referring to WP/286 Revision No. 1 (LACAC), the Secretary General affirmed that ICAO had not abandoned the field of air transport. While emphasis had been placed on certain fields of activities, a fifth Strategic Objective relating to the economic development of air transport had been approved by the Council (196/8). The Organization would thus also focus its attention on air transport. In so doing, it would cooperate fully with LACAC, the other regional civil aviation bodies, and the regional organizations in the days, weeks and months to come.

36. The Committee then noted the information provided in WP/9 on the overall implementation of ICAO's *Policy on Regional Cooperation* and the progress made. In addition, the Committee noted the contents of WP/286 Revision No. 1 and information paper WP/157. The Committee further noted that ICAO would continue to strengthen and intensify its efforts to promote cooperation with regional organizations and regional civil aviation bodies.

Agenda Item 19: Duration of the terms of the Secretary General

37. In introducing WP/5 on the above subject, the Acting Director of the Legal Affairs and External Relations Bureau (A/D/LEB) recalled that under Article 54 h) of the Chicago Convention, the Council was granted the authority to appoint the Secretary General. Article 58 thereof provided that, subject to any rules laid down by the Assembly and to the provisions of the Chicago Convention, the Council shall determine the Secretary General's method of appointment and of termination of appointment and conditions of service, inter alia. At its 178th Session (178/6), the Council had decided that the Secretary General shall be appointed for a specified term of three to four years, the exact duration of which would be determined by the Council on each occasion. However, the Council had agreed that a three-year term would be the standing policy and that a four-year term would only apply in exceptional circumstances. Such a provision had been included in Rule 12 of the *Rules of Procedure for the Council* (Doc 7559). Subsequently, the 36th Session of the Assembly had adopted Resolution A36-28 (*Term limits for the Offices of the Secretary General and the President of the Council*), which in part dealt with the duration of the terms of a Secretary General. During its 193rd Session (193/6), the Council had decided that the duration of all future appointments of a Secretary General should be three years and should not vary between three and four years or be four years in exceptional cases. On 20 June 2012 (196/5), the Council had approved a consequential amendment to Rule 12 of its said Rules of Procedure (Doc 7559). It was therefore necessary to also update Assembly Resolution A36-28. A revised draft Resolution was contained in the Appendix to the paper and was presented to the Assembly for its consideration and adoption.

38. The Delegate of Canada noted that his State, in the spirit of encouraging further transparency and equal opportunity, supported clear duration terms for the position of Secretary General. Canada thus endorsed the said draft Resolution to amend and supersede Assembly Resolution A36-28 to the effect that all future appointments of a Secretary General should be three years and that it should not vary between three or four years or be four years in exceptional cases.

39. In the absence of further comments, the Executive Committee approved the draft Assembly Resolution presented in the Appendix to WP/5 and agreed to recommend it to the Plenary for adoption, to supersede Assembly Resolution A36-28.

Agenda Item 20: Proposal to hold Assembly sessions every two years

40. During his introduction of WP/18 on this subject, the Acting Director of the Legal Affairs and External Relations Bureau (A/D/LEB) noted that, following a proposal by Saudi Arabia to consider holding Assembly Sessions every two years and establishing a budget of the Organization for two years (cf. A37-WP/305), the 37th Session of the Assembly had requested the Council to: study the issue, taking into the consideration the need to ensure that the preparation of an Assembly every two years would not result in any additional overhead costs for the Organization; consider the possibility of reducing the number of Council sessions from three to two during a year when the Assembly would be convened; and submit a report to the 38th Session of the Assembly. The paper highlighted, in paragraph 2, the provisions of the Chicago Convention which were related to this proposal, notably Article 48 a), which specified that the Assembly shall meet not less than once in three years. Recalling that the Assembly, by Resolution A16-13, had resolved that the triennial arrangement of ordinary sessions of the Assembly should be regarded as the normal practice of the Organization, A/D/LEB emphasized that Saudi Arabia's proposal for ordinary biennial sessions of the Assembly would therefore not contravene Article 48 a). It would, however, require a change to Assembly Resolution A16-13. Article 50 a) of the Chicago Convention required the holding of an election of Council Members every three years. Thus, under Saudi Arabia's proposal, it would be necessary to hold extraordinary sessions during the off-years between ordinary biennial sessions so as to satisfy the requirement for triennial Council elections. A/D/LEB indicated that another option would be to amend Article 50 a) so that the Council elections would coincide with the conduct of a biennial Assembly, e.g. every two or four years. He underscored that adoption of Saudi Arabia's proposal would have direct additional costs of CAD 757 500 every six years, based on current estimates.

41. Referring to paragraph 4 of the paper, which highlighted prior considerations by the Council, A/D/LEB recalled that during its 182nd Session (182/3), the Council had considered the Joint Inspection Unit (JIU) Report "Review of Management and Administration at the International Civil Aviation Organization" (JIU/REP/2007/5), which recommended that ICAO convene the Assembly every two years and adopt a biennial budget. During the Council's 183rd Session (183/3), the Finance Committee (FIC) had recommended against acceptance of those recommendations. The Council had agreed. Those questions had been further and later considered by the Council during its 187th Session (187/3) and again, the decision had been to continue to hold Assembly sessions every three years. The Council had considered the latest proposal by Saudi Arabia at its 198th Session (198/9) and at its 199th Session (199/1), and again had decided not to recommend the holding of Assembly sessions every two years, the adoption of a two-year budget, and the reduction of the number of Council sessions from three to two during a year when the Assembly would be convened. Details of the Council's consideration were provided in paragraph 5 of WP/18. The Assembly was invited to consider the proposal by Saudi Arabia, together with the Council's comments and recommendations thereon.

42. The Delegate of Mali stressed that holding the Assembly every two years would pose a problem, given that the Executive Committee had just agreed to recommend a three-year term for the Secretary General and that the duration of the term of the President of the Council was also three years. Averring that triennial Assemblies would be less expensive for participating Member States, he underscored that many Delegations had a long distance to travel to come to ICAO Headquarters and were generally large in size. The Delegate of Mali therefore favoured retaining the status quo.

43. Recalling that the proposal had been analyzed in depth by the Council on several occasions, the Delegate of Spain noted that there were weighty arguments in favour of maintaining triennial Assemblies. As indicated by A/D/LEB, it would be necessary to amend Article 50 a) of the Chicago Convention, as well as Assembly Resolution A16-13. In addition, biennial Assemblies would result in additional costs for both Member States and the Organization. In particular, it would entail direct additional costs to ICAO of CAD 757 500 every six years. Aside from that, there was a three-year cycle for the budget and the Council elections. The Delegate of Spain therefore supported the Council's position that triennial Assemblies should

be maintained, bearing in mind that the Organization had other mechanisms to enable the international aviation community to meet every year or every two years to address specific issues of interest to all. He cited, in this context, the convening of high-level conferences on, for example, aviation security or air navigation, as well as the holding of extraordinary sessions of the Assembly, if necessary. The Delegate of Spain affirmed that a suitable programme of high-level conferences, together with triennial Assemblies, was a good way in which to proceed. He thus endorsed WP/18.

44. Highlighting that the most important aspect of the Assembly was the participation of ICAO Member States, the Delegate of Bangladesh emphasized that triennial Assemblies, which had been the practice for the last fifty-eight years, had proven to be the most effective. He noted that the purpose of Assemblies was to have high-level government officials decide on aviation issues that were global in perspective and in consequence. From that point of view, the Delegate of Bangladesh supported the Council's position of holding the Assembly once every three years.

45. The Delegate of Colombia stressed that it was necessary for such aviation issues to be addressed by ICAO. In sharing the views expressed by the Delegate of Mali, he emphasized the need to take into account the financial impact of biennial Assemblies on Member States. In agreeing with the Delegate of Spain on the importance of retaining the same three-year cycle for the Assembly, the budget and the Council elections, the Delegate of Colombia also voiced support for the Council's position regarding the frequency of Assembly sessions, as well as for the paper.

46. The Delegate of Argentina observed that circumstances had not significantly changed since the proposal to change the frequency of Assemblies from every three years to every two years had first been raised and that several assessments thereof had been made over the years, all of which had resulted in the recommendation that triennial Assemblies be maintained. He also noted that that three-year cycle coincided with the required three-year cycle for other ICAO activities. The Delegate of Argentina highlighted, in this regard, that the latter were organized on the basis of ICAO's triennial work programme. He further indicated that there were the additional costs arising from biennial Assemblies to consider. Underscoring that all of these changes would have an impact, the Delegate of Argentina voiced support for maintaining triennial Assemblies as recommended in WP/18.

47. The Delegate of Congo also spoke in favour of triennial Assemblies, for the reasons cited by the Delegate of Mali.

48. The Chairperson concluded that, in the absence of support for Saudi Arabia's proposal, and on the basis of the discussion, the Executive Committee agreed to recommend that the current triennial cycle for Assembly sessions be retained.

Agenda Item 21: Proposal to amend Article 50 a) of the Chicago Convention so as to increase the membership of the Council to 39

49. The Acting Director of the Legal Affairs and External Relations Bureau (A/D/LEB) introduced WP/17, which reported on the Council's consideration of a proposal made by Saudi Arabia at the 37th Session of the Assembly in September/October 2010 to amend Article 50 a) of the Chicago Convention to increase the number of ICAO Council seats from 36 to 39 (cf. A37-WP/333). The Assembly had referred the matter to the Council, which had subsequently decided (198/9) not to recommend such an increase in its membership.

50. The main arguments made by Saudi Arabia to the last Assembly to justify increasing the number of Council seats from 36 to 39 were presented in paragraph 1.2 of the paper, and the procedural

requirements relating to amendments to the Chicago Convention were set out in paragraph 2. A/D/LEB noted, in this context, that pursuant to Assembly Resolution A4-3 (*Policy and programme with respect to the amendment of the Convention*), any proposal for amendment must be submitted to the Council at least six months before the Assembly. Furthermore, in accordance with Rule 10 d) of the Standing Rules of Procedure of the Assembly (Doc 7600), the Council must transmit the proposal for amendment to Member States, together with the Council's comments and recommendations, at least three months before the Assembly. The Council's comments and recommendations regarding Saudi Arabia's proposal had been transmitted to Member States on 19 June 2013 and were contained in WP/17. A/D/LEB further indicated that, under Article 94 a) of the Chicago Convention, read together with Rule 53 of the Standing Rules of Procedure of the Assembly (Doc 7600), a two-thirds vote of the Assembly was required for adoption of an amendment to the Chicago Convention. He underscored that pursuant to Article 94 a), the amendment under consideration would require subsequent ratification by at least 128 Member States.

51. As was stated in paragraph 3 of the paper, the financial impact of increasing the Council membership to 39 would not be overly significant for the Organization. Paragraph 4.1 contained a table showing the membership of other Specialized Agencies and the size of their governing bodies, which was a useful basis for comparison.

52. Paragraph 5 set forth the comments and recommendations made by the Council Working Group on Governance and Efficiency (WGGE) when it considered Saudi Arabia's proposal. The WGGE had noted the need and growing desire by many States to be represented on the Council but had observed that increasing membership may not be the most appropriate means to address the matter. Concern had been expressed that the proposal would have an impact on the overall efficiency of the work of the Council and would require an amendment to the Chicago Convention. It would also be necessary to decide on a split of the additional seats between the three parts. Furthermore, there would be no guarantee that the States and regional groupings that were seeking additional representation would, in fact, be elected to the Council. The WGGE had noted that the Council was elected by the Assembly and should be working on behalf of all ICAO Member States and represent their interests. The WGGE had urged Council Representatives, in the course of their deliberations, to be mindful of the need, in the spirit of the Chicago Convention, to take into account the interests of other States in their regional groupings and all other Member States. The WGGE had therefore advised that the Council decide not to recommend an increase in the membership of the Council.

53. The Council had endorsed the WGGE's comments and recommendations and decided not to recommend an increase in its membership from 36 to 39. The Appendix to WP/17 contained historical information on past amendments to Article 50 a) of the Chicago Convention relating to an increase in the membership of the Council. The Assembly was invited to consider the proposal by Saudi Arabia, together with the Council's comments and recommendations thereon.

54. The Delegate of Saudi Arabia indicated that he had nothing to add to A/D/LEB's introduction of WP/17 as everything his State had wished to say regarding its proposal to increase the Council's membership to 39 was reflected in the paper, as was the Council's decision thereon.

55. The Delegate of Venezuela (Bolivarian Republic of) emphasized that all Member States deserved, and were legitimately entitled, to be members of the governing body of ICAO. In affirming that the points raised by the WGGE were valid and relevant, she reiterated that increasing the number of Council seats to 39 would not necessarily bring the Council closer to equitable regional representation. The Delegate of Venezuela (Bolivarian Republic of) suggested, as an alternative, the promotion of regional rotation agreements among States with common interests to ensure better participation in the Council. She noted, in this regard, that there were already some such rotation agreements which involved a significant number of States. With this in mind, the Delegate of Venezuela (Bolivarian Republic of) supported the Council's recommendation not to increase the Council's membership from 36 to 39.

56. In supporting this position, the Delegate of Saint Vincent and the Grenadines affirmed that such regional rotation agreements were very necessary and would be very beneficial to most States, especially small ones.

57. The Delegate of Spain underscored that the issue which had been raised was an important one given the current number of ICAO Member States. Noting that the financial implications of increasing the Council's membership from 36 to 39 would not be overly significant, and that the Council was one of the smallest governing bodies of the twelve Specialized Agencies listed in the said table although ICAO had one of the highest number of Member States, he emphasized that an increase in the number of Council seats could conceivably be contemplated. While fully understanding the reasons behind the Council's recommendation not to increase its membership, the Delegate of Spain maintained that this issue could not just be shelved indefinitely; rather, it should be reconsidered in the future, with a number of potential solutions, including the one proposed by Venezuela (Bolivarian Republic of).

58. Agreeing, the Delegate of Mali underscored that increasing the Council's membership from 36 to 39 would enable more Member States to participate in its deliberations. Noting, from the said table, that the Council had one of the lowest levels of representation of Member States, he maintained that the issue warranted study and should be reconsidered in due course.

59. The Chairperson noted that there was no marked support for Saudi Arabia's proposal to increase the Council's membership from 36 to 39 at the present time, although there was some support for reconsidering it in the future. The Executive Committee therefore agreed to report the same to the Plenary and to note that the views expressed regarding representation on the Council could be addressed through regional rotation agreements.

60. The meeting adjourned at 1515 hours.

Minutes of the Third Meeting
(Thursday, 26 September 2013 at 0900 hours)

SUBJECTS DISCUSSED

1. Agenda Item 11: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012
2. Agenda Item 17: Environmental protection

General provisions, noise and local air quality

- *Developments in civil aviation and the environment*
- *Present and future trends in aircraft noise and emissions*
- *Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality*
- Paper presented by the United States
- Paper presented by Lithuania on behalf of the European Union (EU) and its Member States and the other Member States of the European Civil Aviation Conference (ECAC)
- Paper presented by the International Coalition for Sustainable Aviation (ICSA)
- Paper presented by the International Transport Workers' Federation (ITF)
- Paper presented by India
- Paper presented by South Africa
- Paper presented by the International Air Transport Association (IATA)
- Paper presented by Argentina
- Information paper presented by Viet Nam

Climate change

- *Sustainable alternative fuels for aviation*
- Paper presented by Indonesia
- Paper presented by the United States
- Paper presented by Lithuania on behalf of the EU and its Member States and the other Member States of ECAC
- *States' action plans for CO₂ emissions reduction activities*
- Paper presented by Brazil

- Paper presented by Indonesia
- Paper presented by the United States
- Paper presented by the EU
- Paper presented by Aruba, Belize, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Peru and Uruguay
- Information paper presented by the Dominican Republic
- Information paper presented by India
- Information paper presented by the Republic of Korea
- Information paper presented by Guatemala, Belize, Honduras, El Salvador, Nicaragua and Costa Rica
- Information paper presented by the Caribbean Aviation Safety and Security Oversight System (CASSOS) Member States
- *Assistance to States – Aviation and climate change*
- Paper presented by Saudi Arabia
- Information paper presented by Indonesia
- Information paper presented by the Republic of Korea
- *Environmental protection – Developments in other United Nations bodies and international organizations*
- *United Nations Climate Neutral Initiative*
- *Market-based measures (MBMs)*
- Papers presented by the Russian Federation
- Paper presented by the United Arab Emirates
- Paper presented by Viet Nam
- Paper presented by 54 African States

SUMMARY OF DISCUSSIONS

Agenda Item 11: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012

1. The President of the Council presented the following overview of the Annual Reports of the Council for 2010, 2011 and 2012 and the Supplementary Report for the first six months of 2013 (Docs 9952, 9975 and 10001 and Supplement). The full texts of those reports, which had been distributed to all Member States, were also available on the ICAO public website and the A38 website.

“In my opening remarks on Tuesday morning, I suggested that this current Session of the Assembly represents a bridge between a triennium of transformation and a commitment to the long-term sustainability of the global air transport system.

“In that context, the last three years have been particularly productive in pursuing our three Strategic Objectives: safety, security and environmental protection and the sustainable development of air transport.

“Over the next few minutes, I would like to highlight some of the major achievements and decisions that will bring us closer to long-term sustainability. They result from actions taken pursuant to Resolutions of the last Assembly and activities initiated by the Organization. Together, they support a multidimensional strategy based on proactivity, flexibility and risk-management processes.

“Safety

“Let’s begin with safety, our number one priority.

“The Global Aviation Safety Plan was totally revised. It contains targeted objectives and initiatives, and it offers a flexible framework for Member States to prioritize their safety initiatives according to a common, harmonized methodology.

“The transition of the Universal Safety Oversight Audit Programme to the Continuous Monitoring Approach was successfully completed as planned.

“Annex 14 on Aerodrome Design and Operations was amended to enhance runway safety associated with a majority of fatal accidents, while partnering aviation organizations committed to establishing a Runway Safety Programme.

“The Council adopted a Code of Conduct on the Sharing and Use of Safety Information that emphasizes a consistent, fact-based and transparent response to safety concerns. This will improve risk identification and preventive action.

“Annex 19 on Safety Management, the first new Annex in 30 years, was adopted. It focuses on performance and consolidates Standards and Recommended Practices and guidance material on safety management from six separate Annexes.

“An *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* was approved and will assist States in developing related regulations and policies.

“A significant number of initiatives were taken by a broad range of stakeholders to strengthen regional cooperation and provide assistance in resolving safety-related issues of an operational, financial and legal nature.

“Finally, a new Safety Fund known as SAFE was established for continued assistance to States in correcting safety-deficiencies.

“Air Navigation

“In parallel with these safety initiatives, the Global Air Navigation Plan was amended to include the Aviation System Block Upgrades in support of a performance-based approach to air navigation activities. Together with the updated Safety Plan, it will substantially enhance the safety and efficiency of air travel worldwide.

“A Regional Sub-Office established for the Asia/Pacific Region in Beijing will focus on the promotion and implementation of performance-based navigation, as will a Flight Procedure Programme Office hosted by ASECNA in Dakar.

“Significant additional guidance was provided for testing under ICAO language proficiency requirements, the TRAINAIR PLUS Programme was expanded and a clear vision and mission for the Next Generation of Aviation Professionals was developed based on tangible and achievable results.

“These continuous safety and air navigation enhancements should contribute to the viability and profitability of operations, as well as increase public confidence in air travel.

“Security

“Let us now consider Security.

“A fast track amendment to Annex 17 supported the implementation of supply chain security measures. It focused on high-risk cargo and common baseline security measures for cargo transported on passenger and all-cargo aircraft.

“Along those lines, ICAO and the World Customs Organization signed a Memorandum of Understanding in order to strengthen cooperation on air cargo security while also improving air cargo facilitation.

“The second cycle of the Universal Security Audit Programme was completed and the Council adopted a Continuous Monitoring Approach for the Programme beyond 2013.

“An ICAO Aviation Security Assistance and Capacity Building Strategy was developed and implemented for a more cohesive and coordinated approach to assistance and capacity building.

“Regional assistance was specifically enhanced through expanded partnerships with Member States and organizations, focusing on training, guidance and the transfer of technology information.

“A global Risk Context Statement was produced to support a risk-based approach to security. It includes a thorough analysis of threats to civil aviation and provides guidance to Member States in further developing national risk assessments.

“Finally, the first High-level Conference on Aviation Security in a decade produced recommendations designed to ensure that future security solutions are implemented sustainably, in terms of costs for States and industry, while improving the overall travel experience of passengers.

“Environmental Protection

“On the environmental front, substantial progress was made in four key areas: global aspirational goals; States’ action plans; sustainable alternative fuels for aviation; and market-based measures (MBMs).

“A CO₂ trends assessment was finalized to help assess the potential impact of various categories of mitigation measures in order to measure current, and estimate future, progress toward the achievement of global aspirational goals.

“Of note is a new metric system approved for the development of a CO₂ emissions Standard for aircraft, currently projected for 2015.

“Voluntary action plans submitted by Member States and designed to reduce emissions from international aviation represented some 80 per cent of global air traffic. The excellent participation validated the Organization’s shift to a more action-oriented implementation mode and helped to tailor capacity building activities.

“The Secretariat intensified its efforts to promote and facilitate the development and deployment of sustainable alternative fuels for aviation. This included work on a set of policy recommendations based on existing policies and measures, as well as current initiatives and best practices by States and organizations.

“Research into the feasibility of a global market-based measure (MBM) scheme applicable to international aviation emissions proceeded on course, as did work on the development of an MBM framework to support State MBM programmes.

“Earlier this year, the Ninth Meeting of the Committee on Aviation Environmental Protection agreed on 18 recommendations to help ICAO fulfil its mandate on aviation environmental protection. They deal with the updated traffic and fleet forecast, an increase in stringency of aircraft noise Standards, aircraft operations, the development of a new aircraft CO₂ Standard and the work programme for the next CAEP cycle.

“Sustainable Development of Air Transport

“Concerning the sustainable development of air transport, the Sixth Worldwide Air Transport Conference produced a comprehensive package of conclusions and recommendations dealing with taxation on air transport, the harmonization and compatibility of regulatory approaches in respect of competition laws and rules on air transport, as well as consumer protection matters.

“The importance of sustainability was recognized by the Council when it adopted a new vision statement for the Organization for the triennium 2014-2016: “*Achieve the sustainable growth of the global civil aviation system*”. It also established a corresponding new Strategic Objective entitled “*Economic Development of Air Transport: Foster the development of a sound and economically-viable civil aviation system*”.

“The new objective includes the development of policies and guidance on air transport regulation, infrastructure management and the economics of aviation activities, including consumer protection, taxation, fair competition and user charges.

“In the spirit of greater efficiency, the Organization continued to adjust its programmes and targets in the face of the significant economic and budgetary pressures experienced by Member States. This has proven challenging yet productive in adapting many of the structures and processes to a new way of doing business. The result is a leaner and more effective ICAO, better equipped to respond to the evolving needs of States and industry alike.

“It is now up to this Assembly to review, consider and decide on the programmes and activities that will shape the course of international civil aviation for the coming decades.”.

2. The Chairperson of the Executive Committee thanked the President of the Council for his excellent presentation. In the absence of any comments, the Executive Committee noted the Annual Reports of the Council for 2010, 2011 and 2012, as well as the supplementary report for the first six months of 2013 (Docs 9952, 9975 and 10001 and Supplement) falling within its field of competence.

Agenda Item 17: Environmental protection

3. The Executive Committee then commenced its deliberations on this item, which was divided into two sections to facilitate discussion: *General provisions, noise and local air quality*; and *Climate change*. It considered the first section on the basis of three main working papers presented by the Council: WP/25 (*Developments in civil aviation and the environment*); WP/26 (*Present and future trends in aircraft noise and emissions*); and WP/27 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality*). Discussion of the draft Consolidated statement was also based on the following additional papers: WPs/70, 106, 163 Revision No. 1, 222, 240, 297, 318 and 327 Revision No. 1 and information paper WP/348.

General provisions, noise and local air quality

Developments in civil aviation and the environment

4. The Secretary General introduced WP/25, which reported on progress made by ICAO since the last Assembly on issues related to civil aviation and the environment. While it was based mainly on the activities of the Committee on Aviation Environmental Protection (CAEP), including the outcomes of its Ninth Meeting (Montréal, 4-15 February 2013), it also covered related activities of the Secretariat and the work which it had undertaken in cooperation with other organizations.

5. The paper highlighted the CAEP/9 agreement on a new proposed aircraft noise Standard for jet and propeller-driven aeroplanes and a proposed noise Standard for tilt-rotor aircraft for inclusion in Annex 16 – *Environmental Protection*, Volume I – *Aircraft Noise*, as well as on new noise reduction technology goals for the medium and long terms. It also reported on the development of a scope of work for a global analysis of the effects of night curfews. In addition, the paper elaborated on progress made in addressing aircraft engine emissions, in particular, in developing a CO₂ emissions Standard, which included the CAEP/9 approval of a certification requirement therefor, and a Particulate Matter (PM) Standard. It also provided details on the development of two documents related to operational improvements: the CAEP/9 agreement on new operational goals for fuel burn reduction; and the environmental analysis of Aviation System Block Upgrades (ASBUs). The Assembly was invited to support the continued work of the CAEP and the ICAO Secretariat on issues relating to civil aviation and the environment and to consider the information contained in WP/25 as a reference for the updating of Assembly Resolution A37-18 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality*) and Assembly Resolution A37-19 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*).

Present and future trends in aircraft noise and emissions

6. The Secretary General presented WP/26, which set forth the results of the CAEP's assessment of the present and future impact and trends of aircraft noise and aircraft engine emissions, undertaken pursuant to Assembly Resolution A37-18, Appendix A. Substantial input from Member States and observer organizations had contributed to that assessment, which reflected the consensus reached by the CAEP. The paper also reported on the Secretariat's development, pursuant to Assembly Resolution A37-19, of a means by which the Organization could regularly report CO₂ emissions from international aviation to the United Nations Framework Convention on Climate Change (UNFCCC) and to measure progress toward the global aspirational goals adopted by the last Assembly. That activity would benefit from increased reporting of fuel consumption data from Member States to ICAO.

7. The paper highlighted that, in absolute terms, the total global population exposed to aircraft noise, the total global aircraft emissions that affected local air quality, and the total global aircraft emissions that affected the global climate were expected to increase throughout the analysis period, but at a rate slower than the increase in aviation demand. Under the most optimistic scenario, fuel efficiency was expected to improve at an average rate of 1.4 per cent per year to 2040, and at 1.76 per cent per year in the mid-term from 2020 to 2030. However, measures additional to aircraft technology and operational improvements would be necessary to achieve carbon neutral growth from 2020. While sustainable alternative fuels for aviation had the potential to make a significant contribution, insufficient data was available to confidently predict the availability or life cycle CO₂ emissions of such fuels. The Assembly was invited to take the action proposed by the Council in the executive summary of WP/26, notably to accept the global environmental trends set forth in the paper as the basis for decision-making on environmental matters during this Assembly session and to urge States to submit fuel consumption data to ICAO.

Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality

8. The Secretary General introduced WP/27, which proposed revisions to Assembly Resolution A37-18 in light of developments since the last Assembly. The changes to Appendices A through H arose mainly from the CAEP's activities, including the outcomes of CAEP/9, as well as from the work carried out by the Secretariat in cooperation with other organizations, and related to: progress in developing the CO₂ aircraft emissions Standard and the Particulate Matter (PM) Standard; the CAEP agreement on the new noise Standards; and updates on new technology and operational goals. The Assembly was invited to review and adopt the revised *Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality*.

9. The Delegate of the United States then presented WP/106, in which her State recognized the progress made to reduce aircraft noise and emissions that affected local air quality through policy, Standards and guidance. The United States strongly endorsed the CAEP's proposal for a progressive new Annex 16, Volume I, Chapter 14 aircraft noise Standard and invited the Assembly to fully encourage the ICAO Council to adopt it and recognize it as a significant step toward reducing aircraft noise at source. The United States also supported the CAEP's related recommendation on the non-introduction of operational restrictions and invited the Assembly to do the same and adopt the following language: that "States be urged not to introduce operational restrictions on aircraft that comply with the noise certification Standard of Annex 16, Volume I, Chapter 4 and/or 14" once Chapter 14 was adopted by the ICAO Council. As the balanced approach to aircraft noise management had been consistently reaffirmed by ICAO Member States since its adoption in 2001 as the appropriate policy for reducing aircraft noise, and the United States fully applied it through legislation and regulation, it also invited the Assembly to reaffirm its commitment thereto, including to the *Balanced*

Approach Guidance (Doc 9829), recognizing that operational restrictions should not be applied as a first resort and only after consideration of each of the other elements. Furthermore, the United States invited the Assembly to recognize the progress and ongoing work to address the impact of emissions on local air quality and to support further work on developing a non-volatile Particulate Matter (PM) certification.

10. The Delegate of Spain introduced WP/70, in which the 44 Member States of the European Union (EU) and the European Civil Aviation Conference (ECAC) welcomed the progress being made within ICAO in addressing the local environmental impacts of aviation. In particular, they noted, with satisfaction, the agreement reached at CAEP/9 on a new Annex 16, Volume I, Chapter 14 noise Standard and supported the latter's adoption by the Council. The said States also highlighted their full support for the effective application of the balanced approach to aircraft noise management, which had led the European Commission to present a legislative proposal to strengthen its application within European States. The said States also noted, with satisfaction, the CAEP's ongoing work to develop a Standard for non-volatile Particulate Matter (nvPM). They invited the Assembly to note that the development of international aviation was confronted with increasing constraints as a result of strong local political opposition to the growing environmental impacts at congested airports located in areas of high population density. In addition, they invited the Assembly to adopt, for inclusion in the revised Consolidated statement, the following actions: welcome the results achieved at CAEP/9, including, in particular, the agreement to apply a new Chapter 14 noise Standard from 2017, and from 2020 for aircraft of less than 55 tonnes in weight, consistent with the first pillar of the balanced approach (reduction of noise at source); and encourage aircraft engine manufacturers to cooperate as necessary to support the sampling and measurement effort needed to allow the adoption of a high-quality nvPM Standard at the Tenth Meeting of the CAEP (CAEP/10) in 2016.

11. The Observer from the International Coalition for Sustainable Aviation (ICSA) introduced WP/297 on ICAO's CO₂ Standard as part of a basket of measures to meet emissions reduction goals. ICSA supported a comprehensive approach for the promotion of the sustainable growth of aviation consisting of work on technology and Standards, and on operational and market-based measures to reduce emissions, as described in WP/34 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*). In particular, ICSA agreed on the need to support measures that would lead to in-sector emissions reductions. For that reason, it would continue to support the work underway in ICAO to develop a CO₂ Standard, which was an integral element of ICAO's basket of measures to meet the aviation sector's environmental goals. Recalling that the CAEP had previously agreed that the purpose of ICAO's CO₂ Standard for new aircraft types was to produce emissions reductions beyond those that would be achieved without the Standard, ICSA emphasized that if the Standard was not going to have an incremental effect, then other measures in the basket, including MBMs, must compensate. In summary, ICSA supported the said comprehensive approach with a focus on reducing in-sector emissions and the use of MBMs and sought to maximize the environmental benefits of both approaches. ICSA invited the Assembly to confirm that the CO₂ Standard was an essential element of the basket of measures and request the ICAO Council to ensure that the CAEP adhered to its commitment to agree a Standard that produced incremental emissions reductions beyond "business as usual" for new aircraft types.

12. The Observer from the International Transport Workers' Federation (ITF) presented WP/327 Revision No. 1, which highlighted the potential health damaging effects of airport employee exposure to ultrafine exhaust particles from aircraft and diesel engines. The paper also outlined the key actions taken to reduce the ultrafine particle pollution at Copenhagen Airport by a working group consisting of the airport's managers, companies operating in the airport and unions representing airport employees and suggested that that practice serve as a springboard for discussion. The ITF invited the Assembly to recognize that airport employee exposure to ultrafine exhaust particles from aircraft and diesel engines at airports was an urgent and overlooked work-related challenge potentially affecting the health of millions of people. Furthermore, the ITF urged ICAO to incorporate air pollution created by diesel engines into the proposed revised *Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions*,

noise and local air quality and to extend its policies and practices related to environmental protection into the protection of the health and safety of employees accordingly.

13. The Delegate of India introduced WP/222, which outlined the noise management initiatives of his State's Directorate General of Civil Aviation, including the first-ever detailed noise study for Delhi International Airport. The Assembly was invited to: recognize the need for developing noise mapping studies for major airports; urge Member States to install permanent noise monitoring systems and to formulate action plans for their major airports with respect to noise limits and land-use plans around their respective airports in accordance with ICAO's balanced approach to aircraft noise management; and request the Council to develop specific guidelines for Member States in that critical area.

14. The Chairperson of the Executive Committee recalled that, at the last Assembly, India had presented WP/270 on night curfews in some parts of the globe and their impact on operations in other parts of the world. In noting the resource constraints described by the Secretariat, it had offered to provide the necessary resources for any further studies on night curfews. As indicated in paragraph 3.5 of WP/25, the Secretariat, with the assistance of consultants, had subsequently developed a scope of work for a global analysis of the effects of night curfews which would consider environmental and economic issues, as well as other factors. Noting that no resources had yet been received from India, the Chairperson sought clarification regarding its intentions in that regard. The Delegate of India indicated that the funding process was underway with the Ministry of Civil Aviation and that the Secretariat would be contacted in due course.

15. The Delegate of South Africa presented WP/240, which described his State's approach to night curfews and set forth its related recommendations. It highlighted that the issues arising from operational restrictions such as night curfews had existed for many years and continued to remain, despite the fact that advancement in aircraft engine technology had contributed considerably to aircraft noise reductions in the past two decades. As indicated by the Secretariat during the 2013 Sixth Worldwide Air Transport Conference (AT-Conf/6), 161 airports handling international scheduled passengers and/or all cargo air services, worldwide, were subject to night flight restrictions. While such restrictions could reduce aircraft noise at airports, they affected the aviation industry's ability to facilitate the movement of people and goods and resulted in an increase in financial costs for airports and airlines. South Africa therefore supported ICAO's balanced approach to aircraft noise management. It maintained that States should not implement operational restrictions such as curfews as a first resort to reduce aircraft noise but should instead implement all four principal elements of ICAO's balanced approach. The Assembly was invited to: ensure that ICAO continued to play a leadership role in developing policy guidance to address night curfews and encourage its use by States; ensure that ICAO continued to monitor States' practices on night curfews and assess their impact on the operation of air services; and request States and regions that had imposed night curfews to review their policies.

16. The Observer from the International Air Transport Association (IATA) introduced WP/163 Revision No. 1 on ICAO's policies on noise-related operational restrictions. IATA considered that, if adopted by the ICAO Council, the new Annex 16, Volume I, Chapter 14 noise Standard, which would further increase noise stringency levels by 7 dB, would provide additional noise relief from many hundreds of thousands of people living around airports for years to come. ICAO's certification Standards produced real environmental benefits and also created the necessary regulatory stability for operators. In view of the international nature of air transport and the long lifespan of aircraft, operators had to have the assurance that aircraft certified in accordance with all applicable international Standards could be operated worldwide during their entire commercial life, without undue restrictions that hampered international air transport. IATA underscored that ICAO's balanced approach to aircraft noise management called for a balance of measures and provided a transparent process for managing demonstrated noise problems on an airport-by-airport basis. While operational restrictions were permitted thereunder, States had appropriately agreed to put limits on such

restrictions and had also agreed processes for considering them. IATA supported the CAEP/9 Recommendation 3/9 that States be urged not to introduce operational restrictions on aircraft that comply with the noise certification Standard of Annex 16, Volume I, Chapter 4 and/or 14. It recalled that, since 2001, each Assembly resolution on noise and local air quality had urged States not to introduce measures to phase out aircraft that complied with the noise certification Standard in Volume I, Chapters 3 or 4 of Annex 16. IATA further recalled that Appendix E of Assembly Resolution A37-18 reflected the agreement of ICAO Member States, at the time of the adoption of the said Chapter 4 noise Standard, that aircraft that complied therewith should not be subject to operational restrictions. IATA strongly opposed any measure which would lead to the phase-out of aircraft which complied with the noise certification Standards in Annex 16, Volume I, Chapter 3.

17. In conclusion, IATA affirmed that ICAO's current policies on operational restrictions struck an important balance between enabling States to take appropriate measures to address noise problems in accordance with the said balanced approach and preserving the regulatory stability and predictability required by aircraft operators. IATA invited the Assembly to reaffirm the policies laid down in Appendices D and E of Assembly Resolution A37-18 and follow the said CAEP/9 Recommendation 3/9 by approving its proposed modifications to those two Appendices.

18. The Delegate of Argentina presented WP/318 on the role of Regional Offices in ensuring the maximum success of the CAEP. Argentina, a full CAEP member which participated actively at the regional level, considered that in order to progress the Committee's excellent work, information thereon should be made more widely available to those States which were not members or observers and the exchange of views should be facilitated among such States. The Regional Offices were an ideal means to effectively reach those States, through the convening of workshops, seminars and other similar activities. The Assembly was invited to continue supporting the excellent work of the CAEP and the ICAO Secretariat on matters relating to civil aviation and the environment; and to recommend that the Council encourage the Regional Offices to promote initiatives of various kinds (such as seminars, workshops, etc.) so that States that were not CAEP members or observers could benefit more fully from the Committee's work through broader and more direct access thereto.

19. It was noted that Viet Nam had submitted information paper WP/348 which outlined the various measures taken by that State's regulatory authorities, airlines, air navigation service providers and airport operators to reduce noise and carbon emissions from domestic and international air operations.

20. In expressing full support for WP/70 presented by the EU and ECAC Member States, the Delegate of Norway welcomed, in particular, the progress made by the CAEP regarding the new Annex 16, Volume I, Chapter 14 noise Standard. Noting that the growth of aviation at airports located in densely-populated areas caused serious noise and local air quality challenges, he underscored that technological improvements were one of many measures that were necessary to meet those challenges. Stringent technological Standards were vital in that regard. Expressing gratitude for the impressive work undertaken by the CAEP, the Delegate of Norway emphasized that it would not have been possible to achieve the said new Chapter 14 noise Standard without the great efforts made by the experts nominated by the aviation industry, non-governmental organizations (NGOs) and ICAO Member States.

21. In also voicing support for WP/70, the Delegate of Italy expressed appreciation for ICAO's ongoing work regarding aviation's local environmental impacts. Underscoring that congested airports were becoming an increasing problem in many States, including Italy, he noted that people living in the vicinity of such airports craved measures to protect their health and preserve their quality of life. It was thus necessary to deal with operational constraints that hampered the development of air transport. Emphasizing the need to take further steps to address that issue, the Delegate of Italy noted that the effective implementation of ICAO's balanced approach to aircraft noise management was therefore especially welcome. Observing that one such step was the new Chapter 14 noise Standard – a very important outcome of CAEP/9 – he indicated that Italy endorsed its adoption by the Council. The Delegate of Italy reiterated that the EU had already started the

legislative procedure to make that Standard mandatory within its territory. He noted that Italy also considered that it was essential to continue the CAEP's good work on non-volatile Particulate Matter (nvPM) and stressed the importance of aircraft engine manufacturers' cooperation in the technological analysis needed to enact a high-quality nvPM Standard at CAEP/10 in 2016.

22. The Delegate of Brazil indicated that his State also recognized the progress made by ICAO in its efforts to reduce noise and local air quality impacts, in particular, the creation of the new Chapter 14 noise Standard. He recalled that Brazil had been deeply involved in the latter's development and was committed to the result achieved. Brazil agreed with the CAEP/9 Recommendation 3/9 that States should refrain from imposing operational restrictions on aircraft that comply with the noise certification Standard of Annex 16, Volume I, Chapter 4 and/or 14. It therefore supported action paragraphs a) and b) of WP/106 presented by the United States and IATA's proposed amendments to Appendix D of Assembly Resolution A37-18 set forth in WP/163 Revision No. 1. In endorsing the comments made by the Delegate of Argentina regarding the CAEP's excellent work, the Delegate of Brazil indicated that his State also supported a broader geographic coverage in the CAEP's membership in order to give access to States from non-represented regions, such as Central American States. Brazil likewise agreed that the participation of States that were not CAEP members or observers could be facilitated by ICAO's Regional Offices.

23. Joining the Delegates of Norway and Italy in voicing support for WP/70, the Delegate of Poland affirmed that the proposed new Chapter 14 noise Standard would help to mitigate the negative impacts of flight operations on communities living in the vicinity of airports and facilitate the further growth of aviation traffic. That solution would also ensure the maintenance of the present environmental capacity of existing airports. At the same time, the proposed increase in stringency was moderate and would not adversely affect the aircraft engine manufacturing industry and thus the replacement of fleets. Poland therefore supported the adoption of the new Chapter 14 noise Standard, in accordance with the agreement achieved during CAEP/9. With regard to aircraft engine emissions, Poland considered that particular attention should be paid to the concentration of nitrogen oxide (NO_x), one of the most toxic categories of substances, when conducting the local air quality assessment. Poland noted that non-volatile Particulate Matter (nvPM) also had a substantial impact on the health of living organisms, while the influence of volatile Particulate Matter (PM) was the subject of ongoing scientific research. Poland thus recommended further work by the CAEP on the NO_x Standard, as well as on other substances such as PM.

24. In voicing support for WPs/25, /26 and /27 presented by the Council and for WP/70 presented by the EU and ECAC Member States, the Delegate of France stressed the importance of the new Chapter 14 noise Standard proposed by CAEP/9. Noting that the noise issue was addressed in many of the papers which had been submitted, he underscored that it was undoubtedly the most important annoyance in the field of aviation. In a number of major airports, such as those in Europe, it could lead to extreme situations, such as the blocking of development, the reduction of air traffic and in some cases, the closure of airports. It was clearly necessary to apply ICAO's balanced approach to aircraft noise management. No State should impose more stringent traffic restrictions or individual aircraft noise restrictions when other measures could be taken. However, the situation of States confronted with the problems arising from people living in the vicinity of airports should not be made light of. In some cases, environmental pressure was so strong that if reasonable mitigation measures were not in place, then extreme positions could be taken which could lead to substantial reductions in traffic. For example, at Orly Airport in France, there could be a two-thirds drop in traffic or even closure of the airport. The basis of air transport was the operation of aircraft and airports. States should not put themselves in a position where they would no longer be able to manage that type of problem.

25. Also endorsing WP/70, the Delegate of Switzerland underscored that the mitigation of international aviation's contribution to climate change required the Assembly's full attention. It should not be forgotten, however, that there were other subjects which required its full attention, in particular, aircraft noise

and aircraft engine emissions which affected local air quality. It was Switzerland's strong view that only the continued improvement of aviation's performance with respect to noise and gaseous emissions would enable the sustainable development of the sector supported by the local communities in the vicinity of airports. It therefore strongly welcomed the progress achieved in the key areas of protecting people from the adverse impacts of aviation and supported the decision taken by CAEP/9 on a new Chapter 14 noise Standard, as well as the successful steps undertaken to define a new engine emissions Standard for Particulate Matter (PM). At the same time, Switzerland shared the view expressed by the United States in WP/106 that ICAO's environmental commitments to limit or reduce the number of people affected by significant aircraft noise and the impact of aviation emissions on local air quality continued to be key areas of environmental action. It also supported the action recommended in WP/106. In particular, Switzerland explicitly expressed its support of action paragraph c) of WP/106 and its preference to maintain the wording agreed by CAEP/9 with regard to the new Chapter 14 noise Standard rather than adopting the language contained in paragraph 4 of Appendix E in WP/27, which proposed to extend the actual decision on a new noise Standard to any further stringency levels adopted by the Council.

26. In congratulating ICAO on the tremendous work that had been done in the field of environmental protection over the last three years, the Delegate of the United Arab Emirates commended the CAEP for its many achievements. She indicated that her State supported WP/163 Revision No. 1 presented by IATA, as well as action paragraphs a), b) and d) of WP/26 presented by the Council. Noting, however, that it had concerns regarding action paragraph c) thereof, whereby States were urged to submit fuel consumption data to ICAO, and related paragraph 4.2, the Delegate of the United Arab Emirates recalled that on many occasions her State had expressed its sensitivity regarding the submission of ICAO Form M – *Fuel Consumption and Traffic – International and Total Services, Commercial Air Carriers*. The United Arab Emirates had requested ICAO to revisit Form M and the associated data collection methodology as it considered that they constituted major obstacles to the submission of such fuel consumption data to ICAO. That was also evident from WP/30 (*States' action plans for CO₂ emissions reduction activities*) and WP/31 (*Assistance to States – Aviation and climate change*) presented by the Council.

27. The Delegate of Guatemala endorsed WP/70 presented by the EU and ECAC Member States, as well as WP/106 presented by the United States. He likewise supported WP/318 presented by Argentina and the comments made thereon by the Delegate of Brazil relating to broadening the geographic coverage in the CAEP's membership, in particular to encompass Central America, given that region's high vulnerability to the phenomenon of climate change. In also endorsing WP/327 Revision No. 1 presented by the ITF regarding the damaging effects of exposure to ultrafine exhaust particles from aircraft and diesel engines at airports, the Delegate of Guatemala affirmed that that issue warranted special attention.

28. The Delegate of Togo voiced support for all of the papers presented, in particular, for WP/318 presented by Argentina. He underscored that the role of ICAO's Regional Offices was to relay to the States to which they were accredited the decisions taken by ICAO and to facilitate their implementation by, inter alia, convening seminars. The Delegate of Togo enquired whether it was possible to impose anti-noise measures at certain airports and to encourage manufacturers to develop more modern aircraft that produced less noise and emissions.

29. In echoing the commendations of the CAEP's work, the Delegate of the United States encouraged the broad dissemination of the latter as proposed by Argentina in WP/318 and supported by the Delegate of Brazil, among others. In endorsing the three papers presented by the Council (WPs/25, /26 and /27), she emphasized, with regard to WP/26, the importance of consistency and of providing good trends for aircraft noise and aircraft engine emissions. Noting that the Secretariat was developing the ICAO CO₂ Reporting and Analysis System (ICORAS), the Delegate of the United States affirmed that it was extremely important that Member States support that work and provide input so that there would be full consistency and ultimately, a single trend. Referring to the comments made by the Delegate of Poland regarding ICAO's NO_x

Standard, she underscored that the United States very much agreed on the importance of addressing NO_x emissions. Recalling that ICAO had adopted the NO_x engine emissions Standard in 2010, which would enter into force by December 2013, the Delegate of the United States emphasized that it constituted a very significant improvement of 15 per cent over the current Standard. She indicated that, given the pending implementation of the said new NO_x Standard, there was probably no need for ICAO to consider another NO_x Standard in the near term. However, it was important to have periodic reassessments of NO_x emissions and new technologies, which would perhaps meet the recommendation made by the Delegate of Poland.

30. The Delegate of Venezuela (Bolivarian Republic of) lauded the work done by ICAO in its leadership role in protecting the environment and expressed support for WP/318 presented by Argentina.

31. The Delegate of Canada noted that his State, as a CAEP member, welcomed the results of the recent CAEP/9 meeting relating to the new Chapter 14 noise Standard and the progress which it had made on other environmental issues. Canada supported WP/106 presented by the United States and WP/163 Revision No. 1 presented by IATA on added clarity with respect to the commitments that had been made to achieve the consensus on those CAEP/9 decisions.

32. The Delegate of Japan echoed the many Delegates who had expressed appreciation for the work done by the ICAO Secretariat and the CAEP. He noted that his State supported WPs/25, /26 and /27 presented by the Council, as well as WP/106 presented by the United States and WP/70 presented by the EU and ECAC Member States. With regard to the proposal made by IATA in WP/163 Revision No. 1 to change paragraph 4 of Appendix E to Assembly Resolution A37-18, Japan favoured retaining the text proposed by the Council in WP/27 as it covered operational restrictions imposed not only by States but also by private airport operators.

33. In also expressing gratitude for the efforts made by the ICAO Secretariat and the CAEP in the field of environmental protection, the Delegate of Tunisia voiced support for WP/163 Revision No. 1 presented by IATA.

34. In summarizing the discussion, the Chairperson of the Executive Committee observed that there was substantial support for the CAEP's work. It had been underscored that the CAEP had worked effectively on the issue of aircraft noise and its draft new noise certification Standards were widely supported by Delegates. With reference to the comments made by the Delegate of the United Arab Emirates, he confirmed that the Secretariat was working on ICAO Form M – *Fuel Consumption and Traffic – International and Total Services, Commercial Air Carriers*. Recalling the comment made by the Delegate of the United States on the need for a single trend i.e. a uniform forecast, the Chairperson reiterated the importance of the Organization taking into account the inputs received from ICAO Member States. With regard to the new noise certification Standards, he noted that several Delegates had highlighted Appendix C to the proposed updated Consolidated statement set forth in WP/27 and stressed the importance of a balanced approach to aircraft noise management and the need to not impose operational restrictions on the latest generation of aircraft, namely, those that complied with the noise certification Standard of Annex 16, Volume I, Chapter 4 and/or 14.

35. Observing that there had been support for the proposals made by IATA in WP/163 Revision No. 1 to amend Appendix D and the fourth Preambular paragraph of Appendix E to the said updated Consolidated statement, the Chairperson suggested that the Executive Committee recommend those amendments to the Plenary for adoption.

36. Noting that the health issues raised by the ITF in WP/327 Revision No. 1 were already addressed in operative paragraphs one and three of Appendix H to the said Consolidated statement (WP/27), the Chairperson underscored that ICAO, working closely with the World Health Organization (WHO) and

Airports Council International (ACI), would continue monitoring them. With regard to the issue of night curfews, he recalled that the Delegate of India had confirmed his State's interest therein. While the ICAO Secretariat had already commenced the necessary studies on night curfews, it was awaiting the requisite support in order to continue them. In noting the support expressed for the paper presented by Argentina (WP/318) on the role of the ICAO Regional Offices in ensuring the maximum success of the CAEP through, inter alia, the wider dissemination of information about its work by means of seminars, workshops and other similar events, the Chairperson indicated that that would be reflected in the Executive Committee's report on this section, together with the other points which he had mentioned in his summary.

Climate change

37. This second section of Agenda Item 17 was sub-divided into seven issues to facilitate deliberations: Sustainable alternative fuels for aviation; States' action plans for CO₂ emissions reduction activities; Assistance to States – Aviation and climate change; Environmental protection – Developments in other United Nations bodies and international organizations; the United Nations Climate Neutral Initiative; and Market-based measures (MBMs). A general discussion of all of those climate change issues would take place at the next meeting (EX/4), once the presentation of all of the related papers had been completed.

Sustainable alternative fuels for aviation

38. The Secretary General introduced WP/28 on the activities undertaken by ICAO in response to Assembly Resolution A37-19 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*), in which ICAO and its Member States were requested to actively participate in further activities in the field of sustainable alternative fuels for aviation. The Organization's activities included information-sharing on best practices among States and other stakeholders, namely through the convening of the ICAO Workshop on Sustainable Alternative Fuels (Montréal, 18-20 October 2011) and the continuous updating of the ICAO Global Framework for Aviation Alternative Fuels (GFAAF) website. Another key area of ICAO's work had been the promotion of global sustainable alternative fuel initiatives, including the launch, on the occasion of the Rio +20 Summit in June 2012, of the ICAO *Flightpath to a Sustainable Future* initiative, during which the Secretary General had travelled from Montréal to Rio de Janeiro on four connecting flights, all powered by sustainable alternative fuels. In June 2012, the Sustainable Alternative Fuels (SUSTAF) Expert Group had been established to develop recommendations to further facilitate the development and deployment of sustainable alternative fuels for aviation. The outcome of that work was provided in Appendix A to WP/28. In addition, the CAEP's work on the CO₂ trends assessment had addressed the difficulty in quantifying the future production levels of aviation alternative fuels and in accounting for the changes in net CO₂ emissions on a life-cycle basis. All of the said activities had enabled the identification of challenges and next steps, including the need to address initial economic barriers for the commercial-scale development and deployment of aviation alternative fuels and to ensure the sustainability of such fuels. The Council invited the Assembly to: acknowledge the developments, as requested in Assembly Resolution A37-19, and support the continued work of the Organization in facilitating efforts of States and industry in the development and deployment of sustainable alternative fuels for aviation; and to consider the information contained in WP/28 for the update of Assembly Resolution A37-19.

39. The Delegate of Indonesia then presented WP/164, which provided information on his State's "Green Aviation Initiatives for Sustainable Development" regarding alternative fuels for aircraft operations as part of the pre-implementation and implementation measures of its Action Plan regarding climate change and the mitigation of greenhouse gas (GHG) emissions. The paper highlighted Indonesia's legally-binding policy framework for alternative fuel implementation measures and its commitment to contribute significantly to the implementation of such measures domestically, as well as regionally and internationally. The Delegate of Indonesia noted, in this regard, that during this Assembly his State had signed a large-scale technical assistance and environmental project with ICAO in the form of a Management Services Agreement (MSA).

He also recalled the strong recommendation made by the International Green Aviation Conference 2013 (IGAC-2013) (Bali, Indonesia, 1-4 July 2013) to develop a solid and wider collaboration among stakeholders, nationally and globally (cf. WP/166). Indonesia therefore very much welcomed the willingness of ICAO Member States, international organizations and the aviation industry to exchange knowledge on sustainable alternative fuels for aviation, as well as technology and capacity building. The Assembly was invited to take Indonesia's said "Green Aviation Initiatives for Sustainable Development" into account in the formulation of policy and recommended implementation measures regarding the mitigation of GHG emissions.

40. The Delegate of the United States introduced WP/108, which reported on the considerable efforts undertaken by her State to advance research, development, demonstration and deployment of sustainable alternative jet fuels, which had the potential to contribute to the environmental sustainability, energy security and economic stability of international aviation. Such fuels could reduce net life-cycle CO₂ emissions relative to their conventional counterparts, thereby lessening the impacts of aviation emissions. They could also lessen the impacts on air quality and contribute to ICAO's climate goals. In highlighting the United States' Commercial Aviation Alternative Fuels Initiative (CAAFI), and the extension of its "Farm to Fly" programme, the paper stressed the importance of recognizing that States should continue to lead in developing and deploying alternative jet fuels while working with a wide range of stakeholders, including airlines, fuel providers, the finance community and manufacturers. It also emphasized that ICAO should continue to support States' efforts but not take on a more expansive role or seek to develop Standards or policies in the area of sustainable alternative jet fuels. Working to develop and deploy such fuels was a global enterprise, with many different initiatives emerging around the world, including public-private partnerships, public research and development initiatives, supply-chain development efforts. While the United States recognized that the uncertainties across the alternative jet fuel supply and the challenges of cost competitive scale of deployment might impact the role that those fuels could play in the near term, it considered that there were many promising developments with great potential. The United States continued to be very engaged in efforts, domestically and internationally, to make alternative jet fuels a reality, to help ensure the environmental sustainability and the economic strength of international aviation.

41. The United States invited the Assembly to: note the progress being made in the advancement of alternative jet fuels through testing, analysis, fuel supply development and engagement; reaffirm the importance of alternative jet fuels in addressing international aviation's environmental goals; and reaffirm the role of ICAO to support Member States' efforts and facilitate the exchange of information among States and the sharing of best practices on research, development, demonstration and deployment of alternative jet fuels while continuing not to take on a more expansive role or seek to develop Standards or policies in the area of sustainable alternative jet fuels.

42. The Delegate of Lithuania then elaborated on sub-section 3.4 (Sustainable Alternative Fuels) of WP/83 [with Revision No. 1 (French only)] presented by the 44 Member States of the EU and ECAC. The said States supported a comprehensive approach to reducing the climate impacts of international aviation which encompassed new technologies, more efficient operations, MBMs, as well as sustainable alternative fuels. The development and use of such fuels, which had the potential to contribute to reducing the net life-cycle CO₂ emissions from aviation, was essential for Europe. However, there remained many uncertainties regarding the precise benefits and costs of sustainable alternative fuels. The European States supported a role for ICAO in the sharing of information and best practices regarding such fuels. ICAO's role should also be to facilitate policy convergence on mechanisms to ensure the sustainability of alternative fuels for aviation and to account for their life-cycle GHG emissions.

States' action plans for CO₂ emissions reduction activities

43. The Secretary General presented WP/30, which reported on developments in ICAO, since the last Assembly, with regard to States' action plans for CO₂ emissions reduction activities, as well as on the next steps by which ICAO could further support States in preparing, updating and implementing their action plans. In updating the information provided in the paper, he noted that, by mid-August 2013, 63 Member States, representing approximately 80 per cent of global international air traffic, had submitted action plans to ICAO. It was expected that an additional twenty action plans would be submitted by the end of 2013, which would bring the total coverage of global international air traffic to over 90 per cent. Building upon ICAO's experience with the submitted actions plans, and following a review of the information contained therein, areas of improvement and the next steps had been identified to enhance the quality of the action plans, to help harmonize the data contained therein, and increase the number of action plans being prepared and updated. The Assembly was invited to: acknowledge the activities undertaken and the progress made by the Organization in response to the request of the 37th Session of the ICAO Assembly with respect to the preparation and submission of States' action plans on CO₂ emissions reduction activities; encourage Member States to voluntarily submit more complete and robust data in their action plans to facilitate the global emissions data compilation by ICAO; support the continued work of the Organization in further assisting States in the preparation and update of the action plans, and implementation of the selected measures contained therein, as described in paragraph 4 of the paper; and consider the information contained in WP/30 for the update of Assembly Resolution A37-19.

44. The Delegate of Brazil then presented WP/305 setting forth his State's action plan on the reduction of GHG emissions from aviation, the formal and final version of which would be submitted to the ICAO Secretariat at a later stage. The paper underscored that action plans were a valuable instrument to report ongoing efforts and future plans of individual ICAO States to address the environmental impacts of civil aviation. Brazil recognized that ICAO had achieved substantial progress in pursuing efforts to address the impacts of aviation on climate. Nevertheless, more efforts should be made to assess the feasibility and environmental benefits of the basket of measures devised to deal with the reduction of GHG emissions from aviation. Measures such as operational improvements, aircraft technology and the development and adoption of an aircraft CO₂ Standard must remain a priority for ICAO. In particular, concrete actions to support States in the development and deployment of sustainable alternative fuels were highly desired, since the latter had the largest potential to reduce GHG emissions from aviation in comparison to the other items in the basket of measures. The purpose of the said Brazilian action plan was to share information with the ICAO Secretariat and Member States with a view to contributing to the global effort of reducing GHG emissions from international civil aviation. Brazil stressed the voluntary character of the actions plans, which must not be seen, or misunderstood, as national or international commitments. Brazil invited the Assembly to: note the information provided in WP/305; and to encourage Member States to voluntarily submit their action plans and to make them available publicly through ICAO's public website in order to promote transparency and increase the effectiveness of ICAO's initiative.

45. The Delegate of Indonesia introduced WP/165, which provided information on his State's "Green Aviation Initiatives for Sustainable Development" regarding renewable energy for airport operations as part of the pre-implementation and implementation of Indonesia's action plan regarding climate change and mitigation of GHG emissions. The paper outlined the policies and implementation measures undertaken in line with Indonesia's commitment to actively participate in, and contribute to, the global initiatives of mitigation of climate change and reduction of GHG emissions by 26 per cent accumulative up to the year 2020. It highlighted that, following the International Green Aviation Conference 2013 (IGAC-2013), Indonesia had initiated policy, strategy and implementation measures relating to renewable energy for airport operations, especially for airports in the eastern part of the country, for the period 2013-2020. The said Green Aviation Initiatives had two objectives: to support the electricity needs of airports in a sustainable manner; and at the same time, to enhance the safety and security of flight operations. The airport energy configurations would

include renewable energy supplied by solar-, wind- and biomass-based technology. Future programmes would include: the development of a pre-implementation roadmap; the development of cooperation at the domestic level between all stakeholders on programme action, technical aspects, the financial, institutional and legal framework, and capacity building; and the establishment of the measurement, reporting and verification (MRV) system for validation of the implementation of renewable energy measures by the Government of Indonesia and third parties. The Assembly was invited to take Indonesia's "Green Aviation Initiatives for Sustainable Development" regarding renewable energy for airport operations into account for the formulation of policy and recommended implementation measures regarding the mitigation of GHG emissions.

46. The Delegate of the United States elaborated on paragraph 2.6 (Action Plans) of WP/234. Her State strongly supported the voluntary commitment made by States in 2010 to prepare and submit action plans to ICAO and had, along with many other States, submitted its action plan in June 2012. It considered that action plans served as an effective tool to highlight the ongoing efforts and future plans of individual ICAO Member States to address the climate impacts of aviation and to make progress towards ICAO's goals. The United States supported building on, and improving, the said action plan commitment and invited the Assembly, as part of a comprehensive approach to address the impacts of aviation on the climate, to, inter alia: recommend enhancement of State action plans, including submitting and updating the latter every three years from June 2012, and making them available to the public in order to be most effective.

47. In highlighting, and updating, Section 5 (State action plans) of WP/83 [with Revision No. 1 (French only)], the Delegate of Lithuania underscored that the 44 Member States of the EU and ECAC welcomed the efforts being made by ICAO Member States and industry to mitigate the climate impacts of international aviation. ICAO's encouragement to States to submit action plans was a very positive development which could be further improved upon. Europe had contributed to that initiative through the submission to ICAO of action plans by 37 European States. Europe was also supporting, and contributing funds to, projects specifically aimed at assisting developing States with the formulation of their action plans. The Assembly was invited to support the further development of State action plans and the annual reporting of CO₂ emissions in order for ICAO to be able to track progress towards the agreed goals.

48. The Delegate of Bolivia (Plurinational State of) then presented WP/317 (with Corrigendum No. 1) on behalf of 18 Members of the Latin American Civil Aviation Commission (LACAC) [Aruba, Belize, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Peru and Uruguay], which contained an analysis of the discussions and developments concerning the environment and civil aviation. Those States called for active participation and the promotion of initiatives that would improve the quality of the global environment as an inalienable right of all of the peoples of the world, recognizing, inter alia: the principle of common but differentiated responsibilities (CBDR); the principles of non-discrimination and equal and fair opportunities in air transport; and the principle of special circumstances and respective capabilities (SCRC). The Assembly was invited to: take note of the information presented in WP/317; recognize the principle of CBDR, as well as the principles of non-discrimination and equal and fair opportunities in air transport, recognizing the principle of SCRC; support the ICAO criterion on voluntary action plans for the reduction of aviation emissions; endorse the criterion of transparency of the said action plans; and require a higher level of representation of developing States in the CAEP.

49. It was noted that the following five information papers had also been submitted: WP/131 (*Dominican Republic – Action plan for reducing CO₂ emissions from international civil aviation*), presented by the Dominican Republic; WP/346 Revision No. 1 (*Green initiatives – India*), presented by India; WP/268 (*Agreement of voluntary activity for GHG reduction in the Republic of Korea*), presented by the Republic of Korea; WP/279 [*Action plan of Central America to reduce emissions from international civil aviation (CAAPER)*], presented by Guatemala, Belize, Honduras, El Salvador, Nicaragua and Costa Rica; and WP/328

[*Caribbean aviation safety and security oversight system (CASSOS) Report of activities and progress since the 37th General Assembly*], presented jointly by the CASSOS Member States, section 3 of which related to environmental protection and sustainable development of air transport within CASSOS and its Member States.

Assistance to States – Aviation and climate change

50. The Secretary General introduced WP/31 on developments in ICAO since the last Assembly pertaining to the provision of assistance to Member States in facilitating access to technology transfer, capacity building and financial resources, as well in the preparation of action plans on CO₂ emissions reduction activities. The high level of interest, cooperation and engagement of Member States and other stakeholders during the action plan process and the substantial progress made within a very short timeframe was, in large part, due to a robust ICAO capacity building programme, which ranged from the provision of guidance material and the development of an interactive website and practical tools, such as the ICAO Fuel Savings Estimation Tool (IFSET), to hands-on training workshops and over 200 teleconferences with individual national State action plan focal points. Other outreach activities included the ICAO Workshop on Sustainable Alternative Fuels (Montréal, 18-20 October 2011) and the ICAO Symposium on Aviation and Climate Change: *Destination Green* (Montréal, 14-16 May 2013), as well as various publications on aviation and the environment. It was expected that the newly-published *ICAO Environmental Report 2013: Aviation and Climate Change*, which was available to all Delegates, would contribute further to that exchange of knowledge and information.

51. The ICAO Assistance for Action – Aviation and Climate Change Seminar (Montréal, 23-24 October 2012) had identified opportunities to provide the assistance required to implement the measures identified in State action plans. In underscoring that the provision of such assistance was now underway, the Secretary General cited the new large-scale technical assistance and environmental project between ICAO and Indonesia aimed at improving the management and reduction of that State's aviation CO₂ emissions (cf. paragraph 39 above), which could serve as an example for other States, if they so wished. ICAO had also been exploring partnerships with other international organizations with a view to establishing processes that could facilitate financing to Member States that required such assistance.

52. In providing updated information, the Secretary General noted that in August 2013 the Global Environment Facility (GEF) had granted its approval to the project concept *Transforming the Global Aviation Sector: Emission Reduction from International Aviation* submitted by ICAO and had earmarked USD 2 million towards the development of that project – the first time that that kind of project had been approved. Furthermore, the Secretary General, on behalf of ICAO, and Mr. Siim Kallas, Vice-President, Transport, on behalf of the European Commission, had signed a letter of intention for the joint assistance project with the EU entitled *Capacity Building for CO₂ Mitigation from International Aviation* and had earmarked €6.5 million (approximately USD 8 million), towards the development of that project which would target assistance for African and Caribbean States. More details would become available in the coming weeks.

53. The Assembly was invited, in WP/31, to: acknowledge the developments and support the continued work of the Organization in providing assistance to States in the preparation and implementation of action plans and in continuing to facilitate access to existing and new financial resources, technology transfer and capacity building to developing countries; and to consider the information contained therein for the update of Assembly Resolution A37-19.

54. The Delegate of Saudi Arabia then presented WP/176, which outlined his State's perspective on the expectations and desirable objectives of the Assembly relating to international aviation and climate change. With respect to assistance to States, the Assembly was invited to: urge studying the identification and development of mechanisms to facilitate the provision of technical and financial assistance to developing States, and facilitate the latter's access to existing and new financial resources, technology transfer, capacity

building and measures to adapt to the environmental impacts, in order to implement the cooperative efforts of ICAO and its Member States collectively; and to urge the study of innovative ideas on funding sources to cover the cost of adaptation measures and technology transfer without resorting to the imposition of fees or taxes on the consumption of aircraft fuel.

55. It was noted that two information papers had also been submitted: WP/166 [*Green initiatives for sustainable development: International Green Aviation Conference 2013 (IGAC-2013)*], presented by Indonesia; and WP/270 (*Development of aviation environmental education program*), presented by the Republic of Korea.

Environmental protection – Developments in other United Nations bodies and international organizations

56. The Secretary General presented WP/32, which reported on developments since the last Assembly related to the environmental work undertaken by ICAO in cooperation with other UN bodies and international organizations, in particular, on developments emanating from the UNFCCC process, the International Maritime Organization (IMO), the UN Conference on Sustainable Development (UNCSD) (Rio+20 Conference), the Intergovernmental Panel on Climate Change (IPCC), the United Nations Development Programme (UNDP) and the World Tourism Organization (UNWTO).

57. The Assembly was invited to: acknowledge the continued cooperation of ICAO with other UN bodies, in particular in the field of international aviation and climate change, as requested by Assembly Resolution A37-19; support the continued cooperation of ICAO with other UN bodies and international organizations; request Member States to express a clear concern, through the UNFCCC process, on the use of international aviation as a potential source for the mobilization of revenue for long-term climate finance, in order to ensure that international aviation would not be targeted as a source of such revenue in a disproportionate manner (which was also reflected in the draft Consolidated statement on climate change updating Assembly Resolution A37-19 set forth in WP/34); request Member States to communicate and coordinate with their delegations of Parties to the UNFCCC process regarding the developments on international aviation and climate change under ICAO; and consider the information contained in WP/32 for the update of Assembly Resolution A37-19.

United Nations Climate Neutral Initiative

58. The Secretary General then introduced WP/33, which provided information on the progress made by ICAO with respect to the implementation of the UN Climate Neutral Initiative (CNUN). ICAO had provided significant support to other UN bodies for the implementation of that UN-wide initiative, including the development of the ICAO Carbon Emissions Calculator, which served as the official UN tool to estimate the air travel portion of the UN GHG emissions inventory, and the ICAO Green Meetings Calculator (IGMC), which generated an optimal location for a meeting in terms of participants' air travel CO₂ emissions. Substantial work had also been undertaken by the Secretariat Task Force on Carbon Neutrality to develop the Emission Reduction Plan (ERP) for the Organization. According to the third annual GHG inventory report for the UN system, *Moving towards a climate neutral UN – The UN system's footprint and efforts to reduce it*, air travel was a major source of emissions from the UN system and continuous cooperation between ICAO and other UN system organizations was of critical importance to maintain ICAO's leadership role in the field of international aviation and climate change.

59. The Assembly was invited to request the Council to: continue to cooperate with the UN interagency groups dealing with sustainability management and to maintain its leadership by developing methods and updating tools for quantifying aviation's GHG emissions with respect to the CNUN; and to

further develop and implement the strategy for reducing GHG emissions and enhancing sustainability management practices within the Organization, in a manner consistent with the overall policy of the UN system.

Market-based measures (MBMs)

60. The Secretary General presented WP/29 on the MBMs-related work undertaken by ICAO in response to Assembly Resolution A37-19, in which the Council was requested to: develop a framework for MBMs; review the *de minimis* threshold for MBMs; explore the feasibility of a global MBM scheme; collect information on the volume of carbon offsets; and study the Clean Development Mechanism (CDM) of the Kyoto Protocol for possible application to international aviation. The paper highlighted that the qualitative and quantitative analysis of the three options for a global MBM scheme had demonstrated that all three were technically feasible and had the capacity to contribute to achieving ICAO's environmental goals. It also highlighted the work done in parallel to develop a framework for MBMs, which had focussed on the latter's purpose, the coverage of MBMs and how to accommodate the special circumstances and respective capabilities (SCRC) of States. The Assembly was invited to: acknowledge the work undertaken by the Organization on MBMs, as requested by the Assembly; and to consider the information contained in WP/29 for the update of Assembly Resolution A37-19.

61. The Delegate of the Russian Federation then presented two papers, WP/250 and WP/275. WP/250 drew the conclusion that MBMs had a negative impact on the capacity of the international civil aviation sector to reduce the volume of aviation CO₂ emissions based on an analysis which had used officially-published ICAO data and the results of research carried out by various independent groups of MBMs experts which had included EU experts. While recognizing that many States were in favour of a *de minimis* threshold, the paper maintained that it would contribute to slowing the pace of economic and technological development of developing States. The compatibility of such a threshold with a global MBM scheme was called into question. The Assembly was invited to request the Council to revise the global aspirational goals so that they could contribute to: achieving the actual reduction of CO₂ emissions in the international civil aviation sector, as the main goal; further increasing flight safety, to enable the sustainable development of international civil aviation; and strengthening cooperation, in order "... to create and preserve friendship and understanding among the nations and peoples of the world". The Assembly was also invited to, inter alia: request the Council to study the possibility of replacing the concept of MBMs with the concept of "economic incentives" in order to achieve a real reduction of CO₂ emissions in the international civil aviation sector, as well as to meet the objectives of flight safety improvement and promotion of sustainable development of air transport; encourage Member States to submit to ICAO, on a voluntary basis, their national action plans for the reduction of GHG emissions and consider such plans as a key element for accounting for the SCRC of developing States while resolving issues related to the prevention of the possible catastrophic consequences of climate change; and urge Member States to abandon the principle of *de minimis* as it was a contributing factor to the further widening of the gap between the levels of scientific and technological development of States with different economic potentials.

62. In WP/275 the Russian Federation proposed a number of changes to the proposed updated Consolidated statement on climate change set forth in WP/34 for the sake of conformity with ICAO's Strategic Objectives and its broader support by Member States.

63. The Delegate of the United Arab Emirates presented WP/258, which described her State's perspective on aviation and climate change, outlined the numerous initiatives that it had undertaken to reduce its CO₂ aviation emissions and set forth its views on the said updated Consolidated statement on climate change. The United Arab Emirates invited the Assembly to: adopt a framework for MBMs for international aviation applicable within the airspace of the implementing State without the requirement of mutual consent; agree to develop a global MBM scheme for international aviation, including a roadmap and timeline; request

the Council to present the results of such work to the 39th Session of the Assembly in 2016; request the Council to develop ICAO Standards for monitoring, reporting and verification (MRV) with respect to GHG emissions from aircraft operators engaged in international aviation; and request the Council to further explore an alternative aircraft fuel efficiency metric.

64. The Delegate of Viet Nam introduced WP/350, which outlined his State's views on reducing CO₂ emissions from aviation. Viet Nam recognized the growing need to address the global challenge of climate change and was confident that technology, operations and infrastructure measures would provide the long-term solution for aviation's sustainable growth. It urged ICAO: to request States to refrain from taking unilateral MBMs and to work collaboratively with ICAO to address aviation emissions; and to provide strong leadership in continuing its efforts to reduce aviation's contribution to climate change while keeping aviation safe, affordable and accessible.

65. The Delegate of Uganda presented WP/272, which outlined the position of 54 African States on climate change, in particular, on MBMs. The said States applauded and acknowledged the continuing tremendous work of ICAO and its Member States, notably: the submissions of States' action plans, with the assistance of ICAO; the feasibility study of a global MBM scheme; improvements in air traffic management and airport operations; the continuing work on alternative fuels; and the investment by industry in new generation aircraft technology. The African States were part of that process and the paper described measures which a number of them were taking to address their aviation emissions.

66. The African States invited the Assembly to: request the Council to develop, for consideration at the 39th session of the Assembly in 2016, an administratively simple global MBM scheme, which should be a transitional measure and complementary to the technical measures; request the Council to ensure that that scheme take into consideration the principles of CBDR and SCRC of developing States; resolve that any MBM that a State or a region proposes with respect to international civil aviation prior to the adoption of the global MBM scheme should be based on the mutual consent of concerned States and should grant exemptions on the routes to and from developing States whose international civil aviation activities was below the threshold of 1 per cent of total revenue tonne kilometres of international civil aviation activities; direct the Council to put in place appropriate modalities to continue to assist States in the preparation of their respective action plans; reiterate the leadership role of ICAO in the matters of emissions from international civil aviation; encourage Member States to avoid unilaterally applying their MBM schemes to carriers of other States; and urge Member States to avoid designing and implementing any MBM schemes outside of the ICAO framework.

67. It was agreed to defer presentation of the remaining working papers on MBMs and WP/34, in which the Council presented a draft *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, to the next meeting, when the Executive Committee would discuss the whole issue of climate change on the basis of the various working papers and related information papers.

68. The meeting adjourned at 1200 hours.

Minutes of the Fourth Meeting
(Thursday, 26 September 2013 at 1400 hours)

SUBJECTS DISCUSSED

1. Agenda Item 17: Environmental protection

Climate change

- *Market-based measures (MBMs)*
- Paper presented by the United States
- Paper presented by Lithuania on behalf of the European Union (EU) and its Member States and the other Member States of the European Civil Aviation Conference (ECAC)
- Paper presented by Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO), the International Air Transport Association (IATA), the International Business Aviation Council (IBAC), and the International Coordinating Council of Aerospace Industries Associations (ICCAIA)
- Papers presented by the International Coalition for Sustainable Aviation (ICSA)
- Information paper presented by China
- Information paper presented by ACI
- *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*

SUMMARY OF DISCUSSIONS

Agenda Item 17: Environmental protection

Climate change

1. The Committee resumed (EX/3) consideration of this second section of Agenda Item 17 and the issue of market-based measures (MBMs).

Market-based measures (MBMs)

2. In elaborating on paragraph 2.5 (Market-based measures) of WP/234, the Delegate of the United States underscored that her State was committed to the development of a global approach to address climate impacts of aviation and in recent months had provided input to the draft Consolidated statement on climate change set forth in WP/34. In large part, its proposed text reflected the progress made and moved forward in a comprehensive approach. The United States was supportive of its provisions on technology, Standards, operational improvements and sustainable alternative jet fuels. It also supported moving forward on work to develop a global MBM scheme for international aviation which would complement the many other efforts that ICAO and its Member States were undertaking to reduce aviation emissions.

3. The United States considered, however, that the proposed MBM framework contained in paragraphs 17 and 18 of the draft Consolidated statement required further consideration by the Assembly. In particular, it opposed paragraph 18 relating to exemptions for application of MBMs on routes to and from developing States with aviation activity below a 1 per cent threshold. While the United States supported the concept of *de minimis* exemptions, the current approach caused it serious concerns. The United States did not believe that the threshold should be based on the aviation activity of States rather than of operators as a single operator might have a very high relative level of activity while the same might not be true for its State of Registry. To be consistent with the ICAO principles of non-discrimination and avoidance of market distortion, it was the activity of the operator that must be taken into account. The United States did not consider that a 1 per cent threshold was appropriate as initial analysis had shown that it would exempt flights to and from the overwhelming majority of States in the world and a significant portion of emissions. Significant additional consideration was needed as to what an appropriate threshold would be. The United States did not consider that exemptions should depend upon whether routes were to or from developing States or on developing States' status per se. It believed that the Assembly could and should address the concerns of Member States by focusing on identifying a technically appropriate *de minimis* threshold rather than inserting imprecise terms that would only result in more uncertainty and contention in the future. The United States considered that paragraph 18 of the draft Consolidated statement undermined the application of the framework defined in paragraph 17 and the guiding principles for the design and implementation of MBMs for international aviation set forth in the Annex thereto and threatened the future development of a robust and effective global MBM scheme. The United States was, however, ready to work over the coming days to find a solution that would address these concerns and achieve a satisfactory result.

4. The Delegate of Lithuania then elaborated on sub-section 3.5 (Market-based measures) of WP/83 [with Revision No. 1 (French only)], presented by the 44 Member States of the EU and ECAC. Those States supported a comprehensive approach to reducing the climate impacts of international aviation, which was also what the Council proposed in WP/34. Such an approach comprised: technological progress; operational improvements; sustainable alternative fuels for aviation; and MBMs, which were necessary to close the emissions gap, the effects of which had been recognized both by ICAO and the aviation industry. For the said European States, a priority at this Assembly was to decide to develop, by 2016, a global MBM scheme for international aviation for implementation from 2020. They affirmed that until that time, States or groups of States should be able to deploy MBMs within their own airspace without the need for any further agreements. The European States emphasized the importance of accommodating the special circumstances and respective capabilities (SCRC) of States while minimizing market distortion and carbon leakage and avoiding discrimination between aircraft operators. It was necessary for ICAO to take forward the technical work on the detailed design of a global MBM scheme between now and the 39th Session of the Assembly in 2016. To that end, it was necessary to agree as soon as possible on the required work programme.

5. The said European States commended the proposed Consolidated statement on climate change as being a carefully crafted compromise to reach the desired comprehensive approach. While it was not perfect, it formed a single package that all should be seeking.

6. The next paper for consideration, WP/68 Revision No. 3, was presented by the Observer from the International Air Transport Association (IATA) on behalf of Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO), IATA, the International Business Aviation Council (IBAC), and the International Coordinating Council of Aerospace Industries Associations (ICCAIA). In requesting the Assembly to acknowledge the significance of the aviation industry's collective initiatives, he noted that it was unprecedented for an entire industry to adopt a consensus approach and unite behind a common climate change position. The aviation industry's unity provided ICAO and its Member States with a unique and historic opportunity to reach agreement on further addressing CO₂ emissions from international aviation and establish a clearly-defined process for the ICAO Council to develop a single global MBM scheme for adoption at the 39th Session of the Assembly in 2016. The aviation industry firmly believed that a single

global offset mechanism built around a target of carbon neutral growth from 2020 was the most cost-efficient and most politically-expedient way forward, as long as it took into account the principles of SCRC and non-discrimination. The safe, orderly and efficient functioning of today's air transport system relied on a high degree of uniformity in regulations, Standards and procedures. The aviation industry therefore did not consider that regional or national solutions were the way forward. Such a global industry required global solutions based on multilateral agreement as ICAO had consistently achieved in the past. It was crucial that any MBM applied to aviation preserve equal opportunities and fair competition and took account of different types and levels of operator activity. MBMs should not be designed or used to raise general revenues or to suppress demand for air transport. The aviation industry's proposal importantly addressed the question of SCRC by suggesting solutions at the operator, rather than the State, level. On behalf of the world's airports, air navigation service providers, airlines, business aviation and airframe and engine manufacturers, the co-sponsors of WP/68 Revision No. 3 urged Member States to, inter alia, establish a clearly-defined process for the ICAO Council to develop a single global MBM scheme for adoption at the next Assembly in 2016 based on the principles for determining responsibilities for individual operators set forth in the Appendix to that paper. They considered that of the three policy mechanisms under consideration by ICAO, a simple carbon offsetting scheme would be the quickest to implement, the easiest to administer and the most cost-efficient.

7. The Observer from the International Coalition for Sustainable Aviation (ICSA) then introduced two papers, WP/288 and WP/289. WP/288 presented the views of ICSA on the draft Consolidated statement on climate change and the supporting rationale on the introduction and timing of a global MBM scheme and key considerations for national and regional approaches in the interim. While ICSA reconfirmed its support for in-sector emissions reductions through technological and operational measures and sustainable alternative fuels for aviation, it considered, on the basis of recent ICAO and external analyses, that the realistic projections of emissions reductions from those measures would necessitate the introduction of a complementary global MBM scheme. ICSA noted, in this regard, that MBMs were cost-effective and technically feasible, and would have only marginal impacts on the future growth projections of the industry. In highlighting the importance of taking early action, ICSA underscored that early emissions reductions resulted in a lower emissions trajectory than equivalent annual savings made at a later date. Delegates were invited to agree to develop a global MBM scheme for adoption at an extraordinary session of the Assembly in 2015 and implementation in 2016 which: was effective in reducing emissions; was non-discriminatory; was non-distortive; accommodated SCRC concerns; and recognized that national and regional MBMs were essential tools in the interim if the aviation sector was to make its fair contribution to ensure that global warming remained below 2° C.

8. In WP/289, ICSA drew attention to transparency and process issues related to the environment. It underscored that public awareness and interest in climate change issues, in particular, in the environmental impact of aviation emissions, was sufficiently large and growing that ICAO's work thereon demanded greater public scrutiny and openness. ICSA supported the continuation of work on MBMs through the Committee on Aviation Environmental Protection (CAEP). The Assembly was invited to request the Council to start a process involving stakeholders after the present Assembly to design a more effective committee-based decision-making approach to environmental issues and regulations that was fully open, transparent and accessible to observers and, to the extent possible, members of the wider public, consistent with international obligations and the practices observed in other international organizations.

9. It was noted that the following two information papers had also been submitted: WP/183 (*Achieve emissions reduction through technical and operational measures – what China has done*), presented by China; and WP/271 (*Airport carbon emissions management*), presented by ACI.

Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change

10. The Secretary General introduced WP/34 setting forth the Council's proposal to update Assembly Resolution A37-19 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*) in light of the progress made since the last Assembly in the key areas of work on international aviation and climate change, including: global aspirational goals; technological and operational measures; sustainable alternative fuels for aviation; MBMs; States' action plans; and assistance to States (cf. WPs/25-/31). He remarked that since 2010 the Council had undertaken extensive discussions and consultations to bridge different views and expectations on important issues and to develop draft text to update Assembly Resolution A37-19 which reflected the level of compromise reached. Although differing views of Council Members continued to exist on issues related to MBMs, in particular, paragraph 17 of the draft text appended to WP/34, the Council had decided to submit it to the Assembly as the basis for bridging the various views expressed and moving towards an agreement on a new ICAO policy on climate change that would guide the Organization during the next triennium.

11. The Chairperson of the Executive Committee then opened the floor for discussion on all issues related to climate change. The Delegates of Mexico, Sweden, Chile, Nigeria, Germany, the Republic of Korea, Guatemala, Indonesia, France, Denmark, Japan, Lithuania (on behalf of the 44 Member States of the EU and ECAC), Malaysia, Sri Lanka (in principle) and Paraguay voiced support for the draft revised Consolidated statement as presented in WP/34.

12. The Delegate of Mexico supported the proposed text as it clearly reflected a comprehensive view of the progress achieved by ICAO and its Member States in responding to the requests made by the last Assembly in Resolution A37-19. He affirmed that it was absolutely necessary for the States attending the Assembly to act in a harmonized manner, in accordance with their respective capabilities and circumstances, to take measures to reduce aviation CO₂ emissions in order to achieve the goal of keeping the increase in global average temperature to below 2°C. Noting that the draft Consolidated statement recognized that the acceleration in the implementation of fuel efficient technologies and the production and introduction of sustainable alternative fuels for aviation contributed to the achievement of the collective aspirational goals, the Delegate of Mexico emphasized that ICAO and its Member States should continue promoting them. He also underscored the need for States to submit their national action plans for CO₂ emissions reduction activities to ICAO in order for the latter to determine the progress made, identify any shortcomings and provide assistance as required. Information on States' action plans should also be shared and published, even if only in a limited manner, as that was crucial for better decision-making.

13. The Delegate of Mexico observed that the Council's draft text was premised on not affecting the sustainable development of air transport and undertaking tasks and additional studies so that the next Assembly in 2016 could take a more informed decision on MBMs and other issues which required further study to determine their viability. Emphasizing that it represented a balanced, compromise package on the complicated and delicate issue of international aviation and climate change, he favoured accepting it in the form presented, unless other proposals were made which met Mexico's concerns and brought States' positions closer. The Delegate of Mexico affirmed that the Assembly, working on the basis of the principle of international cooperation and concern for the common good, should be able to achieve a consensus Resolution on this important matter which would reaffirm the leadership role of ICAO in limiting or reducing aviation emissions that contributed to global climate change. He would present his two suggestions to enhance the draft text later in the discussion.

14. The Delegate of Algeria expressed satisfaction with the progress achieved by ICAO in its leadership role to reduce CO₂ emissions and voiced support for the African States' position on aviation and climate change set forth in WP/272, of which his State was a co-sponsor. He emphasized that that issue should

be considered in the context of the ongoing negotiations and processes in the United Nations Framework Convention on Climate Change (UNFCCC) and should not prejudge their outcome. Furthermore, decisions to regulate aviation emissions should take into account the underlying principles of the UNFCCC, in particular, equity, CBDR and historic responsibilities. It was necessary to ensure that the measures which the Assembly agreed upon did not hinder the growth of civil aviation in developing States, especially those with limited capacity. Noting that the implementation of MBMs could give rise to additional costs and lead to decreased competition, thus placing developing States at a disadvantage, the Delegate of Algeria reiterated the need to refer to CBDR in the draft Consolidated statement. In emphasizing that MBMs should not supplant actions for funding climate change mitigation measures, he affirmed the importance of States redoubling their efforts to achieve the funding objectives set at the climate change conferences in Copenhagen and Cancún in 2009 and 2010.

15. The Delegate of Algeria stressed that the action plans for CO₂ emissions reduction activities of developing States should be undertaken on a voluntary basis and with appropriate financial and technical/technological assistance. He further emphasized that ICAO should provide additional information on the potential impacts of the deployment of sustainable alternative fuels for aviation on States which lacked the capability of producing such fuels, as well as on the transition thereto and the improvement of fuel efficiency. The Delegate of Algeria suggested that ICAO study and evaluate the socio-economic impacts of the deployment of such alternative fuels. In then referring to the draft Consolidated statement, he questioned the use of the expression “Further encourages” in paragraph 11, and suggested that it be reviewed. The Delegate of Algeria favoured using the expression “Continues to encourage”.

16. The Delegate of Saudi Arabia considered that the said draft Consolidated statement was skewed in favour of developed States and proposed that a working group be established to review it. He suggested that: all of the proposals made by the Russian Federation in WP/275 be included therein; most of the proposals put forward by the United States in WP/234 be adopted, except for the MBM framework referred to in paragraph 2.5.2, as Saudi Arabia considered that mutual agreement among States should be achieved before the implementation of such a framework; that a comprehensive study be conducted to determine the impact of the proposals made by the EU and ECAC Member States in WP/83 [with Revision No. 1 (French only)], especially on developing States; that the proposed work programme to design a global MBM referenced in paragraph 3.5.3 of the same paper should take into account the impact of those measures on air transport, particularly in developing States; and, with reference to paragraph 3.5.4, that mutual consent be sought before moving forward with a framework for MBMs. The Delegate of Saudi Arabia endorsed the papers presented by Viet Nam and the 54 African States (WPs/350 and /272).

17. With respect to sustainable alternative fuels for aviation, the Delegate of Saudi Arabia noted that his State promoted the use of clean energy, notably wind and solar power. It supported the proposals put forward by Brazil, Indonesia and the Member States of the EU and ECAC in that regard [cf. WPs/305, /164, /165 and /83 with Revision No. 1 (French only)]. Observing that biofuels could have negative impacts on food security and thus on poverty eradication, the Delegate of Saudi Arabia recalled that some papers indicated that their adverse effects were greater than those of conventional jet fuels currently in use. Indicating that his State was consequently unsure as to whether or not biofuels were the right way forward, he underscored the need for them to be subject to scientific and technical scrutiny. For that reason Saudi Arabia supported the adoption of the said work programme for completing the design of the global MBM as outlined in paragraph 3.5.3 of WP/83 [with Revision No. 1 (French only)].

18. The Delegate of Brazil recalled that under Article 2.2 of the Kyoto Protocol States were to pursue limitation or reduction of their aviation and maritime emissions working through ICAO and the International Maritime Organization (IMO), respectively. While the principle of CBDR had been recognized, without reservation, in the IMO, there had been considerable reluctance to observe it in ICAO, it being argued

that it was contrary to the principle of non-discrimination enshrined in the Chicago Convention. In refuting the argument that the principles of CBDR and non-discrimination were incompatible, the Delegate of Brazil recalled that implementation of the former resided with States, in accordance with their historic responsibility for climate change, whereas implementation of the latter resided with airline operators. He emphasized the need to support developing States so that they could address their aviation emissions on the basis of a level playing field.

19. The Delegate of Brazil then elaborated on a number of reservations that his State had regarding the draft Consolidated statement. Referring to paragraph 20, he indicated that although ICAO had studied the technical feasibility of a global MBM scheme in order to eventually reach a consensus thereon, his State was cautious about deciding to immediately develop such a scheme without conducting more studies to determine its potentially serious economic, social and political impacts on developing States, in accordance with paragraph 18 of Assembly Resolution A37-19 and the papers presented by the Russian Federation, Saudi Arabia and the 54 African States (WPs/250, 275, 176 and 272), which Brazil supported.

20. In proposing the deletion of paragraph 17, on which there was no consensus in ICAO, the Delegate of Brazil affirmed that it was inappropriate and inopportune to resuscitate regional MBMs in a multilateral forum. He averred that that would only widen the gap between States' positions and render the dialogue more difficult.

21. The Delegate of Brazil emphasized that the CBDR of developing States should be clearly mentioned in the draft Consolidated statement to avoid confusion with the notion of the historical responsibility of developed States for climate change. Brazil was not in favour of referring to the CBDR of developed States, or to the SCRC of the latter.

22. With regard to the global aspirational goals, in particular the collective medium-term global aspiration goal of keeping the global net carbon emissions from international aviation from 2020 at the same level i.e carbon neutral growth referred to in paragraph 7 of the draft Consolidated statement, the Delegate of Brazil maintained that it should be met by airlines without government involvement in order to ensure the right of developing States' airlines to develop and grow. His State believed that ICAO should play a central role in addressing the mitigation of aviation emissions through a broad, holistic basket of measures. Brazil considered that ICAO had great potential to progress in technical matters relating to aviation and climate change, with the development of sustainable alternative fuels for aviation and technological and operational measures. In averring that the draft Consolidated statement should place more emphasis on this perspective, the Delegate of Brazil agreed on the need to establish a working group to review and analyze its text and to develop a new format therefor.

23. In concluding, the Delegate of Brazil informed the Executive Committee that his State's National Agency of Petroleum, Natural Gas and Biofuels had approved, on 24 June 2013, a resolution whereby all alternative fuels which met the ASTM standard could be used for civil aviation in Brazil.

24. The Delegate of Sweden underscored that limiting any negative impacts aviation had on the environment was of great importance, not only to protect the environment but also to ensure that civil aviation could continue to grow and be considered as a sustainable mode of transport that contributed to global economic and social development. Her State was convinced that, in order to achieve that goal, ICAO and its Member States needed to show leadership by taking measures to limit or reduce aviation emissions that contributed to global climate change. In light of the very different views expressed in the papers presented during the previous and the current meetings, Sweden considered that the draft Consolidated statement presented in WP/34 constituted a satisfactory compromise. It represented an acceptable overall package and provided a solid basis for ICAO to make a decisive and positive step forward in addressing the climate impacts of international aviation.

25. The Delegate of Burkina Faso acknowledged all of the efforts made by the Secretary General to assist States, especially in the development of their national action plans for CO₂ emissions reduction activities. While reserving his comments on the draft Consolidated statement, he noted the hard work done to arrive at the proposed text and appealed to Delegates to put aside their national interests in the spirit of consensus called for in the Chicago Convention in order to move forward and to address other important subjects.

26. In underscoring that the Assembly had an historic opportunity to set a path to mitigate the serious and harmful effects of climate change on the planet, the Delegate of Chile emphasized that all States had a shared responsibility to do their part, even though that responsibility was differentiated. The principle of CBDR could not be used to totally exempt some States from taking mitigation measures. Voicing support for WP/34 in its entirety, the Delegate of Chile affirmed that all of the measures contained therein, taken as a whole, would enable the fulfilment of the ambitious objectives set by ICAO as an international organization to limit or reduce the environmental impact of aviation emissions. His State nonetheless had a concern regarding paragraph 17 of the draft Consolidated statement: while recognizing that, in accordance with the principle of State sovereignty, States or groups of States could establish not only global but also national and regional MBMs, it considered that the creation of national and regional MBMs over the next three years would result in a patchwork that could form an obstacle to the building of a global MBM scheme by the next Assembly in 2016. The Assembly should therefore give careful consideration to paragraph 17.

27. Although in agreement with most of the proposed Consolidated statement, the Delegate of India disagreed with the text regarding MBMs, noting relevant observations made by the Russian Federation, Saudi Arabia, African States and the United Arab Emirates in WPs/250, /275, /176, /272 and /258. Those observations mostly revolved around opposition to paragraphs 17 and 18 and collaterally 19, to which many Council Representatives had also been against. In proposing that the original text of paragraph 14 be retained so as to refer to States engaging in constructive bilateral and/or multilateral consultations and negotiations with other States to reach an agreement on new MBMs and on the implementation of existing ones, the Delegate of India affirmed that the principle of mutual agreement was absolutely essential.

28. In explaining his opposition to paragraphs 17 and 18, the Delegate of India underscored that paragraph 17 not only reinstated another form of emissions trading scheme (ETS) in the period preceding the possible adoption of a global MBM scheme in 2016 but also enabled the establishment of retaliatory schemes which would inevitably emerge if the said ETS did not have a global stamp of approval. Such retaliatory schemes created a patchwork which had serious consequences for the aviation industry. The Delegate of India averred, on the basis of comments previously made, that a large number of States did not subscribe to having another form of ETS promulgated in the said interim period and retaliatory schemes. In noting that other concepts which were brought out in paragraph 17 related to State sovereignty and the exclusion of overflights, he underscored that that legal issue of the coverage of overflights needed to be considered. The Delegate of India considered that the scheme presented in paragraph 17 was a truncated one, which even in a revenue generation model would not cover the costs of its administration. This was leaving aside the fact that it was controversial and had divided every decision-maker in the last two or three Assemblies. He queried why the principle of mutual agreement was excluded from paragraph 17.

29. Observing that the concept of sovereignty of not only a State but a group of States over the airspace had been introduced into paragraph 17, the Delegate of India underscored that no definition of the term “group of States” existed in the UN system. In particular, the Chicago Convention did not contain a definition thereof, and previous Assemblies had not defined that term. Noting that an acid test of sovereignty of a group of States over airspace would be if an air force of one State in the group could exercise sovereignty over another State in the same group, the Delegate of India stressed that that concept needed to be examined legally and impartially.

30. The Delegate of India underscored that when paragraphs 17 and 18 were read together, the 1 per cent *de minimis* threshold would apply to only some twenty Member States out of a total of 191. While not opposed to the concept of a *de minimis* threshold, he considered that it should be reviewed and applied only to deserving States. In then referring to SCRC, the Delegate of India maintained that the extension of that principle to developed States would open a Pandora's box of considerations. He therefore considered that it should be applied only to developing States.

31. The Delegate of Nigeria fully supported the said draft Consolidated statement, which had been born out of a spirit of compromise and which constituted a balance between the different views of Council Representatives. He also endorsed WP/272 presented by the 54 African States, including Nigeria. He nevertheless considered that the quantitative analysis of the *de minimis* threshold for MBMs which had been carried out by MVA Consultancy on behalf of ICAO pursuant to Assembly Resolution A37-19, paragraph 16 (cf. paragraph 3.1 of WP/29 presented by the Council) was inconclusive and very unbalanced. Averring that it should have indicated the extent of potential impacts and market distortions, the Delegate of Nigeria noted that the analysis had given rise to the misconception that a *de minimis* threshold would be entirely negative and result in wide-spread market distortions. The Delegate of Nigeria therefore suggested that a more indepth, scientific quantitative analysis be carried out so as to demonstrate that the proposed 1 per cent *de minimis* threshold would be so insignificant that it might not cause any market distortion. This would alleviate the concerns expressed by some States.

32. The Delegate of Italy expressed strong support for WP/83 [with Revision No. 1 (French only)] presented by the EU and ECAC Member States and for all activities and measures aimed at reducing the environmental impacts of international civil aviation. His State participated actively in all European initiatives to modernize air traffic management systems, which achieved improvements in flight operations and fuel efficiency without increasing costs. Affirming that real and effective results were required, the Delegate of Italy underscored the importance of committing to the achievement of a robust global CO₂ Standard for aircraft as a high priority. While welcoming the CAEP's ongoing work thereon, he emphasized that until those activities fully achieved their purposes, civil aviation needed other measures to ensure fair, sustainable growth. Stressing that MBMs were a major priority for his State at this time, the Delegate of Italy indicated that it supported the Assembly in striving to design a global MBM scheme by 2016, for implementation from 2020. Italy recognized the need to respect the SCRC of States within a framework of minimizing market distortion and ensuring fair competition among aircraft operators. The Delegate of Italy reiterated that the Assembly was now presented with an historic opportunity to agree to the development of a global MBM scheme and thus meet ICAO's Strategic Objective relating to the economic development of air transport.

33. The Delegate of Germany affirmed that it was of utmost importance that ICAO demonstrate its leadership role in addressing the CO₂ emissions of civil aviation and that the aviation sector was willing and able to limit further global warming to 2° C. Since civil aviation was a global industry, a global solution was necessary. Germany therefore welcomed the fact that the said draft Consolidated statement set forth a clear timeline and corresponding work programme for the development of a global MBM scheme on which the next Assembly in 2016 would take a decision, with a view to its implementation from 2020. His State also welcomed its comprehensive approach, which included technical and operational measures, as well as sustainable alternative fuels for aviation. MBMs would, however, also be necessary to meet mid- and long-term targets to reduce CO₂ emissions in the aviation sector in which further growth was expected. As Germany considered that those objectives were addressed in a clear and well-balanced manner in WP/83 [with Revision No. 1 (French only)] presented by the EU and ECAC Member States, it fully supported that paper. In supporting the entire current text of the draft Consolidated statement, including the framework for regional MBMs, Germany cautioned against putting at risk the achievements made through intensive discussions by introducing new and potentially controversially elements therein.

34. In reiterating the importance for developing States of fully respecting the principles and provisions of the UNFCCC and its Kyoto Protocol, the Delegate of Cuba emphasized the need to explicitly recognize in the draft Consolidated statement the principle of CBDR in order to establish the legal distinction between the obligations of developed and developing States in combatting climate change. For that reason, Cuba expressed a reservation regarding paragraph 7 thereof. In also stressing the importance of ICAO's leadership in efforts to limit or reduce emissions produced by international civil aviation which contributed to climate change, the Delegate of Cuba noted that the development of air transport played a fundamental role in facilitating world trade. MBMs would therefore significantly affect States' socio-economic development. She recalled that it had been demonstrated that developing States were the ones which suffered the most from the impacts of climate change. Cuba therefore had serious concerns regarding paragraphs 17 and 18 of the draft Consolidated statement. Reiterating that climate change was a global problem that required a global response that took into account the interests and needs of all States, the Delegate of Cuba indicated that it was for that reason that the States participating in the ICAO Symposium on Aviation and Climate Change (Montréal, 14-16 May 2013) had called for the development of a roadmap establishing a work programme and activities for civil aviation to address the issue of climate change. She emphasized that there also needed to be an agreement by all ICAO Member States on the concept of sustainable aviation and the way to achieve it and the desired outcome. The Delegate of Cuba endorsed WP/275 presented by the Russian Federation, as well as the comments made by the Delegate of Brazil.

35. The Delegate of Cameroon supported the comments made by the Delegate of Nigeria with regard to paragraph 3.1 of WP/29 and the need for a more indepth, scientific quantitative analysis of the *de minimis* threshold for MBMs. In endorsing WP/30, also presented by the Council, he encouraged ICAO to develop guidelines for the submission of joint action plans for CO₂ emissions reduction activities by groups of States. The Delegate of Cameroon likewise endorsed WP/31 presented by the Council and the action proposed relating to the provision of assistance to States in the preparation and implementation of their actions plans and in facilitating their access to technology transfer, capacity building and financial resources. He also supported WP/272 presented by the 54 African States, including Cameroon, and the continuation of work to put in place, from 2020, a global MBM scheme to reduce aviation emissions. In recognizing that some States wished to establish national or regional MBMs before 2020, the Delegate of Cameroon underscored the need to establish a framework of general principles for their application to airlines of other States. In further emphasizing that the principles of CBDR and SCRC, which were highlighted in WP/272, should be reflected in the draft Consolidated statement, he affirmed that their inclusion would make it possible to guarantee the sustainable development of air transport.

36. The Delegate of Australia recognized the efforts made by the Secretariat, the Council, the High-level Group on International Aviation and Climate Change (HGCC) and the supporting experts group since the last Assembly to address aviation emissions, as well as the constructive role played by the aviation industry, in particular, the recent work led by IATA. The Government of Australia agreed that ICAO was the appropriate forum to address that important issue and Australian representatives had been active in that forum. Its international airlines, Qantas and Virgin Australia, had also been actively engaged in the industry's related work. Recalling that following a general election on 7 September 2013 a new Government had been formed with a new Prime Minister, the Honourable Tony Abbott, M.P., the Delegate of Australia indicated that it had reaffirmed the commitment to a 5 per cent reduction in Australia's emissions by 2020. The Government's approach to achieve that reduction was based on direct action. It was moving to abolish the domestic carbon tax introduced by the previous government.

37. Australia supported the continued work of ICAO on practical, direct measures to limit emissions from international aviation through, inter alia, operational improvements, aircraft and engine technology uptakes, emissions Standards, sustainable alternative fuels for aviation, air traffic management improvements and work on States' action plans for CO₂ emissions reduction activities. Although it did not

oppose ICAO's continued work towards a future single global MBM scheme for consideration at the next Assembly in 2016, that did not imply any commitment to support such a measure, if and when finalized. Australia was of the view that such a scheme should only be considered if it would operate effectively in practice in the global commercial market of international aviation. It was critical that: the airline industry be closely involved in that work; any proposal that came forward had industry support, and the design of any scheme reflect the Chicago Convention's principle of equal treatment of carriers and minimize market distortion. With regard to the interim application of national or regional MBMs to carriers of other States, Australia would continue to oppose the unilateral application of such MBMs in advance of the finalization of a clear framework or other authority endorsed by ICAO.

38. The Delegate of the Republic of Korea underscored the need for cooperation and mutual respect among States in developing a global MBM scheme to address aviation emissions. He noted that his State supported the draft Consolidated statement, not because it was fully satisfied with its text but because it appreciated and respected the result of the work that had been carried out by the Council and the Secretariat with patient cooperation.

39. Recalling that his State had presented, in WP/275, proposals to amend the draft Consolidated statement, and noting the differing views expressed on the Council's proposed changes to Assembly Resolution A37-19, the Delegate of the Russian Federation voiced support for the establishment of a working group to review the draft text, as suggested by the Delegate of Saudi Arabia and supported by the Delegate of Brazil. His delegation was prepared to actively participate in the work of such a group.

40. In acknowledging the various initiatives of ICAO Member States and industry to make air transport more sustainable, the Delegate of Guatemala underscored that the effects of climate change had become multipliers of asymmetries, compounding the level of poverty and impeding the development of vulnerable States. He noted that Guatemala, as well as other States in Central America and some in the Caribbean, had, in the last few years, been included in the UNFCCC's list of States which were most vulnerable to the effects of climate change. Recalling the important initiatives undertaken by ICAO with regard to States' action plans and the significant progress made by industry with respect to aviation fuels, the Delegate of Guatemala emphasized that it was both possible and necessary to make progress in other areas while discussions of a global MBM scheme continued. Highlighting that aviation released some 540 million tonnes of CO₂ emissions into the atmosphere per year, he averred that it would be a challenge to reduce them without complementary measures such as MBMs.

41. In voicing support for the said draft Consolidated statement, the Delegate of Guatemala agreed with other speakers that it presented an opportunity to make progress. Nevertheless, while his State respected the sovereignty of States, it did not support the development of independent national or regional MBMs as it considered that they would hamper the achievement of a global MBM scheme. Furthermore, Guatemala had every confidence that ICAO would find a global solution to the global problem of the environmental impacts of aviation on the climate. Noting that the Council and the CAEP had much work to do, the Delegate of Guatemala underscored the need for the latter to analyze and define key factors, such as: the application of the guiding principles for the design and implementation of MBMs for international aviation; the methodology for accounting for aviation emissions; carbon offset schemes, including mechanisms for flexibility; ways to avoid market distortion; and ways to ensure sustainable resources for the mitigation of the effects of climate change and adaptation to the latter in those States which were most affected by them.

42. Noting that solutions to the environmental issue of climate change was of great importance to humanity as it affected the very existence of life on earth, the Delegate of Venezuela (Bolivarian Republic of) emphasized the need to find consensus-based, balanced solutions with the cooperation of all States that did not hamper the sustainable development of air transport. It was a complex issue with operational, economic, social and political aspects. Nonetheless, all were pursuing a common objective. Underscoring that her State

considered it to be a priority issue, the Delegate of Venezuela (Bolivarian Republic of) noted that that was borne out in her State's constitution, as well as in its action plan for CO₂ emissions reduction activities which it had voluntarily submitted to ICAO. The latter contained some of the elements of the basket of measures agreed upon by the last Assembly and set forth in the draft Consolidated statement contained in WP/34, notably operational measures such as the improvement in air traffic management (ATM) services, the enhancement of aviation fuels and the modernization of national aviation fleets.

43. Observing that the draft Consolidated statement reflected the compromise reached regarding international aviation and climate change, the Delegate of Venezuela (Bolivarian Republic of) indicated that it was in line with her State's policy to reach consensus by converging the interests of all stakeholders and respecting the principles of international air law in force, namely, those contained in the Chicago Convention and the UNFCCC. For these reasons, her State supported WP/176 presented by Saudi Arabia, particularly paragraph 5.1 c) thereof, which called for focus on more effective measures, other than MBMs, to reduce aviation emissions, such as ATM operational measures, fleet modernization and improvement of air navigation systems, as there was unanimity on such measures. While Venezuela (Bolivarian Republic of) respected the sovereignty of each State over the airspace above its territory as established in Article 1 of the Chicago Convention, it nonetheless considered that cooperation and consensus of all States were required to achieve their common objective as they had different approaches. While acknowledging ICAO's efforts to fulfil its mandate under the Chicago Convention to ensure the safe and orderly development of international civil aviation, Venezuela (Bolivarian Republic of) was concerned that the development and proliferation of individual and unharmonized MBMs would hinder the sustainable development of air transport. It was convinced that a balanced and viable global solution could be found.

44. In lending support to WP/272 presented by the 54 African States, the Delegate of Tunisia reaffirmed the leading role of ICAO in developing the necessary steps to reduce aviation GHG emissions at the international level, which it had been entrusted to do under the UNFCCC and its Kyoto Protocol. He maintained that any solution which was not global in nature would have negative impacts on airlines and would lead to market distortion.

45. Noting that environmental protection was a high-priority issue for his Government, the Delegate of Indonesia underscored its commitment to actively participate and contribute to the global initiative to mitigate climate change and reduce GHG emissions. He highlighted the various policy and implementation measures taken by Indonesia in that regard, as documented in WP/165. His State considered that, in line with its action plan for CO₂ emissions reduction activities which had been submitted to ICAO, a basket of measures was necessary to achieve an effective reduction of aviation emissions. While MBMs were an element of that basket, Indonesia preferred to have them as part of a global MBM scheme. Civil aviation was a global activity that required a global approach. While fully understanding the aspirational goal of some States or groups of States to implement MBMs for the effective and early reduction of aviation emissions, Indonesia considered that the proliferation of unilateral national and regional MBMs would not be the best solution; rather, a globally-agreed MBM scheme would be the best way forward. Although it did not view the draft Consolidated statement as an ideal solution, the latter did envisage a basket of measures which included the development of a global MBM scheme. For that reason, Indonesia fully supported it. However, in continuing work to develop the said scheme, it was necessary for the Council to address the important question of how to maintain the sustainable development and growth of the civil aviation industry in both developing and developed States.

46. In voicing support for the draft Consolidated statement, the Delegate of France emphasized that it was a compromise text that: reflected an acceptable balance in the context of the progress made; established a coordinated strategy to reduce aviation emissions through technological advances, operational measures, MBMs, sustainable alternative fuels for aviation and encouragement for the development of State action plans; respected the sovereignty of each State over its airspace and the specificities of States whose

level of aviation activity produced few CO₂ emissions; and set forth a precise roadmap for the work to be carried out in the coming triennium, for decision at the next Assembly in 2016. He recalled the statements made by the Delegates of Mexico, Burkina Faso, the Republic of Korea and Guatemala calling on States to unite and reach consensus on the issue of international aviation and climate change.

47. Being from a non-Council Member State, the Delegate of New Zealand had come to the Assembly prepared to listen to the discussion and better understand the compromise embodied in the draft Consolidated statement. It had become clear from the comments made, however, that compromise did not necessarily equate to consensus. Nevertheless, the comprehensive approach to mitigating the climate change impact of international aviation and the positive response of the international aviation industry to the challenges were encouraging. Her State therefore supported much of the draft Consolidated statement, including those provisions mandating further work towards a global MBM scheme. In echoing the comments by the Delegate of the United States regarding paragraph 18, the Delegate of New Zealand indicated that her State did not consider that the UNFCCC concept of CBDR could be carried over to ICAO without causing some difficulties in terms of the Chicago Convention's principles of non-discrimination and equal and fair opportunities to develop international aviation. In particular, New Zealand did not consider that the developed/developing State split was the basis on which to determine where SCRC might apply. Furthermore, it was unclear: how the 1 per cent *de minimis* threshold had been determined; what its potential impact on the coverage of any global MBM scheme would be; and what the potential market distortion would be.

48. Although the text of the draft Consolidated statement contained in WP/34 was not his State's preferred text, the Delegate of Denmark indicated that, on the basis of the discussions at previous Assemblies and the current Assembly, it wholeheartedly supported it as being the best, and probably the only, way forward.

49. The Delegate of Canada noted that his State had sought to implement the goals and objectives contained in Assembly Resolution A37-19 through its own action plan on aviation GHG emissions by means of a partnership that the Government of Canada had formed with industry. That action plan recognized the important role that technological and operational measures would play in addressing that issue, both now and going forward. In that vein, Canada was supportive of the draft Consolidated statement's comprehensive approach to addressing the issue of GHG from international civil aviation under the umbrella of ICAO. However, like other States, Canada was concerned about paragraph 18 (1 per cent *de minimis* threshold), and consequently, paragraph 17 (national and regional MBMs), for the reasons which had been elaborated upon by other Delegates, including the Delegates of the United States and New Zealand. His State considered that the draft Consolidated statement would benefit from further discussion over the coming days, in particular to answer the questions which the Delegate of New Zealand had raised. Canada was also concerned about the precedent that could be set by paragraphs 18 and 17 and the consequences that might result, which could threaten the integrity of efforts over the next three years to advance work on this important issue of aviation GHG emissions.

50. In voicing support for WPs/31, 32 and 33, the Delegate of Argentina congratulated ICAO on its work in those areas and urged it to continue therewith to demonstrate that it was equal to the task of implementing the Organization's Strategic Objective relating to environmental protection. He thanked the Delegate of Brazil for his exhaustive list of the concerns and objections of many States regarding the draft Consolidated statement (WP/34) and the Delegate of India for his in-depth analysis of paragraphs 17 and 18 thereof. Echoing the comment made by the Delegate of Mexico that the draft Consolidated statement reflected the progress achieved, the Delegate of Argentina underscored that it was a result of much hard work, both inside and outside the Council, as indicated by the Delegate of Burkina Faso. He affirmed that the way to attain the consensus advocated by the Council during its past two sessions was outlined in WP/176 presented by Saudi Arabia, which his State strongly supported. He highlighted paragraph 3 thereof, which identified the challenges being faced in addressing the issue of international aviation and climate change, and paragraph 5,

which proposed various measures to meet them. Affirming that those measures constituted the right path to follow, the Delegate of Argentina maintained that they would enable the Council to present a mature body of work to the next Assembly in 2016 for decision. The Delegate of Argentina then elaborated on the four milestones achieved by his State in addressing the environmental impact of aviation emissions on the climate: its comprehensive implementation of the first phase of Argentina's action plan for CO₂ emissions reduction activities; the complete renewal of its flagship airline's fleet, which had led to a substantial reduction in fuel consumption; the establishment of an multidisciplinary group to work on the production of biofuels using Argentina's own resources; and its multi-million dollar investment in the redesignation of the use of Argentina's airspace to ensure optimal efficiency.

51. The Delegate of Singapore strongly urged Delegates to take a small step back from their principles and ideological positions and, in a spirit of compromise, focus on the practical outcome and impact of the draft Consolidated statement contained in WP/34 and decide if the latter constituted an acceptable way forward.

52. The Delegate of China commended the tremendous efforts made since the last Assembly by ICAO, in particular, by the HGCC, to advance the work to reduce international aviation emissions. Noting that China, as a developing State, had been consistent in its fundamental position on that issue, he indicated that it supported ICAO's leadership role in addressing aviation CO₂ emissions through a multilateral mechanism with the UNFCCC and Kyoto Protocol constituting the basic legal foundation. In general, China considered that the draft Consolidated statement should balance the concerns of all parties and seek to achieve the highest common denominator. It was recalled that such resolutions were not legally binding and that their viability and efficacy depended upon their wide recognition by ICAO Member States. The concerns of developing States should thus be given importance. In addition, the draft Consolidated statement should achieve a balance among all issues instead of highlighting MBMs, which was only a complementary measure in the basket of measures. It was necessary to put forward a basket of measures while making advances on the MBM issue. Concrete progress should be made in supporting States' access to funding, technology transfer and capacity building.

53. With reference to the text of the draft Consolidated statement and the goal of carbon neutral growth from 2020, China supported setting reduction goals for international aviation emissions. It must be specified, however, that developed States should take the lead to reduce such emissions in order to offset emissions growth by developing States. Furthermore, the application of a national or regional MBM to another State must be agreed by the latter through consultation. Underscoring that for nearly 70 years international civil aviation had, under ICAO's leadership, operated in a regular manner and developed in an orderly manner due to adherence to the principle of national sovereignty over airspace enshrined in the Chicago Convention, China underscored that ICAO should draw on such successful practices in designing the global MBM scheme. It supported promoting such a global scheme provided that it was built on a solid foundation. Thorough feasibility studies should first be conducted to assess the impact of the global MBM scheme on the development of international aviation, especially that of developing States, so that steadfast progress could be made. It was necessary to refrain from jumping to conclusions as haste made waste. With regard to the emissions reduction goals, China considered that MBMs and the global MBM scheme should reflect the CBDR principle, as well as the SCRC principle, for developing States. It would actively participate in the upcoming discussions to work out a solution in a spirit of cooperation and compromise.

54. In reiterating the position expressed by the Minister of Transport of South Africa during the Third Meeting of the Plenary (P/3) held the previous day, the Delegate of South Africa underscored his State's support of a comprehensive approach to address climate change in the aviation sector. That would require various approaches, including a basket of measures in which MBMs were only complementary to others, such as technology transfer, operational and infrastructure improvements, financial measures and capacity building.

South Africa was of the view that the principle of CBDR and respective capabilities, the principle of equity, the notion of sustainable development and the aspect of environmental integrity should all be observed in the use of any measure to deal with climate change. It strongly opposed the application of any unilateral measure to international civil aviation in dealing with climate change, as well as any similar intentions in other sectors. Application of such measures would impinge on the sovereign right of States and should therefore be discouraged. South Africa considered that emphasis should instead be placed on the principle of multilateralism and appreciated that the issue of international aviation and climate change was being addressed at ICAO. It also appreciated the Organization's continued work in providing assistance to developing States, particularly in the preparation and implementation of their action plans for CO₂ emissions reduction activities. It fully supported the submission of such action plans to ICAO on a voluntary basis. South Africa also endorsed the need for further studies as indicated in Assembly Resolution A37-19 in order to make an informed decision on the nature of MBMs that should be followed.

55. Emphasizing the need to continue limiting or reducing emissions from international civil aviation which impacted the climate, the Delegate of Peru indicated that the draft Consolidated statement contained in WP/34 could be used as a basis for moving forward. Her State was open to considering possible MBMs at the global level. It was of the view that MBMs were part of a basket of measures and were only complementary and temporary economic measures. Their temporary nature should be clearly reflected in the draft Consolidated statement. Furthermore, the latter should contain a suspension clause whereby the application of MBMs could be discontinued if the aviation sector were to meet its environmental obligations through the implementation of other measures in the basket. The Delegate of Peru could provide the Secretariat with a corresponding draft text.

56. The Delegate of Peru noted that her State considered that it was unrealistic to indicate in paragraph 4 of the Consolidated statement that the latter did not set a precedent for or prejudice the outcome of negotiations under the UNFCCC and its Kyoto Protocol as Peru had a single environmental position in all international fora in which it participated. Peru was also of the view that paragraph 7 weakened the natural relationship which existed between the concept of SCRC and developing States by referring to the SCRC of States and mentioning the SCRC of developing States only as a special case ("in particular developing countries"). It considered that the corresponding paragraph 6 of Assembly Resolution A37-19 was preferable as it referred only to the SCRC of developing States [cf. sub-paragraph a)]. Peru was also concerned that paragraph 21 b) did not refer to the SCRC of developing States and that paragraph 22 referred to it only as a special case ("in particular developing States"). With reference to paragraph 16, Peru affirmed the importance of retaining the phrase "and to engage in constructive bilateral and/or multilateral consultations and negotiations with other States to reach an agreement" as it embodied the concept of mutual consent for the implementation of MBMs.

57. The Delegate of Japan noted that his State supported the draft Consolidated statement, although it might not be perfect and there could be room for some minor modifications. It was the outcome of sensitive discussions and was based on the various views of Member States. The draft Consolidated statement also constituted a comprehensive package of measures to address the environmental impact of aviation emissions on the climate. While Japan did have some concerns, including with regard to paragraph 18, which the Delegate of the United States and others had already highlighted, it considered that the draft Consolidated statement was an excellent way forward and that the discussion thereon should continue in an effective manner in order to reach agreement on a final text.

58. The Delegate of Lithuania underscored that all of the 44 Member States of the EU and ECAC supported the draft Consolidated statement as being the best possible compromise package.

59. The Delegate of Malaysia noted that his State endorsed the draft Consolidated statement, notably the work towards a global MBM scheme for consideration at the next Assembly in 2016, which it

maintained would not prejudice the outcome of the said negotiations under the UNFCCC and its Kyoto Protocol. In supporting the requirement to take into account SCRC in undertaking efforts to address the CO₂ emissions of international civil aviation, Malaysia emphasized that any application of that principle must uphold non-discrimination between aircraft operators and non-market distortion.

60. Voicing support for the papers presented by Saudi Arabia (WP/176) and the Russian Federation (WP/275), the Delegate of Bolivia (Plurinational State of) underscored that in the ongoing fight for the planet's survival, action to ensure its well-being today could not affect its future well-being as that would create problems for the coming generations. Thus a solution could not be strictly economic in nature: it also had to lead to a significant reduction in the level of pollution. In elaborating on some of the measures being taken by his State, the Delegate of Bolivia (Plurinational State of) noted that its prohibition of the import of old aircraft had caused aircraft operators to equip their fleets with the latest aeronautical technologies. His State was currently implementing a new air navigation plan in order to make the most efficient use of its airspace.

61. In also lending support to WPs/176 and /275, as well as to WP/305 presented by Brazil, the Delegate of Egypt stressed the need to pay attention to developing States and to avoid adding to their economic burden. His State did not support the application of unilateral measures without an agreement to safeguard of the interests of developing States. Similarly, Egypt considered that it was necessary to: carry out studies to determine the impact of the draft Consolidated statement's ambitious environmental objectives on developing States; and ensure that the principles of CBDR and SCRC were respected. All of ICAO's efforts in that regard were appreciated.

62. The Delegate of Sri Lanka noted that his State acknowledged the need to move forward and thus supported, in principle, the contents of the draft Consolidated statement. It nevertheless considered that some of the paragraphs thereof, especially paragraphs 17 and 18, required further careful consideration with a balanced approach. Sri Lanka endorsed the position of India and China as set forth in WPs/346 Revision No. 1 and 183, respectively, and suggested that the Russian Federation's recommendations regarding MBMs presented in WP/250 also be carefully considered. In endorsing many other papers and comments, Sri Lanka supported the view expressed by the Delegate of Singapore as constituting the way forward.

63. The Delegate of Bangladesh noted that although his State appreciated the efforts being made by ICAO and others to combat the degradation of the environment resulting from aviation emissions, it had reservations regarding paragraphs 17, 18 and 19 of the draft Consolidated statement. It considered that whatever measures were adopted should be remedial and not punitive. As many States had raised their concerns, it was necessary to review the issue of MBMs. The Delegate of Bangladesh emphasized that ICAO's moral obligation, as an international forum, to address the concerns of developing States transcended the views imposed by developed States. In highlighting that not only civil aviation but also military aviation contributed to the pollution of the environment through CO₂ emissions, he stressed the need to view MBMs holistically, taking into consideration the views of developing countries.

64. The Delegate of Norway underscored the need for all States to do more, and quickly, in order to achieve the UNFCCC's agreed objective of keeping global warming to below 2°C. His State supported a comprehensive approach to reducing the climate impacts of international aviation and thus endorsed WP/108 presented by the United States and WP/83 [with Revision No. 1 (French only)] presented by the 44 EU and ECAC Member States which underscored the potential of sustainable alternative fuels for aviation. In view of the uncertainties regarding the latter's costs and benefits, Norway considered that ICAO had an important role to play in the sharing of information and best practices regarding such alternative fuels. With reference to MBMs, Norway echoed all of the States which had called for a will to compromise. The said European States, as well as many other States, had moved their positions considerably in order to reach a compromise and the

draft Consolidated statement contained in WP/34 reflected that. Norway wished to see more States showing an equal will to compromise.

65. The Delegate of Paraguay noted that his State recognized ICAO's continuing work to protect the environment, as reflected in WP/34, and therefore supported the draft Consolidated statement. Paraguay supported, in particular paragraph 13, in which States that had already submitted their action plans for CO₂ emissions reduction activities were encouraged to share information contained therein and build partnerships with other Member States in order to support those States that had not yet prepared their actions plans. While Paraguay considered that the draft Consolidated statement could be improved upon, it deemed that it was a good basis for the development of a global MBM scheme for international aviation.

66. The Chairperson of the Executive Committee then offered a summary of the discussions which had taken place during the Committee's Third and Fourth Meetings on the seven issues considered under the second section of Agenda Item 17 on climate change, which was to be reflected in the Committee's report to the Plenary. He observed that, in general, there was no dispute that it was necessary to reduce CO₂ emissions from international aviation and that ICAO was the appropriate forum in which to define the policy therefor. With regard to the issue of **sustainable alternative fuels for aviation**, the Committee agreed on the continued support for ICAO's policy, as reflected in paragraphs 34 and 35 of the draft Consolidated statement contained in WP/34. The challenges being faced in the development and deployment of alternative fuels, such as food security, should be taken into account in ICAO's envisaged analysis, as should the contributions to be made by Member States. In conclusion, the Executive Committee agreed to recommend to the Assembly the action proposed in the executive summary of WP/28 presented by the Council.

67. With respect to **States' action plans for CO₂ emissions reduction activities**, the Chairperson noted that that successful initiative had contributed positively to the implementation of the policy to limit or reduce CO₂ emissions from international aviation. It was proposed to continue that policy, while improving the quality and transparency of such action plans and promoting cooperation among States and with other organizations in their development and implementation. The actions proposed in the executive summary of WP/30 presented by the Council had not given rise to any difficulties and were thus recommended to the Assembly for approval.

68. With reference to **assistance to States**, the Chairperson observed that the actions undertaken by ICAO (symposia, workshops, publication of annual reports, etc.) as outlined in WP/31 had been well-received, as had the supplementary information provided by the Secretary General regarding, inter alia, the approval and funding by the GEF of the project concept *Transforming the Global Aviation Sector: Emission Reduction from International Aviation* submitted by ICAO, and the signature by ICAO and the European Commission of a letter of intention for the joint assistance project with the EU entitled *Capacity building for CO₂ Mitigation from International Aviation*. The Committee had also agreed to the actions proposed in the executive summaries of WP/32 on **developments in other UN bodies and international organizations** and WP/33 on the **United Nations Climate Neutral Initiative**. This would be reflected in the Committee's report.

69. The Chairperson noted that there was a shared conviction that it was necessary to try and go further in the field of **MBMs**. There clearly was support for the definition of a global MBM scheme for presentation to the next Assembly in 2016. However, there were still different positions on a number of elements of the draft Consolidated statement contained in WP/34. As highlighted by several speakers, the latter constituted a compromise. While no one was completely satisfied with it, no one was completely opposed to it. The draft Consolidated statement thus formed a basis for compromise which should be conserved. Recalling that it had been approved by the Council, which recommended its adoption by the Assembly, the Chairperson underscored that this represented important progress by comparison to the last Assembly in 2010, when there had not been a proposal from the Council and the Secretary General had had to

present a draft Consolidated statement to the Assembly for adoption. The Chairperson emphasized the need to also conserve the benefit of the tremendous amount of work which had been done by the Council, as well as by the Secretariat, experts, and the HGCC, even if the latter had not reached agreement on a draft text.

70. In order to bridge the divergent views and thus improve the compromise embodied in the draft Consolidated statement and enable the Assembly to take the best possible decision, the Chairperson suggested, and the Executive Committee agreed, that he hold informal bilateral consultations with a number of States having regional responsibilities on Friday, 27 September 2013 and Saturday, 28 September 2013, in the afternoon. It was requested that, in the spirit of compromise evoked by the Delegate of Singapore, they each propose positions that were more advanced than those which had been expressed during the Third and Fourth Meetings of the Committee. Thereafter the Chairperson, with the assistance of the Secretary and the President of the Council, would synthesize the various proposed amendments to the draft Consolidated statement and present it to the same States for review prior to its consideration by the Executive Committee as part of its draft Report to the Assembly on Agenda Item 17.

71. Recalling that the proposal by the Delegate of Saudi Arabia to establish a working group to review the draft Consolidated statement had been supported by several Delegates, the Delegate of China affirmed that it was a better way in which to proceed as those States which did not take part in the envisaged informal bilateral consultations would not feel that they had ownership of the resultant revised text. Noting, from past experience, the difficulties involved in trying to reach agreement in a group on the very delicate and sensitive issue of international aviation and climate change, the Chairperson assured the Delegate that all States would have the opportunity to review the revised draft Consolidated statement during the Committee's upcoming meeting.

72. In endorsing the Chairperson's summary, as well as his proposal, the Delegate of Mexico recalled that many Delegates who had taken the floor had advocated acceptance of the draft Consolidated statement in its present form. He underscored that it was only those Delegates who had difficulty with some of its provisions who needed to take part in the envisaged informal bilateral consultations with a view to achieving the best possible compromise solution.

73. The meeting adjourned at 1715 hours.

Minutes of the Fifth Meeting
(Friday, 27 September 2013 at 0900 hours)

SUBJECTS DISCUSSED

1. Agenda Item 22: Human resources management
2. Agenda Item 23: Status of ICAO workforce
 - *Status of ICAO workforce*
 - Information paper presented by China
3. Agenda Item 24: Increasing the efficiency and effectiveness of ICAO
 - *Amendment of Rule 63 of the Standing Rules of Procedure of the Assembly of the International Civil Aviation Organization to include the use of the Chinese language*
 - *Increasing the efficiency and effectiveness of ICAO – Improvements to information management*
 - *Provision of language services*
 - Paper presented by the Russian Federation
 - Paper presented by France and Burkina Faso, Cameroon, Canada, Egypt, Libya, Morocco, Saudi Arabia, Ukraine and the United Arab Emirates
 - Paper presented by the 22 Member States of the Latin American Civil Aviation Commission (LACAC)
4. Agenda Item 25: Other high-level policy issues to be considered by the Executive Committee
 - *Update of Assembly Resolution A22-4 (Composition of the Air Navigation Commission and participation in its work)*
 - *Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and Notification of Differences*
 - Paper presented by Venezuela (Bolivarian Republic of)
 - *A Policy on Assistance to Aircraft Accident Victims and their Families*
 - Paper presented by Spain (in collaboration with Argentina, Cape Verde, Finland, France, Italy, Mexico and Portugal)
 - Information paper presented by the Air Crash Victims Families Group
 - Paper presented by Colombia

- Paper presented by the United Arab Emirates
- *Policy on third-party endorsements and memoranda of understanding (MOUs)*
- Paper presented by Colombia
- *Alignment of ICAO Strategic Objectives with Member States and a progress reporting mechanism*
- Paper presented by the United Arab Emirates

5. Agenda Item 16: Facilitation and Machine Readable Travel Documents

- *Developments pertaining to Annex 9 – Facilitation and proposed work programme for the next triennium*
- *Developments pertaining to the Machine Readable Travel Documents (MRTD) Programme and the Public Key Directory (PKD)*
- *Proposal for an ICAO Traveller Identification Programme (ICAO TRIP) Strategy*
- Paper presented by the Republic of Korea
- Paper presented by the United Arab Emirates
- Paper presented by the United States
- Paper presented by 54 Member States of the African Civil Aviation Commission (AFCAC)
- Paper presented by the International Air Transport Association (IATA)
- Paper presented by the World Tourism Organization (UNTWO)
- Information paper presented by Chile
- Information paper presented by China
- Information paper presented by the Republic of Korea
- *Consolidated statement of continuing ICAO policies and practices related to facilitation*

SUMMARY OF DISCUSSIONS

Agenda Item 22: Human resources management

1. The Director of the Bureau of Administration and Services (D/ADB) introduced WP/75, which outlined, inter alia, ongoing initiatives to improve human resources management in ICAO and identified some related priority initiatives for the future. The paper highlighted the following: the improvement of the operational implementation of the *Policy on the Use of Consultants and Individual Contractors*; the strengthening of performance assessment and review mechanisms; the expansion of the scope of learning and training opportunities to enhance the managerial and technical skills and expertise of staff members; the implementation of proactive outreach measures to identify and attract qualified candidates for the

Organization's future work, including the establishment of the Young Aviation Professionals Programme, the launch of an aviation-related Internship Programme, and the design of a Fellowship Programme; and the modernization of the human resources business processes in tandem with the implementation of automation improvements to enhance efficiency and responsiveness to programme needs. Some of the priority areas for future actions elaborated upon in the paper were: the development of a human resources management strategic framework; the implementation of an integrated performance management system, supported by staff development and mobility; the combination of workforce planning, succession planning, talent management and diversity strategies and policies; and the continuation of the modernization of human resources processes. The Assembly was invited to: note the ongoing reforms undertaken and achievements made by the Organization to improve human resources management; and to endorse the priority initiatives and future actions identified for further improvements in human resources management for the next triennium.

2. In expressing his State's appreciation for the assistance provided by ICAO's Technical Cooperation Bureau (TCB) and the Asia and Pacific Regional Office in Bangkok, Thailand, in the rectification of its Significant Safety Concern (SSc), the Delegate of Bangladesh noted that one lesson learned had been the need for the staffing of a regulatory body to remain at a constant sustainable level on the basis of performance-based competency. It was important to ensure that the aviation professionals of all regulatory bodies had the requisite skills and expertise to keep pace with the expected phenomenal growth in aviation in the next two decades in order to guarantee the continued safety and security of international civil aviation. It was thus necessary to formulate a plan for the development of aviation professionals on regional, sub-regional and national bases. As States which had a high level of aviation activity might not have a sufficient number of competent, skilled personnel, Bangladesh suggested that the ICAO Regional Offices and the Cooperative Development of Operational Safety and Continuing Airworthiness Projects (COSCAPs) be more proactive in providing experts, consultants, auditors, inspectors, etc. This would prevent States' over-reliance on the support provided by TCB in that regard and ensure increased efficiency and effectiveness of human resources at a much faster and global rate. Bangladesh supported the action proposed by the Council in WP/75, as well as in WPs/76 and /74, to be considered later in the meeting.

3. In the absence of further comments, the Executive Committee agreed to recommend the above-mentioned action proposed in the executive summary of WP/75 to the Plenary for approval.

Agenda Item 23: Status of the ICAO workforce

4. The Director of the Bureau of Administration and Services (D/ADB) introduced WP/76, which reported on the status of diversity in the ICAO workforce for 2010, 2011 and 2012 and included information on equitable geographical representation (EGR) and gender, as well as an analysis of the Professional and higher category appointments and relevant human resources data. The paper highlighted, inter alia, that there had been a decrease in the overall number of staff and a noticeable shift away from permanent to fixed-term appointments. Furthermore, there had been an increase of eight in the representation of Member States in posts subject to EGR, bringing the total to 79. While the overall representation of women in Professional and higher categories remained a challenge, with the percentage of female staff members in ICAO being approximately 31 per cent, that figure was within the range of the percentages of other technical specialized United Nations (UN) agencies. Although the percentage of female appointees surpassed the average of female applicants for Professional posts, more proactive outreach and other major initiatives were required. Age demographics and retirement projections for Professional staff (23 per cent by 31 December 2016) provided ICAO with a unique opportunity to address the geographical imbalance, which would go hand-in-hand with safeguarding institutional knowledge in a timely, calibrated succession planning. There would also be opportunities for rejuvenation of the General Services category as 15 per cent of such staff would retire by the end of 2014-2016 triennium. The paper also outlined future actions to be undertaken in that triennium relating to workforce and succession planning, talent management, enhancement of the recruitment policy and

procedures and accountability for meeting diversity goals and strengthening outreach and development opportunities, with the objective of having as broad a geographical representation as possible while working towards improvement of the gender balance.

5. The Assembly was invited to endorse the proposed future actions related to: workforce planning, including the development of succession planning strategies and procedures, that are integrated with staff mobility and staff development policies; talent management strategies aimed at identifying, obtaining and retaining the right competencies at the right time, while ensuring that these strategies are inter-linked with other organizational strategies and measures aimed at capturing, sharing and transferring institutional memory and knowledge; enhancing recruitment policy and procedures, as well as internal monitoring and accountability for meeting diversity goals; and strengthening outreach and development opportunities for Professional and higher category candidates from unrepresented and below desirable level States, as well as women candidates.

6. It was noted that China had submitted information paper WP/226 relating to the secondment of experts from its Civil Aviation Administration (CAAC) to support ICAO operations during the period 2011 to 2015.

7. While supporting the action proposed in WP/76, the Delegate of the Russian Federation highlighted that 7 per cent of vacant posts had not been filled during the current triennium. Although aware that they had been left vacant in order to effect cost-savings, he emphasized that it had necessitated the recruitment of staff on short-term contracts, which had inevitably led to a decrease in the Organization's efficiency and effectiveness. The Delegate of the Russian Federation underscored that vacancies were the result of inadequate workforce planning or other factors which needed to be closely examined in order to enhance ICAO's efficiency and effectiveness. In expressing his State's wholehearted support for the principle of gender equality, he stressed that it meant not only equal numbers of men and women in the Secretariat but also the absence of discrimination against female candidates during the recruitment process.

8. Indicating that her State likewise supported the paper, the Delegate of Austria noted that it welcomed all of the efforts made to strengthen the percentage of women represented in the ICAO Secretariat. While the overall representation of women in the General Services category was 79 per cent, the representation of women in the Professional and higher categories had slightly decreased to 31 per cent. As ICAO ranked thirtieth among thirty-five UN organizations in terms of female representation in Professional and higher categories, Austria highly appreciated the initiatives proposed in WP/76, such as the inclusion of proactive measures in the recruitment policy and cooperation with Member States to encourage female candidates to apply for such higher category posts. It should be the common goal of the Secretariat and Member States to not only improve the representation of women in Professional and higher category posts in ICAO but also to have the Organization serve as a model for the aviation sector in that regard.

9. The Delegate of Bangladesh reiterated that his State supported the paper and its proposed action.

10. Taking into account the comments made, the Executive Committee agreed to recommend to the Plenary the above-mentioned action proposed in the executive summary of WP/76.

Agenda Item 24: Increasing the efficiency and effectiveness of ICAO

Amendment of Rule 63 of the Standing Rules of Procedure of the Assembly of the International Civil Aviation Organization to include the use of the Chinese language

11. In introducing WP/6 on the above subject, the Director of the Bureau of Administration and Services (D/ADB) recalled that at its 22nd Session, the Assembly had approved the Council's recommendation that: Chinese be adopted as a working language of ICAO; and that it be introduced in steps and that, as the first step, provision be made for the use of Chinese orally at sessions of the Assembly. That decision had been duly implemented and Chinese interpretation had since been provided at sessions of the Assembly. Moreover, in accordance with Assembly Resolution A31-16 (*Strengthening the use of Chinese language in ICAO*), documentation in Chinese had been provided since the 34th (Extraordinary) session of the Assembly. The Assembly was invited to approve the amendment of Rule 63 of the Standing Rules of Procedure of the Assembly (Doc 7600) set forth in the Appendix to WP/6 to include the use of the Chinese language in the languages of documentation in line with the Assembly's said previous decisions.

12. In the absence of comments, the Executive Committee agreed to recommend to the Plenary the above-mentioned action proposed in the executive summary of WP/6.

Increasing the efficiency and effectiveness of ICAO – Improvements to information management

13. The Director of the Bureau of Administration and Services (D/ADB) presented WP/74 which set forth the achievements and progress made by the governing bodies and the Secretariat to improve the efficiency and effectiveness of ICAO, as well as ongoing actions, and identified measures for further improvements during the 2014-2016 triennium. The paper highlighted: the enhancement of communications with Member States through the widespread dissemination of information; and the improvement of work methods and procedures throughout the Organization, supported by office automation and the implementation of various information technology (IT) tools. Activities to be undertaken in the next triennium included: the implementation of a comprehensive Electronic Documents and Records Management System (EDRMS); the continuous review of the regulatory framework for the administration of ICAO's human resources and the establishment of a well-calibrated framework of delegated authority; the establishment of an Enterprise Data Warehouse (EDW); and the further enhancement of electronic communication tools. Those initiatives demonstrated ICAO's commitment to enhance its efficiency and effectiveness and its continued efforts to address Member States' recommendations. The Assembly was invited to: note the progress made in improving the efficiency and effectiveness of the Organization; and endorse measures for further improvements during the 2014-2016 triennium.

14. The Delegate of the United States indicated that, while his State fully supported the action proposed in WP/74, it considered that there was another issue to be addressed. Recalling that three extremely important high-level conferences had been held in rapid succession prior to, and in preparation for, the Assembly [the High-level Aviation Security Conference (HLSC) (Montréal, 12-14 September 2012); the Twelfth Air Navigation Conference (AN-Conf/12) (Montréal, 19-30 November 2012); and the Sixth Worldwide Air Transport Conference (ATConf/6) (Montréal, 18-22 March 2013)], he underscored how expensive they had been, in combination, for both the Organization and participating Member States. The Delegate of the United States further emphasized that a high percentage of the Ministers who had attended the said conferences were also attending the Assembly, and that the conferences' recommendations were presented through the Council to the Assembly and thus to the very people who had made them in the first

place. He thus suggested, as an additional action, that the Assembly request the Council to review the process for preparing for Assemblies and its related costs and efficiency and identify a way to maintain ICAO's effectiveness while enhancing its efficiency, for the benefit of the Organization and its Member States.

15. The Delegate of the Russian Federation shared this view. His State noted with satisfaction the progress achieved in enhancing ICAO's efficiency and effectiveness, in particular, the 90 per cent reduction in the circulation of documents for the governing bodies which had resulted in cost-savings of approximately CAD 1 million per year.

16. The Delegate of Bangladesh reiterated his State's support for the recommendations contained in WP/74.

17. The Delegate of Ecuador endorsed the action proposed in the paper, as well as the comments made by the Delegates of the United States and the Russian Federation. He commended the Secretariat for maintaining ICAO at the cutting edge of technology, which enabled the immediate dissemination of information to Member States while reducing costs through a reduction in paper consumption. The Delegate of Ecuador also commended the Council for its detailed guidelines for increasing the Organization's efficiency and effectiveness.

18. While also applauding the improvements already made, and planned to be made, to enhance ICAO's efficiency and effectiveness, the Delegate of Australia shared the concerns expressed by the Delegate of the United States regarding the efficacy of holding three major high-level conferences prior to the Assembly. In agreeing that the Council should review the process for preparing for Assemblies, she suggested that it also examine the structure of the Assembly, including the current methodology for drafting Assembly resolutions, an issue raised previously by the President of the Assembly (P/2).

19. The Delegate of Guatemala emphasized that the efforts made to increase the Organization's efficiency and effectiveness through optimization of the use of its resources yielded not only many economic benefits but also substantial environmental benefits.

20. In summarizing the discussion, the Chairperson of the Executive Committee observed that there was general support for ICAO's policy to enhance its efficiency and effectiveness through the use of new technologies. The Organization was invited to continue along that path. Noting the comments made on working methods and the links between various bodies, the Chairperson underscored that effectiveness related to the Organization's capacity to meet its objectives, whereas efficiency related to its capacity to use its resources in the best possible way. It was not sufficient to merely increase or decrease resources; rather, it was also necessary to optimize their usage. In light of the views expressed, he suggested, and the Committee agreed, to recommend that the Council be requested to examine ways to improve the overall structure of preparatory work leading up to the Assembly, including the methodology for drafting Assembly resolutions, and to take the action proposed in WP/74.

Provision of language services

21. The Delegate of the Russian Federation introduced WP/307, which drew attention to the fact that in his State's view, the provision of language services at ICAO was still a matter of deep concern to Member States despite the decisions adopted by ICAO Assemblies as embodied in Assembly Resolutions A22-29 (*Use of languages in the Air Navigation Commission*), A24-21 (*Publication and distribution of documentation*) and A37-25 (*ICAO Policy on the language services*). This deep concern was a result of the steady reduction in the quality and quantity of language services at ICAO, including the quality of translation of technical material such as ICAO Standards and Recommended Practices (SARPs) and guidance. In underscoring the political significance of this problem, the Delegate of the Russian Federation averred that the

action that had thus far been taken by the Secretary General to improve the provision of language services was insufficient. Non-English speaking States and experts were being extruded from the SARP's development process under the slogan of budget expenditures reduction, which constituted a deviation from the fundamental principles of the Chicago Convention, which provided for equal opportunity, and from the UN principle of multilingualism, which was one of the fundamental principles to achieve ICAO's goals as the UN Specialized Agency in the field of civil aviation. The Delegate of the Russian Federation reiterated his State's serious concern over the planned further reduction of six interpreter posts, reflected in the draft Budget of the Organization for 2014, 2015 and 2016 (cf. WP/57, Exhibits 1 to 3). He also highlighted that since 1 January 2013 the *ICAO Journal* was only being published in the English language, which in his State's view was contrary to the Organization's outreach policy. The Assembly was invited to take a number of steps aimed at reinforcing Assembly resolutions in force relating to the provision of language services at ICAO.

22. The Delegate of France then presented WP/362 on preserving multilingualism at ICAO, which was co-sponsored by Burkina Faso, Cameroon, Canada, Egypt, Libya, Morocco, Saudi Arabia, Ukraine and the United Arab Emirates. The paper emphasized that an efficient multilateralism and the smooth functioning of an organization such as ICAO were closely linked to respect for multilingualism and elaborated upon the latter's benefits. It was essential to underscore the priority of multilingualism at a time when there was an increasing practice in all organizations to use one language in contravention of the relevant statutes which provided for the use of several working languages. Budgetary constraints could not justify such a practice. It was for that reason that the Council, in preparing the Organization's draft Budget for the 2014-2016 triennium, had adopted (198/7) several measures in order to optimize the provision of language services in terms of both quality and productivity. The Delegate of France reiterated his State's support for the said measures and their full implementation under the supervision and authority of the Secretary General. The paper proposed, inter alia, the adoption by the Assembly of some complementary practices relating to the Organization's functioning mode, its human resources policy and its communications and external information practices which would not generate any additional costs.

23. On behalf of the 22 Member States of the Latin American Civil Aviation Commission (LACAC), the Delegate of Chile introduced WP/227, which highlighted the ongoing difficulties encountered with respect to the availability in all of the official languages of ICAO documents relating to safety and other important areas of work of the Organization. The paper recalled that Cuba had presented a paper on this matter to the High-level Safety Conference in 2010 (HLSC 2010), which had won the necessary consensus for action. Cuba had subsequently presented other papers at various regional and global events calling attention to the unavailability of ICAO documents in all of the Organization's official languages, which had negative consequences for work, particularly on safety-related issues. As the problem had not been satisfactorily resolved, Cuba reiterated the need for a solution. The paper proposed amendments to Assembly Resolutions A37-15 (*Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation*) and A37-25 so as to increase the dissemination of ICAO documents in all of the Organization's official languages, as well as other actions.

24. In the course of the discussion, the Delegates of Venezuela (Bolivarian Republic of), Spain, Peru, Egypt, Burkina Faso, Cuba, Guatemala, Senegal and Colombia expressed their State's support for the three papers advocating multilingualism.

25. In so doing, the Delegate of Venezuela (Bolivarian Republic of) underscored that her State, a Member of LACAC and thus a co-sponsor of WP/227, endorsed in particular the principle of equal opportunity for all those States in the multilingual UN common system invoked by the Russian Federation in WP/307. In emphasizing the importance of multilingualism to the achievement of ICAO's Strategic Objectives, she highlighted that the lack of translation of certain ICAO documents, including guidance

material and circulars, often led to misinterpretation and thus hindered the fulfilment of those Strategic Objectives, notably the one relating to safety.

26. The Delegate of Spain noted that his State strongly supported the principle of multilingualism as being one of the fundamental principles on which the functioning of ICAO was based. It endorsed the action proposed in the said three papers, in particular, that proposed by the Russian Federation in paragraph 5 a), b) c) and d) of WP/307 and that proposed by the co-sponsors of WP/362 in action paragraphs a), b) and c).

27. The Delegate of Peru, whose State was also a co-sponsor of WP/227, stressed the need for the Assembly to reaffirm the importance of equal access by all States to ICAO documents in terms of multilingualism.

28. In voicing support for the principles of multilingualism and equal opportunity, the Delegate of Egypt underscored that multilingualism and translation services were key elements in ensuring the safety of civil aviation.

29. The Delegate of Burkina Faso recalled that the Council and the Secretary General were giving this issue serious consideration and had already taken some steps to resolve it. Noting, however, that there were budgetary constraints, he suggested that the Assembly instruct the Council and the Secretary General to consider alternative sources of financing for the provision of language services to ensure that there would be sufficient funds for that important function; otherwise, the work of the Organization would be negatively impacted.

30. Endorsing this proposal, the Delegate of Colombia emphasized that multilingualism guaranteed equality between ICAO Member States and regions.

31. The Delegate of Cuba reiterated that multilingualism was of crucial importance in the development of future SARPs and that the lack of sufficient supplementary documentation in all of the Organization's official languages could give rise to their misinterpretation. It was for that reason that her State, with the support of the other LACAC Member States, had presented WP/227.

32. The Delegate of Guatemala noted that his State, as a Member of LACAC, endorsed WP/227, as well as the other two papers, as language was not only a means of communication but also a mind-set. Observing that the Organization's budgets did not always reflect its priorities, he emphasized the need for the Assembly to highlight the provision of language services as one of ICAO's priorities.

33. The Delegate of Senegal underscored that if ICAO documents were received in a language other than French, his State's official language, then it took more time for the Senegalese civil aviation authorities to effect the necessary action, which could be misinterpreted as being a lack of willingness on their part. He affirmed that multilingualism contributed substantially and broadly to the development of international civil aviation.

34. Recalling that ICAO had been adamant about multilingualism since its inception, the Delegate of Morocco emphasized that the implementation of that principle had borne fruit in terms of the Organization's work. His State endorsed the measures adopted by the Council (198/7) to optimize the provision of language services in ICAO, as well as WP/307 presented by the Russian Federation and WP/362 presented by France on behalf of several States.

35. In expressing his full support for WP/362, the Delegate of Monaco emphasized that multilingualism should not always be pitted against its associated costs. He underscored that that paper identified a number of ways in which to promote multilingualism without incurring additional costs, which would place a burden on all ICAO Member States.

36. Associating himself with the Delegates of Egypt and Morocco and others who had endorsed WP/227 presented by LACAC Member States and WP/307 presented by the Russian Federation, the Delegate of Saudi Arabia reiterated the importance of multilingualism to ICAO's work to ensure the safety and security of international civil aviation. He reiterated that the implementation of that principle should not be restricted by budgetary constraints.

37. Voicing support for WP/227 and WP/362, the Representative of the Russian Federation expressed appreciation to their co-sponsors for reiterating the importance of the principle of multilingualism in ICAO. Recalling that the Assembly, in Operative Clause 3 of Resolution A37-25, had recognized that "language services are an integral part of any ICAO programme", he stressed the importance of reflecting that crucial element in the Organization's budget. The Representative of the Russian Federation observed that, regrettably, language services were viewed in most cases, if not all, as an additional financial burden on ICAO Member States. He further noted that his State was in the process of concluding a memorandum of understanding with ICAO regarding the provision of Russian language services to the Organization.

38. The Secretary General very strongly supported the main objective of the said three papers, which was the defence of multilingualism in ICAO. Recalling that the development and promulgation of SARPs was a key function of the Organization, he emphasized that SARPs were always adopted by the Council in all of ICAO's six official languages. They were subsequently implemented by the entire international aviation community, despite the fact that a number of ICAO Member States did not have any of those official languages as a mother tongue. The Secretary General further recalled that he had introduced the provision of Chinese language services to the Air Navigation Commission (ANC).

39. While the Secretary General endorsed the actions proposed in WP/362, presented by France on behalf of the co-sponsors, and in WP/227 presented by the 22 LACAC Member States, he had some difficulty with those proposed by the Russian Federation in WP/307. A number of those actions had been raised previously in the Council and the Secretariat had given presentations to Representatives regarding the current arrangements for the provision of language services which reflected the Council's decisions. In addition, some of the proposed actions had already been implemented. In agreeing with the Delegate of Burkina Faso that the budgetary aspect of language services could not be completely ignored, the Secretary General noted that the draft Budget for the 2014-2016 triennium prepared by the Council was based on the principle of zero nominal growth (ZNG). He had committed to doing better with the available resources. The Secretary General could not, however, allocate a higher percentage of the said Budget to language services when the percentage was already significant. He was open to receiving any voluntary contributions which might be offered for the provision of language services, whether financial or human.

40. Referring to paragraph 2.1 of WP/307 on the use of automated translation, the Secretary General indicated that any documents prepared using such technology would be revised in-house. Emphasizing that difficulties encountered from time to time in the provision of language services should not be exaggerated, he noted that hundreds of papers had been translated for the Assembly and that interpretation services were being provided in all six official languages. The situation therefore should not be considered to be an extremely grave one. The Secretary General underscored that, on his initiative, language services were an integral part of the work programmes in the draft Budget for the 2014-2016 triennium, which was not the case for the Budget for the current triennium.

41. Recalling the comment made regarding the *ICAO Journal*, the Secretary General noted that when it was first published in 1945, there had only been one language, English, in use in ICAO. Since that time, additional languages had been progressively added to bring the total to the current six official languages.

42. The Chairperson of the Executive Committee underscored that the *ICAO Journal* was not a regulatory document and that determining the language(s) in which it was published fell within the Secretary General's purview.

43. In then summarizing the discussion, the Chairperson emphasized the need to make a clear distinction between the objective of implementing the Assembly's policies with regard to language services, and efficiency, which entailed making optimal use of resources in order to attain such an objective. Efficiency was related to management. The financial aspects of implementing the said language services policies had been highlighted, and the Secretary General had recalled the Council's acceptance of a policy of ZNG for the Organization's Budget for the 2014, 2015 and 2016 triennium. Averring that it was not for the Assembly to give instructions to the Secretary General, especially in terms of micro-management, the Chairperson indicated that it should instead instruct the Council to closely monitor the implementation of the policies and decisions that had been adopted to enhance the efficiency and effectiveness with which language services were provided in ICAO.

44. The Chairperson noted that the paper presented by the Russian Federation (WP/307), which had received broad support, had raised a number of important aspects. As the Secretary General had indicated, however, several of the proposed actions had already been taken. The paper presented by several States (WP/362), as well as the paper presented by the 22 LACAC Member States (WP/227), had also been widely supported.

Agenda Item 25: Other high-level policy issues to be considered by the Executive Committee

Update of Assembly Resolution A22-4 (Composition of the Air Navigation Commission and participation in its work)

45. The Secretary General introduced WP/24, in which the Council proposed an amendment to Assembly Resolution A22-4 (*Composition of the Air Navigation Commission and participation in its work*) to reflect the increase in the size of the Commission from fifteen to nineteen members following the entry into force of the Protocol of Amendment to Article 56 of the Chicago Convention adopted by the 27th Session of the Assembly on 6 October 1989.

46. In the absence of comments, the Executive Committee agreed to recommend that the Plenary adopt the proposed updated Assembly Resolution appended to the paper, which would supersede Assembly Resolution A22-4.

Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and Notification of Differences

47. The Secretary General presented WP/48, which reported on the issues impacting the notification and publication of differences by Member States, identified in a comprehensive ICAO study, and the action undertaken by the Organization to address them. He underscored that more than 70 per cent of Member States experienced difficulties in implementing the requirements of Article 38 of the Chicago

Convention relating to departures from international standards and procedures, and the provisions of Annex 15 – *Aeronautical Information Services* relating to the notification and publication of differences. Increased commitment from Member States was thus also vital, as highlighted in the proposed new stand-alone Assembly Resolution set forth in Appendix A to the paper. That Assembly Resolution was based on Appendices A, D and E of Assembly Resolution A37-15 (*Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation*) and broadened the scope of the ICAO continuing policies related to SARPs and technical guidance material set forth therein to encompass all Annexes and technical guidance. The Assembly was invited to review and adopt the said proposed Assembly Resolution, which would supersede Appendices A, D and E of Assembly Resolution A37-15.

48. The Delegate of Venezuela (Bolivarian Republic of) then introduced WP/260 on the development of guidance material for the identification and notification of differences. The Assembly and the Council had paid particular attention to the notification of differences, which was an obligation for all ICAO Member States, and had noted that those received were often not wholly satisfactory. Analysis had revealed that the problems might be due to a lack of training and explicit guidance in the proper execution of the process. Her State had also noted shortcomings in the notification of its differences and was continuing to make considerable efforts to improve such notifications to the maximum extent possible. The Assembly was invited to: note the information provided in WP/260; and urge ICAO to take the necessary actions to develop guidance material that was thorough and well-defined and explained the process for the identification and notification of differences and publication of significant differences, as well as training initiatives for the identification and notification of differences, such as regional workshops and e-learning. Venezuela (Bolivarian Republic of) was willing to cooperate with ICAO in implementing these actions.

49. The Delegates of Ecuador, Italy, on behalf of the European Union (EU) and its Member States and the other Member States of the European Civil Aviation Conference (ECAC), the Russian Federation, Togo, Cuba and Colombia endorsed WP/260.

50. In commenting on WP/48, the Delegate of Venezuela (Bolivarian Republic of) emphasized that since the Electronic Filing of Differences (EFOD) System was intended to replace paper notifications of differences, the functionalities of the EFOD System should be enhanced so as to make the latter more user-friendly. Furthermore, it was important that it be possible to notify differences through the EFOD System in all ICAO working languages. If a notification of differences were filed in one of the other five working languages, then there should be no obligation to also provide ICAO with an English text thereof.

51. The Delegate of Ecuador noted that his State considered that the identification and thus the notification of differences was a continuing process whose objective was to maintain the highest level of aviation safety. Notifying differences between national regulations and practices and ICAO Standards contained in the Annexes to the Chicago Convention constituted a fundamental process in the context of effective harmonization, where it was necessary to take into account technical documents and training in the EFOD process. For that reason, Ecuador endorsed WP/260 presented by Venezuela (Bolivarian Republic of) as being a proactive paper which should be taken into account in the broader context of aviation safety.

52. The Delegate of France then presented his State's comments on WP/48, which were supported by ECAC, the European Commission and the European Aviation Safety Agency (EASA). France recalled the definitions of the terms "Standard" and "Recommended Practice" contained in the Forewords to the Annexes to the Chicago Convention. He noted that a Standard was "any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation", whereas a Recommended Practice was any such specification, "the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation". In emphasizing the

importance of the ICAO Council respecting those definitions whenever it adopted SARPs, France affirmed that that would reinforce the SARPs' relevance and enhance States' understanding and implementation thereof. It was thus desirable that the corresponding rationales for the SARPs be shared using appropriate means. France therefore suggested that a new Associated practice 6 be added to the draft Assembly Resolution contained in Appendix A to WP/48 which would reading along the following lines: "The Council, taking into account the definitions of the terms 'Standard' and 'Recommended Practice', should ensure that new Annex provisions, uniform application of which is recognized as necessary, are adopted as Standards, and that those new provisions, uniform application of which is recognized as desirable, are adopted as Recommended Practices."

53. In speaking on behalf of the EU and its Member States and the other Member States of the ECAC, the Delegate of Italy noted that it was evident, from section 2 of WP/48, that significant issues relating to the notification and publication of differences remained to be resolved. In averring that those issues should be addressed as soon as possible, the said European States recommended that the Assembly request the ICAO Council to take positive action over the next three years to resolve them and to report to the next Assembly in 2016 on the progress made. While they also recommended that the Assembly adopt the draft Assembly Resolution set forth in Appendix A to WP/48, the European States considered that, without clear and detailed guidance, supported by specific examples, on what constituted a difference under Article 38 of the Chicago Convention and a significant difference under Annex 15 – *Aeronautical Information Services*, the notification of differences would be highly variable and of limited value. Guidance from ICAO was required by European States and EASA as a matter of urgency. The said European States therefore proposed that Operative Clause 16 thereof be amended to refer to more guidance within twelve months in respect of the notification and publication of differences. Noting that Operative Clauses 4, 5, 8 and 9 of the draft Assembly Resolution focused on the nature and quality of ICAO SARPs and PANS, they supported the full adoption of the Resolution as it would facilitate State implementation of such SARPs and PANS. The European States nevertheless reiterated the need for the Council to demonstrate to the next Assembly in 2016 that the said significant outstanding issues regarding the notification and publication of differences had been addressed.

54. In also supporting WP/260 presented by Venezuela (Bolivarian Republic of), the said European States noted that they were not the only ones which were encountering problems with the notification of differences.

55. The Delegate of the Russian Federation noted that his State was prepared to support the said draft Assembly Resolution as presented in Appendix A to WP/48. While it considered that the proposed amendment by the said European States was an interesting one, it would need to see the text before agreeing thereto. The Russian Federation also endorsed WP/260 presented by Venezuela (Bolivarian Republic of).

56. Endorsing WP/48 and WP/260, the Delegate of Togo underscored the importance which his State attached to ICAO SARPs and suggested that regional workshops and seminars be given on the identification and notification of differences to enable all Member States to participate in the evolution of aviation safety and security.

57. The Delegates of Cuba and Colombia also voiced support for WP/260, with the Delegate of Cuba emphasizing the importance of taking paragraphs 2.4 and 2.5 thereof into account when deciding on future action. The Delegate of Colombia reiterated the importance of developing guidance material on the identification and notification of differences, as well as training initiatives.

58. The Delegate of Australia noted that her State endorsed WP/48, including the draft Assembly Resolution, with the amendments proposed by the Delegates of France and Italy. Australia also supported further work by ICAO to: provide guidance to States on the implementation of Article 38 of the Chicago Convention and Annex 15 – *Aeronautical Information Services*: update the *Aeronautical Information Services*

Manual (Doc 8126); and develop impact assessments and further capacity building to assist States in the implementation of SARPs. However, the actions being undertaken by the Secretariat to implement those particular measures were not clearly articulated in the said paper. Australia encouraged the continuing use and wider adoption of the EFOD System as an alternative means of notifying compliance and differences to submitting printed notifications of differences. It also expressed appreciation for the efforts of the Secretariat and the Filing of Differences Task Force, in particular, the Chairperson of the FDTF, Mr. L. Lapène.

59. The Director of the Air Navigation Bureau (D/ANB) also thanked the FDTF, specifically Mr. Lapène, for all the work done on the very delicate and complex issue of the notification of differences. In underscoring that it was the manual, and not electronic, filing of differences that was giving rise to problems, she agreed on the need to provide examples of differences. While the FDTF had already undertaken work on guidance material, it was questionable whether it could be completed within the requested twelve months given the Secretariat's many other priority tasks. Any assistance which Italy or other Member States could provide in that regard would be welcome. D/ANB observed that it was also necessary for the Council to approve the proposed amendment to the Note on the Notification of Differences which was appended to State letters on the adoption of Annex amendments and which was the primary guidance on the determination and reporting of differences.

60. D/ANB further indicated that the Secretariat had no difficulties with the suggested amendments to the draft Assembly Resolution contained in Appendix A to WP/48. She noted that the proposal to hold regional workshops and seminars on the identification and notification of differences to ICAO SARPs would be reviewed by the ICAO Council taking into consideration budgetary implications.

61. The Chairperson of the Executive Committee observed, from the discussion, that the Committee supported WP/260 presented by Venezuela (Bolivarian Republic of). With regard to WP/48 and the draft Assembly Resolution, he requested that the Delegate of France provide the text of his State's proposed new Associated practice 6 so that it could be included in the draft Report to the Plenary. The Executive Committee would have the opportunity to decide on the inclusion of that new provision when it reviewed the said draft Report.

A Policy on Assistance to Aircraft Accident Victims and their Families

62. The Secretary General introduced WP/22, which reported on progress made in the implementation of Assembly Resolution A32-7 (*Harmonization of the regulations and programmes for dealing with assistance to victims of aviation accidents and their families*) and proposed an update thereto. He recalled that in that Resolution the Assembly had urged the Council to develop material, which could include SARPs, to support victims of civil aviation accidents and their families. Accordingly, in 2001 ICAO Circular 285 (*Guidance on Assistance to Aircraft Accident Victims and their Families*) had been published and in 2005 provisions had been included in Annex 9 – *Facilitation* to enable the expeditious entry into the State of Occurrence of the family members of victims of aviation accidents. Acknowledging that further action was necessary to promote assistance to victims and their families, the Council had unanimously approved, on 1 March 2013 (198/6), the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998). The purpose of that document, to which a link was provided in Appendix A to WP/22, was to encourage States to incorporate the said ICAO Policy into their legislation, regulations and/or policies related to family assistance. During the Council's discussions, there had been support for ICAO giving further consideration to the development of SARPs relating to the establishment of family assistance plans by States. The Assembly was invited to: note the information contained in WP/22; endorse the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998); and adopt the proposed Resolution on

assistance to victims of aviation accidents and their families set forth in Appendix B, which would supersede Assembly Resolution A32-7.

63. The Delegate of Spain then introduced WP/301 (with Corrigendum No. 1), which was presented by his State in collaboration with Argentina, Cape Verde, Finland, France, Italy, Mexico and Portugal. The co-sponsors noted, with satisfaction, the work undertaken to develop the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) by the Council and the Assistance to Aircraft Accident Victims Policy Task Force (AVPTF), with the support of various associations, notably the Association Affected Flight JK5022, a member of the Air Crash Victims Families Group (ACVFG), and invited the Assembly to likewise acknowledge that work. They endorsed the said Policy, as well as the updated Assembly Resolution contained in WP/22, and recommended that the Assembly also do so. As the Policy was not prescriptive in nature, the co-sponsors proposed that the Assembly invite the Council to consider the feasibility of introducing a related provision into an appropriate Annex to the Chicago Convention, other than Annex 13 – *Aircraft Accident and Incident Investigation*, while ensuring that the independence and effectiveness of accident and incident investigations was not adversely affected. They proposed, in particular, that the Council consider introducing into Annex 9 – *Facilitation* a Recommended Practice reading along the following lines: “States should establish legislation, regulation and/or policies to support aviation accident victims and their families.”. An associated note could link that Recommended Practice to the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998). The co-sponsors considered that, with time and experience, the Recommended Practice could be upgraded to a Standard if required in the future.

64. It was noted that the ACVFG had submitted information paper WP/300, in which it lent support to WP/22 and WP/301.

65. During the ensuing discussion, appreciation was expressed for the important work carried out by ICAO and the AVPTF to ensure that the necessary assistance was provided to aircraft accident victims and their families.

66. The Delegates of Mexico, Australia, the United States, Ecuador, France, Brazil and Italy endorsed the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) in Appendix A to WP/22, as well as the draft Assembly Resolution in Appendix B thereto. In addition, the Delegates of Mexico, Venezuela (Bolivarian Republic of), Cuba, Ecuador, Côte d’Ivoire, the United Republic of Tanzania (in principle) Mauritania, El Salvador and Burkina Faso voiced support for WP/301, as did the Delegate of Italy, one of its co-sponsors.

67. In so doing, the Delegate of Ecuador expressed his State’s deep solidarity with the victims of tragic aircraft accidents and their families.

68. The Delegate of Australia noted that her State broadly supported the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) and the proposed updated Assembly Resolution. However, in noting that the Policy and associated guidance material had only recently been promulgated, Australia considered that it would be appropriate to give sufficient time to assess the impact of the Policy in so far as it was broadly implemented by States before considering the future need to develop Standards or Recommended Practices. If, in future, SARPs were considered to be necessary, then Australia would support the proposal made in WP/301 that, as a first step, a Recommended Practice be introduced, and would support the text proposed in paragraph 3.3 thereof. The Delegate of Brazil shared this view.

69. The Delegate of the United States noted that for more than fifteen years, her State had required support for aircraft accident victims and their families by the accident investigator, the air carrier and non-profit disaster response organizations. The United States’ accident response plans had been effective in

maintaining the independence of investigations, while also providing family members and survivors with information about the investigative process and the findings as they were made public.

70. The Delegate of France agreed with the view expressed in WP/301 that Annex 13 – *Aircraft Accident and Incident Investigation* was not the appropriate Annex in which to introduce a provision relating to assistance to aircraft accident victims and their families. In light of the Organization’s new Strategic Objective Security & Facilitation and the commonalities of objectives between facilitation and protection of the interests of air transport users, he suggested that the Council be requested to include in the FAL work programme for 2014-2016: all of the activities related to assistance to aircraft accident victims and their families; and consideration of the appropriate restructuring of Annex 9 – *Facilitation*, if necessary.

71. In recalling that his State had submitted an information paper (WP/232) under Agenda Item 30: Aviation Safety – Implementation Support outlining the action taken to date to establish a regional accident and incident investigation organization (RAIO) in the Central American region, the Delegate of El Salvador underscored that, once operational, the RAIO would reinforce the capacity to conduct aircraft accident and incident investigations of not only each State in that region but also of the Central American Corporation for Air Navigation Services (COCESNA).

72. The Observer from the ACVFG thanked Delegates for their support of WP/22 and WP/301, as well as for the paper presented by his association (WP/300). In underscoring that the appropriate treatment of aircraft accident victims and their families was not only in their interest but also in the interest of all of the States affected by those sad occurrences, he indicated that the ACVFG pledged to work with all of those States to implement ICAO’s Policy and the underlying guidance material. This would ensure that there would be an international norm for the effective treatment of aircraft accident victims and their families in the aftermath of such tragedies.

73. The Chairperson of the Executive Committee observed, from the discussion, that there was very broad support for the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) and the draft Assembly Resolution in Appendices A and B to WP/22, as well as for the action proposed in WP/301. A technical point had been made regarding the need to adapt the structure of the relevant Annex in order to incorporate any future Recommended Practice or Standard on assistance to aircraft accident victims and their families. Recalling the comment made by the Delegate of Australia that it might not yet be time to introduce a related Standard into an appropriate Annex, the Chairperson indicated that consideration could at least be given to introducing a Recommended Practice therein.

Policy on third-party endorsements and memoranda of understanding (MOUs)

74. In presenting WP/338 on this subject, the Delegate of Colombia highlighted the need for ICAO, as an organization of States, to meet the challenges of globalization and increased air traffic. To do so, it had to apply new technologies and methodologies while maintaining aviation safety and security and ensuring the global harmonization of air navigation systems and air transport regulations, and environmental protection. Developing and implementing solutions to those challenges required the participation of all actors and stakeholders in collaborative decision-making. ICAO had developed mechanisms for promoting such cooperation with other international organizations, industry and academia as a key to generating innovation and revitalizing aviation activity. This necessitated conditions and regulations to avoid conflicts of interest and to ensure respect for the principles of transparency and equal opportunity through fair and equitable competition and objective selection, as well as for the use of ICAO’s emblem by third-parties. Such conditions and regulations should be developed through policies adopted by the ICAO Council in order to comply with the objectives set forth in the Chicago Convention. The Assembly was thus invited to request the Council to:

provide guidelines and adopt policies for the interactions of ICAO with third parties in the form of endorsements and MOUs; and publish the list of MOUs and endorsements in force.

75. The Delegates of the Republic of Korea, Switzerland, Cuba, Peru and Brazil endorsed this proposed action. In so doing, the Delegate of Switzerland underscored that, like Colombia, his State strongly believed that industry and international bodies other than ICAO played a crucial role in the further development of new technologies and techniques in air navigation. It was nevertheless primordial to ensure ICAO's leadership in that process, in order to offer a clear, strong and transparent structure.

76. The Delegate of Cuba fully supported the paper and its proposed actions in view of the contribution which they made to the health of the Organization in terms of the principles of transparency and equal opportunity, inter alia. He suggested that the existing *Guidelines on Cooperation between the United Nations and the Business Sector* (2009) serve as a basis for the Council's work to develop guidelines and adopt policies for the interactions of ICAO with third parties in the form of endorsements and MOUs.

77. The Chairperson concluded, from the views expressed, that the Executive Committee recommended that the Assembly take the action proposed by Colombia in WP/338.

Alignment of ICAO Strategic Objectives with Member States and a progress reporting mechanism

78. In introducing WP/335 on the above subject, the Delegate of the United Arab Emirates underscored that the establishment and dissemination by ICAO of its Strategic Objectives were not sufficient for their implementation. In order to bridge the gap, the United Arab Emirates proposed the creation of an online ICAO Integrated Performance Management System that would cascade the Organization's overall Strategic Objectives and link them to the Operational Plans at Member State level so as to ensure the strategic alignment with Member States and regional organizations. The Assembly was invited to request the Council to develop such a system that supported the dissemination of ICAO's Strategic Objectives into Member States' Business Plans, as well as a reporting mechanism to promote the culture of commitment and accountability.

79. The Delegates of Egypt, Yemen, Colombia and Somalia supported these proposed actions.

80. The Chairperson noted that the Executive Committee agreed to recommend that the Assembly take the action proposed by the United Arab Emirates in WP/335.

Agenda Item 16: Facilitation and Machine Readable Travel Documents

81. The Executive Committee commenced consideration of this Agenda Item on the basis of four working papers presented by the Council, WP/3 (*Developments pertaining to Annex 9 – Facilitation and proposed work programme for the next triennium*), WP/4 [*Developments pertaining to the Machine Readable Travel Documents (MRTD) Programme and the Public Key Directory (PKD)*], WP/11 [*Proposal for an ICAO Traveller Identification Programme (ICAO TRIP) Strategy*], and WP/23 (*Consolidated statement of continuing ICAO policies and practices relating to facilitation*), and related working papers and information papers.

82. The Secretary General introduced WP/3, which outlined the mandate and current priorities of the ICAO Facilitation (FAL) Programme and reported on relevant developments since the last Assembly. Highlighting the proposed priorities for the FAL Programme and the expected outcomes for the 2014-2016 triennium set forth in paragraph 3.12, he noted that under the category "working better with what we have", it was proposed that the FAL Programme examine issues relating to non-compliance with the SARPs contained

in Annex 9 – *Facilitation*, consolidate its work and establish stronger links and cooperation with relevant entities. Under the category “planning for the future”, it was proposed that the FAL Programme prepare responses to new and emerging issues and engage continuously with advances in relevant technologies. The Assembly was invited to endorse the said proposed priorities and expected outcomes.

83. In then presenting WP/4, the Secretary General underscored that the Technical Advisory Group on Machine Readable Travel Documents (TAG/MRTD) continued to assist the Secretariat in developing and maintaining the currency of the technical specifications contained in Doc 9303 (*Machine Readable Travel Documents*) and in ICAO guidance material. Recalling that MRTD-related SARPs and specifications were contained in Annex 9 – *Facilitation*, he emphasized that, while some challenges remained, almost all ICAO Member States currently applied Standard 3.10 and issued only machine readable passports (MRPs) in accordance with the specifications of Doc 9303. The next important travel document deadline was 24 November 2015, when all non-MRPs must be out of circulation. The Secretariat was carrying out intensive communication activities to support the achievement of full compliance and was ready to provide assistance to those States which anticipated challenges in meeting that deadline. In observing that the use of biometric passports had been rapidly increasing, the Secretary General stressed that States should participate in the ICAO PKD in order to derive maximum benefit from e-passports. The Secretariat continued to provide assistance to States with a view to ensuring universal compliance with Standards 3.10 and 3.10.1. The Assembly was invited to note the developments and activities of the MRTD Programme outlined in the paper.

84. Introducing WP/11, the Secretary General underscored that the proposed ICAO TRIP Strategy provided a framework for achieving significant enhancements in aviation security and facilitation by bringing together the elements of identification management and building on ICAO leadership in MRTD-related matters. At the centre of the Strategy was the key proposition for States, ICAO and all stakeholders to recognize that a holistic, coherent, coordinated approach to the interdependent elements of traveller identification management was essential to uniquely identify individuals. Recognizing the benefits of traveller identification management to aviation security and facilitation, ICAO’s mission, under the Strategy, was to contribute to the capacity of Member States to uniquely identify individuals by providing appropriate authorities worldwide with the relevant supporting mechanisms to establish and confirm the identity of travellers. The Assembly was invited to endorse the proposed ICAO TRIP Strategy and recommend States’ participation in the ICAO PKD.

85. Presenting WP/161 on the facilitation and security benefits of trusted traveller programmes, the Delegate of the United States emphasized that the implementation of the latter in a consistent manner would provide greater overall security for the international aviation system, while also providing the benefits of expedited entry for low risk travellers and more cost-effective use of security personnel and resources. The Assembly was invited to: note the relevance of trusted traveller programmes to improve facilitation and security; and recommend ways and means by which ICAO could support the development, interoperability and harmonization of such programmes worldwide. The United States welcomed the opportunity to support ICAO and its Member States in facilitating the latter’s respective trusted traveller programmes.

86. The Delegate of the Republic of Korea then introduced WP/267 which highlighted the significant increase in aviation security and efficiency resulting from his State’s implementation of an Automated Immigration Clearance System based on facial recognition. The Assembly was invited to: note the information; and request the Council to consider the Republic of Korea’s proposals to: include in Annex 9 – *Facilitation* a new definition of the term “Automated Immigration Clearance System” and a related general principle and Recommended Practices, and to include information on its system in the Supplement to Annex 17 – *Security*. It was noted that the Republic of Korea had also submitted information paper WP/269, which provided more detailed information on its Automated Immigration Clearance System procedures, the results of its test operations and its expected benefits.

87. The Delegate of the United Arab Emirates presented WP/254, which outlined the difficulties being faced by some States in obtaining the Passenger Name Record (PNR) data necessary for security and risk assessment purposes due to the need to conclude bilateral agreements with other States and proposed the development and implementation of a new global framework for the collection and usage of PNR data. The Assembly was invited to request the Council to consider amending the *Guidelines on Passenger Name Record (PNR) Data* (Doc 9944) accordingly.

88. On behalf of the 54 Member States of the African Civil Aviation Commission (AFCAC), the Delegate of Namibia introduced WP/105 relating to WP/4 on the MRTD Programme and the PKD. While supporting that paper, and commending ICAO, in particular, the TAG/MRTD and its New Technologies Working Group (NTWG), for their work to develop and promote the implementation of MRTD technical specifications, the said African States expressed concern that the deadline of 24 November 2015 for the removal from circulation of non-MRPs would not be met by all States. They therefore invited the Assembly to: request the Council to direct the Secretary General to convene high-level engagements between Ministers responsible for the issuance of travel documents and the Ministers responsible for civil aviation to ensure that all relevant authorities were sensitized as to the consequences of failure to meet that deadline and to minimize possible inconveniences which that might cause the travelling public; note the envisaged development of an ICAO model road map to assist States in ePassport implementation initiatives and direct ICAO to give it high priority; and direct the Secretary General to conduct regional seminars and workshops aimed at educating States on the benefits of participating in the ICAO PKD.

89. In introducing WP/94 Revision No. 1 on the transmission by airlines of passenger data to governments for the purposes of border control, the Observer from the International Air Transport Association (IATA) underscored that requests for such data often did not follow the Standards and guidelines established by ICAO, the World Customs Organization (WCO) and IATA. Such non-standard requests impacted not only the airline industry but also States and the travel experience of their citizens. While IATA and its Members understood that electronic data transmission played an important role in pre-arrival risk assessment, they considered that such non-standard requests had the potential to slow down, rather than accelerate, border management. They therefore invited the Assembly to: request States to raise awareness among immigration and border control authorities of ICAO SARPs and guidance material dealing with passenger data, taking into account the ongoing joint campaign of IATA, ICAO and World Tourism Organization (UNWTO) in that regard; and request ICAO to consider extending its auditing of Annex 9 – *Facilitation* provisions under the Universal Security Audit Programme (USAP) to include all Advance Passenger Information (API)- and PNR-related SARPs.

90. The Observer from UNWTO presented WP/246 which advocated visa facilitation as a means to stimulate tourism growth. Requirements for visas and visa processing posed significant constraints on the growth of tourism and hence on air transport, as had been most recently evidenced at the ICAO/McGill pre-Assembly Symposium *Enhancing air transport connectivity and profitability: Passengers, cargo and technology*. Furthermore, the security justification for requiring visas might be lessening with the increased requirements for API and PNR data. The paper recalled, inter alia, the Joint Statement signed by the Secretaries General of ICAO and UNWTO in March 2014 to further optimize the benefits of aviation and tourism, with specific reference to enhancing air transport connectivity further through cooperation regarding visa and other travel document formalities and issuance, including the simplification of visa processing and the development of multi-State regional visas and e-visas. It also reported on the joint research undertaken by the UNWTO with the World Travel and Tourism Council (WTTC) on the economic benefits of improving the visa process, which had persuaded the Tourism Ministers of the G20 economies to agree to work together towards developing travel facilitation initiatives. WP/246 identified five ways in which to do so. However, complementary action was required from ICAO as the recognized global authority for the specification of standards for MRTDs, including visas. The UNWTO invited the Assembly to: urge ICAO Member States to continue the process of visa facilitation; and agree that ICAO and the UNWTO should jointly address the

subject of visa facilitation at a strategic level, bearing in mind the positive experience of the UNWTO and the WTTC in the G20 context.

91. The Secretary General then introduced WP/23, to which was appended a proposed Consolidated statement of continuing ICAO policies and practices related to facilitation. The paper recalled that following its approval of the new joint Strategic Objective Security & Facilitation, the Council had decided that matters pertaining to facilitation which had previously appeared in the Consolidated statement of continuing ICAO policies in the air transport field should be presented in a draft stand-alone resolution. The proposed Consolidated statement reflected matters of continuing importance, recent developments, and the future focus of ICAO's work in the field of facilitation, which included the development and implementation of facilitation provisions, key elements of the ICAO TRIP (cf. WP/11), and national and international action and cooperation on facilitation matters.

92. It was noted that Chile and China had submitted information papers on, respectively, activities undertaken by Chile in relation to MRTDs (WP/322) and progress in facilitation and e-passports in China (WP/180).

93. During the ensuing discussion, the Delegate of the United Republic of Tanzania voiced his State's support for WP/105 presented by the 54 AFCAC Member States and its appreciation for ICAO's efforts to provide MRTD-related capacity building assistance as a means to ensure universal compliance with Standards 3.10 and 3.10.1 of Annex 9 – *Facilitation* prior to the deadline of 24 November 2015 for the removal from circulation of non-MRPs. The United Republic of Tanzania recommended that ICAO continue in that spirit until all States complied with the said Standards prior to the deadline to ensure that ICAO-compliant MRPs were used worldwide.

94. The Delegate of Nigeria noted that his State commended ICAO for the progress made under the MRTD Programme and the PKD. As a participant in the PKD, Nigeria encouraged other States to join. It endorsed WP/105 presented by the said AFCAC Member States.

95. The Delegate of the Russian Federation indicated that his State endorsed WP/161 presented by the United States which underscored the benefits of trusted traveller programmes, in particular, risk management. While supporting, in principle, the approach to the collection and usage of PNR data proposed by the United Arab Emirates in WP/254, the Russian Federation considered that the principles listed in paragraph 2.4 for incorporation into the *Guidelines on Passenger Name Record (PNR) Data* (Doc 9944) should be reviewed and revised in light of the work being done by the Facilitation Panel (FALP).

96. The Delegate of Togo observed that his State supported all of the papers presented, in particular, WP/105 by the 54 AFCAC Member States and WP/23 containing the draft Consolidated statement on facilitation.

97. The Delegate of Switzerland noted that his State supported the four papers presented by the Council (WPs/3, /4, /11 and /23). Nonetheless, with regard to WP/3 Switzerland considered that a clear distinction should be made between measures aimed at increasing security and those aimed at combatting illegal immigration. Thus whenever security issues were concerned, it suggested that reference be made to the *ICAO Aviation Security Manual* (Doc 8973 – Restricted) rather than to the development of new guidance material under the heading of facilitation. Switzerland also supported WP/105 presented by the 54 AFCAC Member States, WP/161 presented by the United States and WP/94 Revision No. 1 presented by IATA. It was nevertheless aware that some of the actions proposed in those papers required further work, which ideally would be done in the framework of the FALP.

98. The Delegate of Colombia indicated that her State supported the proposed priorities for the FAL Programme and the expected outcomes for the 2014-2016 triennium set forth in paragraph 3.12 of WP/3, as well as the ICAO TRIP Strategy described in WP/11. Colombia also endorsed the draft Consolidated statement on facilitation set forth in WP/23.

99. The Delegate of the United Kingdom noted that her State supported WP/161 presented by the United States as it made a convincing case for further action by ICAO to harmonize the development of trusted traveller programmes. While it had been very interesting to hear the Delegates of the United States and the Republic of Korea elaborate on the tangible operational, facilitation and security benefits to be derived from such programmes, which a growing number of States were considering using, there were also significant risks in having a variety of different programmes emerge based on a range of different standards, as made clear in WP/161. The United Kingdom therefore suggested that action paragraph b) of that paper be amended to indicate that the Assembly was invited to recommend that ICAO support the development of such trusted traveller programmes, with the identification of ways and means of doing so being referred to the FALP for deliberation. With respect to WP/267 presented by the Republic of Korea, while the United Kingdom supported consideration of initiatives for new SARPs for an Automated Immigration Clearance System, it was of the opinion that the proposals set forth in paragraph 4 of the paper should be referred to the FALP for discussion and development.

100. The Delegate of Sweden observed that her State shared the view expressed by the United Arab Emirates in WP/254 that it was necessary to harmonize the exchange of PNR data among States and for States to follow ICAO's *Guidelines on Passenger Name Record (PNR) Data* (Doc 9944). Sweden considered, however, that the said existing guidelines included in Doc 9944 and developed in the FALP provided a useful framework for bilateral agreements on the exchange of PNR data.

101. The Delegate of the Netherlands underscored that her State agreed with IATA (WP/94 Revision No. 1) on the need to further standardize passenger data and to raise awareness of the relevant SARPs and guidance material established by ICAO, as well as by the WCO and IATA. She noted that where passenger data had to be submitted electronically, each individual airline had to submit it to government agencies in various States and each such agency had to be able to receive and process the passenger data from various airlines. This made the use of standardized passenger data essential for both the airline industry and governments. The Netherlands wished to continue to work with international bodies, including the FALP, on the development of further harmonized and standardized instruments on passenger data.

102. The Delegate of France indicated that his State considered that the constant growth in the number of airline passengers made it absolutely necessary to develop efficient tools to facilitate border controls. Such tools would enhance the effectiveness of the border controls carried out by the authorities while also simplifying them for passengers. Consequently, France encouraged States to participate in the PKD and supported the ICAO TRIP Strategy (cf. WPs/4 and /11).

103. The Delegate of Australia noted that his State endorsed the comments made by the Delegates of Switzerland and the United Kingdom regarding WP/161 presented by the United States. With regard to the draft Consolidated statement set forth in WP/23, Australia supported the resolution that ICAO continue to develop policies related to passenger facilitation. It considered that ICAO policies to support efficient passenger facilitation would result in economic benefits due to expedited clearance of passengers while also resulting in improved border security outcomes. Australia was also of the view that facilitation and border security should not be considered in isolation, given the cross-over in facilitation and security outcomes and recognizing that sometimes there were conflicting outcomes between facilitation and security policies. It therefore proposed that a new Operative Clause 11 be added to Appendix C of the draft Consolidated statement which would read along the following lines: “*Urges Member States to undertake dialogue and cooperation between national and regional facilitation and security-related bodies;*”. Australia also suggested

that Operative Clause 1 of Appendix C be amended by replacing the word “Contracting” with the word “Member”.

104. With respect to WP/246 presented by the UNWTO, the Delegate of Australia noted that his State had a universal visa system which required visas for all visitors to Australia, without exception. Australia considered that visa processing was an important element in facilitating the benefits of tourism while providing States with the ability to ensure border integrity. The forward-looking work programme of the FALP (cf. WP/3) would address a broad range of important issues raised by Member States that were aimed at improving passenger movements over borders and strengthening border integrity. The future work of the FALP would have flow-on benefits to visa processing systems, to the benefit of both air travellers and Member States. Australia did not support committing additional ICAO resources to visa processing separate from the work identified by the FALP.

105. With regard to WP/94 Revision No. 1 presented by IATA, Australia noted that one of ICAO’s priorities was to investigate non-compliance against a range of existing SARPs. It considered that it would be more appropriate for ICAO to continue with that focus and would not support, at the present time, the expansion of the USAP to include auditing of Annex 9 – *Facilitation* provisions relating to API or PNR data.

106. The Delegate of Egypt expressed his State’s support for WP/105 presented by the 54 AFCAC Member States, as well as for WP/254 presented by the United Arab Emirates, WP/161 presented by the United States and the four papers presented by the Council (WPs/3, /4, /11 and /23).

107. The Delegate of Saint Vincent and the Grenadines noted that his State endorsed WP/3, /4 and /11, as well as WP/246 presented by the UNWTO, with the exception of the PKD registration fee (approximately USD 55 000), which it considered to be unsustainable for small States. While Saint Vincent and the Grenadines would like join the PKD, it was very difficult for it to pay the said registration fee. It suggested that the Council consider whether there could be a reduction thereof for small States.

108. It was agreed to resume consideration of Agenda Item 16 at the Executive Committee’s next meeting, at which time Agenda Items 13 (*Aviation Security – Policy*), Agenda Item 14 [*Universal Security Audit Programme (USAP)*] and Agenda Item 15 (*Aviation Security – Implementation Support*) would also be discussed.

109. The meeting adjourned at 1215 hours.

Minutes of the Sixth Meeting
(Friday, 27 September 2013 at 1400 hours)

SUBJECTS DISCUSSED

1. Agenda Item 16: Facilitation and Machine Readable Travel Documents
 - *Developments pertaining to Annex 9 – Facilitation and proposed work programme for the next triennium*
 - *Developments pertaining to the Machine Readable Travel Documents (MRTD) Programme and the Public Key Directory (PKD)*
 - *Proposal for an ICAO Traveller Identification Programme (ICAO TRIP) Strategy*
 - Paper presented by the Republic of Korea
 - Paper presented by the United Arab Emirates
 - Paper presented by the United States
 - Paper presented by the 54 Member States of the African Civil Aviation Commission (AFCAC)
 - Paper presented by the International Air Transport Association (IATA)
 - Paper presented by the World Tourism Organization (UNWTO)
 - Information paper presented by Chile
 - Information paper presented by China
 - Information paper presented by the Republic of Korea
 - *Consolidated statement of continuing ICAO policies and practices related to facilitation*

2. Agenda Item 13: Aviation security — Policy
 - *Outcomes of the High-level Conference on Aviation Security (HLCAS)*
 - *Declaration on Aviation Security and the ICAO Comprehensive Aviation Security Strategy (ICASS)*
 - Paper presented by Egypt
 - Paper presented by Indonesia
 - Paper presented by the Russian Federation
 - Papers presented by Venezuela (Bolivarian Republic of)

- Paper presented by Australia, Belgium, Canada, China, Germany, Japan, Jordan, Lebanon, New Zealand, the Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Switzerland, the United Kingdom, the United States, Airports Council International (ACI), Global Express Association (GEA), IATA, The International Air Cargo Association (TIACA), the Universal Postal Union (UPU) and the World Customs Organization (WCO)
- Paper presented by Australia, Canada and the United States
- Paper presented by Lithuania on behalf of the European Union (EU) and its Member States and the other Member States of the European Civil Aviation Conference (ECAC)
- Paper presented by Nicaragua on behalf of the 22 Member States of the Latin American Civil Aviation Commission (LACAC)
- Paper presented by Australia, Belgium, Canada, China, Germany, Ireland, Italy, Japan, Lebanon, Luxembourg, Mexico, New Zealand, Nigeria, Qatar, the Russian Federation, Saudi Arabia, Senegal, Singapore, Slovenia, South Africa, Spain, Switzerland, the United Arab Emirates, the United Kingdom and the United States
- Paper presented by Australia, Austria, Canada, China, Germany, Ireland, Italy, Japan, Jordan, Lebanon, Luxembourg, Mexico, the Netherlands, New Zealand, Nigeria, Portugal, Qatar, the Russian Federation, Saudi Arabia, Senegal, Singapore, Slovenia, South Africa, Spain, Switzerland and the United Arab Emirates
- Paper presented by ACI
- Information paper presented by Indonesia
- Information paper presented by Israel
- Information paper presented by the Republic of Korea
- Information paper presented by the United States
- Information paper presented by Viet Nam

3. Agenda Item 14: Universal Security Audit Programme (USAP)

- *Universal Security Audit Programme (USAP): Transition to a Continuous Monitoring Approach*
- *Universal Security Audit Programme (USAP)*
- Paper presented by the Russian Federation
- Information paper presented by the Dominican Republic
- Information paper presented by the Member States of the Caribbean Aviation Safety and Security Oversight System (CASSOS)

4. Agenda Item 15: Aviation security — Implementation support

- *Aviation Security Assistance and Capacity Building Strategy*
- *Implementation Support and Development – Security (ISD-SEC) Programme*

- Paper presented by Australia, Canada, Jordan, Lebanon, Singapore, South Africa, the United Kingdom, the United States, ACI, GEA, IATA and TIACA
- Paper presented by the 54 Member States of AFCAC
- Paper presented by the 22 Member States of LACAC
- Information paper presented by the Dominican Republic
- Information paper presented by India
- Information paper presented by the Republic of Korea
- Information paper presented by the Russian Federation
- Information paper presented by the Economic and Monetary Union of Western Africa (UEMOA)
- *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*

SUMMARY OF DISCUSSIONS

Agenda Item 16: Facilitation and Machine Readable Travel Documents

1. With the first Vice-President, Mr. Robert Dick (Canada), presiding, the Executive Committee resumed (EX/5) and completed its consideration of this Agenda Item on the basis of four working papers presented by the Council, WP/3 (*Developments pertaining to Annex 9 – Facilitation and proposed work programme for the next triennium*), WP/4 [*Developments pertaining to the Machine Readable Travel Documents (MRTD) Programme and the Public Key Directory (PKD)*], WP/11 [*Proposal for an ICAO Traveller Identification Programme (ICAO TRIP) Strategy*], and WP/23 (*Consolidated statement of continuing ICAO policies and practices related to facilitation*), and related working papers and information papers.

2. The Delegate of Japan expressed support for all four papers presented by the Council. With regard to WP/3, he reminded the Assembly that the Passenger Name Record (PNR) was vital, not only for facilitating air passengers' travel but also for fighting against terrorism and controlling drug trafficking in an efficient and effective way. It was therefore very important for ICAO, as well as for its Member States, to collaborate closely with each other and other partners, such as the World Customs Organization (WCO), in order to implement the PNR in an appropriate manner.

3. The Delegate of Cuba also endorsed the said four papers, and recognized the work done not only by the Council but also by the Secretariat in the field of facilitation and MRTDs. In supporting ICAO's leadership role in developing specifications for travel documents and the ICAO TRIP, she encouraged all States to work with the Organization thereon. The Delegate of Cuba also urged the Council to continue its studies and analyses and formulate recommendations in order to guide States in the development of their national programmes. In addition, she supported the position expressed by the AFCAC Member States in WP/105, particularly with regard to the provision of technical assistance and training. The Delegate of Cuba shared the concern voiced previously (EX/5) by the Delegate of Saint Vincent and the Grenadines regarding the PKD registration fee for small States, which she considered should be taken into account by ICAO.

4. In also acknowledging the significant contribution made by the Council in this field, the Delegate of Venezuela (Bolivarian Republic of) affirmed that the holistic approach to traveller identification management (cf. WP/11, Appendix A) would increase the effectiveness of Annex 9 – *Facilitation* and Annex 17 – *Security*. Special attention should be paid to passports as they were one of the most important links in the chain for combatting acts of unlawful interference against international civil aviation and reinforcing the security system. While aware that the ICAO TRIP, which his State supported, was a general strategy, the Delegate of Venezuela (Bolivarian Republic of) considered that it was nonetheless necessary to take into account certain specific issues, such as the need for: ICAO-endorsed training centres to provide information on identity documents, especially electronic passports (ePassports); the system's aviation security element to ensure that there was no traveller misidentification; and for the efficiency of border controls to be increased, which would also enhance facilitation and security. Highlighting that human factors was another important element, he underscored that the use of technology could lead to overconfidence, which could, in turn, create vulnerabilities in the security system. It was important to have effective procedures in place to efficiently control machine readable passports (MRPs) which had been properly issued and which met all of the relevant security Standards. It was likewise important to verify that the MRPs were valid and had not expired.

5. The Delegate of Afghanistan expressed appreciation for WP/3, which set forth a highly-technical Facilitation (FAL) Programme for the 2014-2016 triennium. She also voiced support for WP/105 (AFCAC), and for the efforts of the Technical Advisory Group on Machine Readable Travel Documents' (TAG/MRTD's) Implementation and Capacity Building Working Group (ICBWG) to support the Secretariat in providing States with assistance through educational and promotional activities.

6. The Delegate of Bangladesh affirmed that all of the papers presented under Agenda Item 16, as well as WP/138 [Venezuela (Bolivarian Republic of)] on the development of guidance material for implementing a results-based approach to aviation security presented under Agenda Item 13, were extremely useful. While he fully agreed to a results-based approach, he considered that it was also necessary to have an appropriate mechanism in place to produce the expected outcomes. Since aviation security was more complicated than aviation safety, in terms of sensitizing States on points of sovereignty and territorial integrity, it had to be seen in combination with passenger facilitation as exemplified in Annex 9 – *Facilitation*. The most difficult aspect of aviation security was to translate the strategic objectives into technical functions by individual States. The Delegate of Bangladesh commended the Secretariat for introducing initiatives, both in equipment and other areas such as the ICAO TRIP and the MRTD Programme. He considered, however, that some of those initiatives required a thorough and specialized knowledge of both an academic and functional kind. As aviation security was a system geared towards achieving the objectives set by ICAO's Standards and Recommended Practices (SARPs), there was a strong need to facilitate the professional skills and competencies of aviation security personnel, particularly in developing States. The Delegate of Bangladesh underscored, in this context, that aviation security would become increasingly complex in the coming years, given the rising trend among non-State actors to target civil aviation. In affirming the consequent need for the overarching leadership of ICAO, he strongly supported all of the papers presented by the Council under this Agenda Item.

7. The Delegate of Italy congratulated ICAO for its work in improving facilitation measures and supported the draft Consolidated statement on continuing ICAO policies and practices related to facilitation contained in WP/23.

8. The Delegate of South Africa supported WP/105, her State being a Member of AFCAC. In acknowledging the important work done by ICAO in this field and the contributions of the Council's four papers towards improving border security, she affirmed that the said papers provided a good basis for developing SARPs for trusted traveller programmes, automated border controls and visa facilitation. The benefits of the work done in that regard would also extend to the border security improvements related to other

modes of transport (maritime and land). The affordability of the basket of programmes for developing States should be noted as it pertained to technological, operational and infrastructure changes.

9. The Delegate of Cameroon unreservedly endorsed WP/105 as his State was likewise a Member of AFCAC.

10. In fully supporting WP/246 (UNWTO) on visa facilitation as a means to stimulate tourism growth, the Delegate of Namibia emphasized that ICAO should continue to assist States in facilitating the issuance of visas given the obstacles faced by tourists, especially in developing and least developed States, as identified in the paper.

11. Summarizing the discussion, the First Vice-President observed that there was general support for all ten papers which invited action by the Assembly. With regard to WP/23, a number of Delegates had spoken in support of the draft Consolidated statement of continuing ICAO policies and practices related to facilitation and the Delegate of Australia had proposed (EX/5) the insertion, in Appendix C thereto, of a new Operative Clause 11 which would read along the following lines: “*Urges* Member States to undertake dialogue and cooperation between national and regional facilitation and security-related bodies;”. He requested the Delegate of Australia to provide the Secretariat with the proposed text. With regard to WP/94 Revision No. 1 (IATA), support had been expressed for ICAO to continue its work on Advance Passenger Information (API) and Passenger Name Record (PNR) data through the Facilitation Panel (FALP), and for the need for global harmonization of data exchange programmes. However, IATA’s request that ICAO consider expanding the scope of its audits under the Universal Security Audit Programme (USAP) to include all API- and PNR-related SARPs of Annex 9 – *Facilitation* had not been supported.

12. With reference to WP/246 (UNWTO), it had been pointed out that any work on visa facilitation should be undertaken within the existing resources available under the framework of the FALP. With regard to WP/161 (United States), support had been expressed for ICAO leadership in the development of specifications to promote the interoperability of trusted traveller programmes, with the work being referred to the FALP for discussion and development.

13. With respect to the ICAO PKD, the Delegate of Saint Vincent and the Grenadines had requested that ICAO consider a reduction in the registration fee. Overall, several Delegates had requested that ICAO take into account the needs of small States in going forward.

14. In taking the action then proposed by the First Vice-President, the Executive Committee endorsed the proposed priorities for the FAL Programme and expected outcomes for the 2014-2016 triennium, as set out in paragraph 3.12 of WP/3. The Committee also made note of the developments pertaining to the MRTD Programme and the PKD, as presented in WP/4.

15. The Committee endorsed the proposed ICAO TRIP Strategy and recommended the participation of States in the PKD, as proposed in WP/11. The Committee also requested that the concerns raised by small States regarding the PKD participation fees be considered.

16. The Committee agreed that the Council should be requested to consider including new SARPs in Annex 9 – *Facilitation* relating to Automated Immigration Clearance Systems, as set out in paragraph 4 of WP/267 (Republic of Korea). It further agreed that the Council should be requested to consider the proposals set out in paragraph 2.4 of WP/254 (United Arab Emirates), for updating the *Guidelines on Passenger Name Record (PNR) Data* (Doc 9944).

17. The Committee, in noting the relevance of trusted traveller programmes described in WP/161 (United States) to improve facilitation and security, agreed that the Council should examine ways and means by which ICAO could support the development of such programmes, and the interoperability and harmonization thereof.

18. With regard to matters relating to new provisions for Annex 9 – *Facilitation* on Automated Immigration Clearance Systems, the revision of Doc 9944 and SARPs for trusted traveller programmes, the Committee agreed that these matters should be referred to the FALP for consideration.

19. The Committee agreed to the proposals presented in WP/105 (AFCAC) that the Council should convene high-level engagements between States responsible for issuing travel documents and Civil Aviation Authorities to ensure awareness of the responsibilities associated with the 24 November 2015 MRPs deadline. In noting the planned development of an ICAO model roadmap to assist States in ePassport implementation initiatives, the Committee agreed that ICAO should give this high priority, and specifically should conduct regional seminars/workshops in order to educate States on the benefits of participating in the PKD.

20. With regard to WP/94 Revision No. 1 (IATA), the Committee agreed that States should be requested to raise awareness amongst immigration and border control authorities of ICAO SARPs and guidance material dealing with passenger data. However, the Committee did not support a proposal to expand the USAP to all API- and PNR-related SARPs of Annex 9 – *Facilitation*.

21. The Committee agreed that Member States should be urged to continue the process of visa facilitation, as suggested in WP/246 (UNWTO). It also agreed that ICAO and the UNWTO should jointly address the subject of visa facilitation at a strategic level, but within the framework of resources available to the FALP.

22. With regard to WP/23, the Committee noted that matters pertaining to facilitation had appeared, to date, in the *Consolidated statement of continuing ICAO policies in the air transport field*. However, taking into account the new Strategic Objectives approved by the Council, the Committee agreed that matters pertaining to facilitation should be presented as a stand-alone draft Resolution, as proposed in the paper. It also noted that the proposed Consolidated statement of continuing ICAO policies and practices related to facilitation reflected recent developments, as well as the future focus of ICAO's work in the field. The latter included planned activities for the FAL Programme during the next triennium, as well as key elements of the ICAO TRIP Strategy that related to identification management and the security and integrity of travel documents.

23. Having reviewed the said draft Consolidated statement of continuing ICAO policies and practices related to facilitation set forth in WP/23 and having agreed to include an additional Operative Clause 11 in Appendix C thereto (cf. paragraph 11 above), the Executive Committee approved it for submission to the Plenary for adoption.

Agenda Item 13: Aviation security — Policy

24. The Executive Committee considered this Agenda Item on the basis of three working papers presented by the Council: WP/12 [Outcomes of the High-level Conference on Aviation Security (HLCAS)]; WP/13 [Declaration on Aviation Security and the ICAO Comprehensive Aviation Security Strategy (ICASS)], which was discussed in conjunction with several related working papers and information papers; and WP/14 (*Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*), which was introduced at the end of meeting, following completion of the consideration of all of the aviation security-related Agenda Items (cf. paragraph 134 below).

It was noted that WP/277 [Air cargo or mail carrier operating into the European Union from a third country airport (ACC3)] presented by 55 States had been withdrawn.

25. In introducing WP/12, the Director of the Air Transport Bureau (D/ATB) noted that the HLCAS, which had been convened in Montréal from 12-14 September 2012, had resulted in a number of recommendations that shaped ICAO's aviation security policy and programme direction for the next triennium. They concerned areas such as air cargo security, measures against insider threats, risk-based security, sustainability, passenger facilitation and transparency of audit results. The HLCAS recommendations also called for ICAO to promote innovation in aviation security and to identify measures for enhancing international cooperation. In addition, the Conference had supported the transition of the Universal Security Audit Programme (USAP) to a continuous monitoring approach (CMA) by producing recommendations for an effective capacity building framework. Pursuant to those recommendations, the Secretariat had developed a work plan to implement the Conference's outcomes, which had been subsequently approved by the Council in October 2012 (197/1). The updated work plan was appended to WP/12. Substantial progress had been made on the Conference's key recommendations, such as the expedited adoption of Amendment 13 to Annex 17 – *Security* on 13 November 2012 (197/7) in order to address the vulnerabilities related to air cargo and the threat posed by insiders. Guidance material had been made available to assist States in implementing the said Annex amendment and the *ICAO Global Risk Context Statement* had been disseminated. Some action items were expected to be completed by the end of 2013, while others were long-term in nature and could carry over to the next triennium. The Assembly was invited to endorse the follow-up actions approved by the Council as set forth in the Appendix to the paper.

26. During his presentation of WP/13, D/ATB underscored that, as a result of the generous support of Member States for ICAO's aviation security programme, both financial and in-kind, the Organization was well on its way to achieving its aviation security objectives. Appendix A to the paper provided an overview of key aviation security accomplishments and challenges in the current triennium and the results expected in the coming 2014-2016 triennium. Appendix B described how extra-budgetary funding was used to address threats, deliver technical assistance and promote security awareness worldwide. As in past years, voluntary contributions would be essential if ICAO was to fulfil its mandate. While gratefully acknowledging the contributions received to date, D/ATB underscored that extra-budgetary financial and in-kind resources continued to play a significant role in the implementation of ICASS. The Assembly was invited to: reaffirm ICASS as the primary strategy for enhancing aviation security, and thus the basis for AVSEC Programme planning for the 2014-2016 triennium and beyond; and urge States to continue to make voluntary contributions to support, both financially and in-kind, the work programme of ICAO in aviation security and facilitation.

27. The Delegate of Egypt introduced WP/178, which underscored the need to strengthen the measures contained in Annex 17 – *Security* SARPs, including those set forth in Amendment 13 thereto, as well as Member States' national legislations, in order to confront unlawful acts related to air cargo and mail. It also outlined the efforts made by Egypt to participate in IATA's Secure Freight Project so as to meet all air cargo requirements at the regional and international levels, including the exchange of information to enhance air cargo-related security measures and legislation.

28. The Delegate of Indonesia presented WP/158, which provided information on the implementation of security screening of air cargo and mail in his State, and outlined some of the challenges it faced in improving the security of air cargo and mail. The Assembly was invited to request the Council to: accelerate the adoption of new aviation security SARPs relating to the implementation of the secure supply chain for implementation and application by all Member States; and take into account customs and mail security requirements, so that such new aviation security SARPs would be harmonized and synergized with applicable customs and mail security requirements.

29. In introducing WP/197, the Delegate of the Russian Federation recalled that the HLCAS and the Aviation Security Panel (AVSECP) had emphasized the need to further develop the ICAO Aviation Security Point of Contact (PoC) Network. The paper described the development of such a PoC in the Russian Federation and highlighted its effective implementation. It nevertheless proposed the following action to further enhance the ICAO PoC Network: that the Council instruct the AVSECP to develop instruction materials on a methodology for operating aviation security PoCs; and that States be invited to: continuously improve the effectiveness of ICAO PoCs and develop interactions with the ICAO PoC Network to prevent acts of unlawful interference against international civil aviation; actively use the capacities of ICAO PoCs to coordinate States' efforts aimed at reducing risks and preventing civil aviation threats; ensure that the AVSECPaedia informational resource was implemented and used in the work of ICAO PoCs; implement additional operating procedures and equip ICAO PoCs with modern technologies using advanced telecommunication equipment and new communication links; and conduct regular test sessions among ICAO aviation security operations and PoCs to maintain effective operations.

30. The Delegate of Venezuela (Bolivarian Republic of) presented WP/138, which highlighted the many different circumstances and factors that States must consider when applying a results-based approach to aviation security in accordance with the basic principles governing international cooperation in aviation security, as called for by the HLCAS. As agreed by the AVSECP at its Twenty-fourth Meeting in April 2013, such factors included: assessment of risks and internal threats in each State; the volume and characteristics of the operations of their airports and aircraft operators; facilitation and security procedures and measures; available funding; climate and geographical features; regulations and cultural aspects. The paper underscored that in applying a results-based approach to aviation security, a multiplicity of interpretations might lead States to take measures which, though they might solve the security problems, could create conflicts or residual risks in other parts of the aviation sector, such as facilitation. It was therefore proposed that the Council develop guidance material to assist States in implementing such a results-based approach efficiently and effectively.

31. The Delegate of Venezuela (Bolivarian Republic of) then introduced WP/235, which underscored the importance of training of aviation personnel responsible for implementing security measures and advocated e-learning, which facilitated individual and organizational training. In view of the benefits to be derived from e-learning and the existing training needs of the large and diverse target audience in the aviation security field, the paper proposed that the Council be requested to establish guidelines and basic principles for promoting the use of e-learning in aviation security training.

32. The Delegate of Australia presented WP/133 on behalf of the 23 co-sponsors (17 States and 6 organizations), which set forth a proposed roadmap to strengthen global air cargo security. The paper emphasized that the security threat to the global air cargo supply chain was an enduring one which required an ongoing response and continuous monitoring. It recalled that to effectively mitigate that threat in ways that did not impede efficient trade, States, industry and organizations had been working in close cooperation, particularly since the air cargo security event of 29 October 2010, and highlighted the recent entry into force of Amendment 13 to Annex 17 – *Security*, which directed a significant strengthening of air cargo security SARPs. The paper underscored that to ensure that the future air cargo supply chain security enhancements were effective, practical and sustainable while continuing to facilitate trade, it was vital to maintain open dialogue and cooperation across civil aviation regulators, customs authorities, postal authorities, international organizations and the industry. The proposed roadmap to strengthen global air cargo security, initially developed within the AVSECP Working Group on Air Cargo Security (WGACS), articulated what had been achieved and what was continuing to be done to strengthen global air cargo security against the threat of unlawful interference. The roadmap served as a valuable tool for analyzing the diverse actions being undertaken and identifying the potential for collaboration, and as a succinct communication of achievements in progress. The Assembly was invited to endorse the roadmap to strengthen global air cargo security and agree that it be periodically updated to reflect the latest developments.

33. The Delegate of Australia next introduced WP/136 on behalf of the three co-sponsors (Australia, Canada and the United States), which outlined the coordinated, multi-phased and technology-based approach to the screening of liquids, aerosols and gels (LAGs) being implemented by those States and the European Union (EU) with a view to progressively relaxing LAGs restrictions at airports in their respective jurisdictions. The first phase of LAGs screening was intended to commence by 31 January 2014. The screening would initially be limited to LAGs over 100 ml packed in ICAO Security Tamper-Evident Bags (STEBs) and LAGs over 100 ml to be used during the trip for medical purposes or special dietary requirements. That initiative had been undertaken as a first step with a view to progressive removal of the remaining restrictions on the carriage of LAGs in carry-on baggage. While the move towards broader implementation of LAGs screening might be gradual and would take place at different speeds among Member States, international adoption of LAGs screening technologies and mutually-recognized screening practices would ensure that the benefits to passengers from improved screening technologies would not be lost through inconsistent or unharmonized screening arrangements. The Assembly was invited to: note the introduction of technology-based LAGs screening in Australia, Canada, the United States and the EU; encourage Member States to implement LAGs screening in their jurisdictions; and encourage the Council to promote internationally-harmonized LAGs screening practices and recommend that the AVSECP consider commencing the development of mutually-recognized minimum requirements for the screening of LAG items for use by Member States.

34. The Delegate of Belgium then introduced WP/64, presented by Lithuania on behalf of the EU and its Member States and the other Member States of the European Civil Aviation Conference (ECAC). The paper set forth proposals for policy and work priorities in aviation security based on the conclusions and recommendations of the HLCAS, for consideration by the Assembly in updating Assembly Resolution A37-17 (*Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*) and as a contribution to ICAO's work programme for the 2014-2016 triennium. The proposed policy priorities related to risk-based security, sustainability of aviation security measures, recognition of security measures, coordination between different entities and assistance activities and were to be fully integrated into ICAO's work by undertaking a series of related tasks as described in the paper.

35. On behalf of the 22 Member States of the Latin American Civil Aviation Commission (LACAC), the Delegate of Nicaragua presented WP/172 on the emerging threat to the security of civil aviation posed by the illicit trafficking of narcotic drugs and psychotropic substances by air, together with the related rise in other offenses of cross-border organized crime such as arms trafficking, increased delinquency, and terrorism. Further to United Nations General Assembly Resolutions 39/143, 40/121 and 41/127 (*International campaign against traffic in drugs*), ICAO had considered the issue of the illicit trafficking of narcotic drugs and psychotropic substances by air at numerous Assemblies, as well as in the Council, the Air Transport Committee (ATC), the Air Navigation Commission (ANC) and other bodies. However, a number of agreed objectives relating to the updating of SARPs, the development and publication of guidance material and prevention manuals and the convening of symposia and seminars, inter alia, remained outstanding since the 31st Session of the Assembly in 1995. The paper highlighted the consequent need to fully comply with Assembly Resolution A27-12 (*Role of ICAO in the suppression of illicit transport of narcotic drugs by air*) and Assembly Resolution A29-16 (*Role of ICAO in the prevention of substance abuse in the workplace*), which were still in force. The Assembly was invited to: note the information presented in WP/172; consider the proposed updates to relevant ICAO documents referred to in the paper; and approve a Resolution to address the issues raised therein.

36. The Delegate of Singapore then introduced WP/128 on behalf of its 25 co-sponsors. The paper outlined key aviation security developments since the last Assembly and recommended approaches for strengthening global aviation security for the next triennium, bearing in mind the need to make optimal use of

limited resources. Those approaches related to, inter alia: ICAO's continued global leadership to enhance aviation security in a harmonized and synergized manner across the world; all ICAO Member States continuing to "level up" their aviation security measures to be, at a minimum, in compliance with Annex 17 – *Security Standards*; ICAO continuing to work closely with other international organizations, regional aviation organizations and other industry partners, which had a collective responsibility to enhance global aviation security; the establishment of the USAP-CMA; promotion of the sharing of aviation security best practices and utilization of the ICAO Aviation Security PoC Network, as well as of capacity building activities; and the development of new and innovative aviation security approaches and measures that also factored in the need for smooth facilitation, efficiency of civil aviation operations, cost-effectiveness and the optimal use of limited resources. The Assembly was invited to note the work of ICAO, together with its Member States, the aviation industry and other stakeholders, towards enhancing global aviation security as described in WP/128; and endorse, and continue to support, the direction and approaches to strengthening global aviation security proposed in the paper.

37. The Delegate of Singapore then presented WP/129 on behalf of its 26 co-sponsors. The paper recalled the three principles governing international cooperation in aviation security endorsed and adopted by the HLCAS (respect for the spirit of cooperation defined in bilateral and/or multilateral air services agreements; recognition of equivalent security measures; and focus on security outcomes), and set forth the intended next steps. The Assembly was invited to: reaffirm the said three principles; agree to their inclusion in the proposed revised Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference (WP/14); and endorse the development of an action plan by the ICAO Secretariat, with input from the AVSECP and relevant stakeholders, to implement those three principles.

38. The Observer from Airports Council International (ACI) introduced WP/276, which set forth recommendations for further work that could significantly improve global security through innovative processes. The paper recommended, in particular, that ICAO work closely with industry partners to develop a well-balanced regulatory environment and proposed minor amendments to Appendix C to the said Consolidated statement (WP/14) to better reflect the collaborative process agreed by the HLCAS, as follows: the insertion of a new Preambular Clause reading "*Whereas* the development, testing, implementation and delivery of effective security measures can only be done through a well-established partnership with industry;"; and the addition of an Operative Clause 5 *bis* reading "*Encourages* Member States to work in partnership with industry to develop, test, implement and deliver effective security measures;".

39. It was noted that five information papers had also been submitted, as follows: WP/159 (Threat awareness program implementation), by Indonesia; WP/124 [Laser-based directional infrared countermeasures system (DIRCMS) installed on Israeli-registered commercial fleet], by Israel; WP/273 (Threat response system using state-of-the art information technologies in the Republic of Korea), by the Republic of Korea; WP/104 (Risk-based security), by the United States; and WP/345 (Aviation security developments in Viet Nam), by Viet Nam.

40. In expressing support for WP/172 (LACAC), the Delegate of Chile emphasized the need to reduce the significant risks to international civil aviation posed by the illicit trafficking of narcotic drugs and psychotropic substances by air.

41. The Delegate of Nigeria endorsed WP/128 (25 co-sponsors) and WP/129 (26 co-sponsors). In also endorsing WP/136 (Australia, Canada and the United States), he reiterated the need for internationally-harmonized LAGs screening practices and underscored the associated need to provide assistance to Member States, in particular, developing States, in introducing technology-based LAGs screening in their jurisdictions.

42. The Delegate of the United Kingdom voiced support for WP/64 (EU and ECAC) and WP/128 (25 co-sponsors). She noted, from the constructive and positive papers which had been presented, that real progress had been made in enhancing global aviation security thinking and delivery over the last three years. The Delegate of the United Kingdom was impressed by the unity and purpose with which that work had been carried forward, in particular, through the work of the AVSECP under the able Chairperson from Singapore. Those achievements were documented in WP/128 and had culminated in the successful outcomes of the HLCAS. She stressed the importance of now looking forward to the next three years and the considerable challenges and the further work that lay ahead, as the said two papers sought to do. ICAO and its Member States could not afford to become complacent, nor could they forget that aviation security was a shared problem which had to be addressed at the global level. Recalling the recent horrific attack at the Westgate shopping mall in Nairobi, which had claimed the lives of citizens from many different States, the Delegate of the United Kingdom underscored that while it had not been aimed at civil aviation, it was a stark reminder that the terrorist threat remained real and undiminished. It was very clear that civil aviation continued to be an important and iconic target for terrorists and terrorist organizations. It was known, beyond a doubt, that both the intent to attack civil aviation and the capability to do so continued to exist among terrorist organizations. All that they required was the opportunity.

43. Noting that WP/64 and WP/128 set forth principles for ICAO's continued aviation security-related work over the next three years, the Delegate of the United Kingdom highlighted the fact that both papers emphasized the importance of adopting a risk-based approach. That approach meant ensuring that there was the best possible understanding of the nature of the threat and the risk to civil aviation, so that States' response thereto was both targeted and proportionate. A risk-based approach also meant understanding where vulnerabilities continued to exist as terrorists were undoubtedly studying the global aviation system to find its weakest points. It also meant using that understanding that had been developed collectively to try and address those vulnerabilities and weaknesses, which could be done most effectively by working together. A risk-based approach also meant trying, as a community, to anticipate how the threat and the risk would evolve rather than simply responding to what the terrorists had done previously, so that States could act together and in partnership with industry to protect civil aviation.

44. In endorsing WP/178 (Egypt), the Observer from IATA recognized ICAO's work to strengthen its SARPs relating to air cargo security and supply chain security, as well as Egypt's support thereof. He also noted that secure freight and e-security declarations constituted good examples of how industry and governments should approach work in the field of air cargo security. In acknowledging WP/276 (ACI), the Observer from IATA highlighted the progress made in developing a new generation of passenger screening through the implementation of Known Traveller Programmes and differentiated screening and recognized the tremendous support which his association had received from many States in related tests and trials.

45. Drawing attention to WP/12 (Council), the Delegate of Colombia reiterated that ensuring the security of civil aviation was a high priority. In affirming that the concrete actions being taken by ICAO to implement the HLCAS' key recommendations were effectively addressing the new and emerging threats to civil aviation, she urged the Organization to continue its work in that regard and to provide assistance to States in strengthening aviation security in their jurisdictions. In then referring to WP/13 (Council), the Delegate of Colombia voiced agreement that the ICASS was the primary strategy for enhancing aviation security and should therefore serve as the basis for the AVSEC Programme for the next triennium and beyond. While expressing support for the proposed Consolidated statement set forth in WP/14 (Council), she suggested that Operative Clause 6 e) of Appendix C thereto be amended to refer to initiating the search for technological solutions needed to gradually lift restrictions on the carriage of LAGs in cabin baggage rather than to the implementation of such solutions.

46. The Delegate of Colombia noted that in order to comply with the provisions of the 2010 *Convention on the Suppression of Unlawful Acts relating to International Civil Aviation* (Beijing Convention), her State had adopted robust legislation criminalizing the transport of biological, chemical and nuclear substances on board aircraft as such substances could be used in acts of terrorism against civil aviation. She stressed the need for ICAO for promote the signature and ratification or adherence to that Convention. The Delegate of Colombia supported the Council's decision to implement the USAP-CMA following the successful completion of the second cycle of USAP audits in 2013 and the transition period. She also endorsed the approaches for strengthening global aviation security recommended in WP/128 (25 co-sponsors). In agreeing with action proposed in WP/136 (Australia, Canada and the United States), the Delegate of Colombia affirmed that the progressive lifting of LAGs restrictions at airports through the introduction of technological solutions, and the implementation of mutually-recognized minimum requirements for the screening of LAGs would help ensure that the right balance was struck between aviation security and facilitation. In concluding, she voiced full support for WP/172, Colombia being a LACAC Member State.

47. In also supporting WP/172, the Delegate of Cuba reiterated that while there had been visible progress in combating the scourge of illicit drug trafficking, it had not been enough to prevent organized criminal groups from using civil aviation for their illegal activities. She therefore agreed that the Assembly should adopt a Resolution addressing the issues raised in the paper, which would lead to the implementation of measures to combat the illicit trafficking of narcotic drugs and psychotropic substances by air.

48. The Delegates of the Dominican Republic, Belize, Bolivia (Plurinational State of) and El Salvador likewise lent support to WP/172. In also expressing support for WP/136 (Australia, Canada and the United States), the Delegate of El Salvador stressed the need to take into account the fact that the employees of private security firms hired to screen passengers and/or perform other security-related functions at airports did not always receive sufficient training.

49. Endorsing WP/64 (EU and ECAC) on ICAO work priorities in the field of aviation security, the Delegate of Turkey fully agreed that ICAO policy should focus on the adoption of a risk-based approach to aviation security, the sustainability of aviation security measures, recognition of security measures to avoid unnecessary duplication of security controls, and ensuring the best allocation of resources. He emphasized that ICAO should also focus on the targeting of capacity building activities based on risk and vulnerabilities, taking into account the ICAO USAP audit results. The Delegate of Turkey fully supported the proposal that ICAO's work programme should focus on the implementation of risk-based security through, for example: addressing the threat posed by liquid explosives; application of new air cargo and mail security controls by Member States as defined in the recent amendments to Annex 17 – *Security*; prioritization of effective assistance activities; and development of a standardized approach to measuring the effectiveness of assistance and capacity building. He affirmed that the proposals contained in WP/64 would contribute substantially to ICAO's work programme during the coming triennium.

50. Commenting on WP/276 (ACI), the Delegate of Ireland agreed that the aviation industry brought very strong added-value to the global discussion on aviation security and was an important stakeholder. Recalling that the HLCAS had specifically recognized the importance of working in partnership with industry stakeholders, she voiced full support for that approach. The Delegate of Ireland therefore suggested that the text of ACI's proposed new Operative Clause 5 *bis* to be inserted in Appendix C to the revised Consolidated statement (WP/14) be amended to read along the following lines: "*Encourages* Member States to work in partnership with industry to develop, conduct operational trials of, and implement effective security measures;". While she considered that the introduction of that new provision would serve the objective of WP/276, she did not support ACI's proposed additional Preambular Clause (cf. paragraph 38).

51. Sharing this view, the Delegate of the United States averred that ACI's proposed new Preambular Clause could detract from State sovereignty by disproportionately emphasizing the authority of

industry as it related to the development, testing, implementation and delivery of effective security measures. He would support a revised wording of that provision.

52. Drawing attention to WP/12 (Council), the Delegate of Ethiopia commended the AVSECP's proposal for the prioritization of the HLCAS' recommendations. He highlighted the importance of capacity building in order to effectively address aviation security measures that were risk-based, efficient, operationally viable and sustainable in all respects. The Delegate of Ethiopia underscored that under ICAO's continued initiatives, and with the assistance of other stakeholders, workshops for the sharing of technological achievements and best practices should be promoted to all States and not only targeted priority States. He therefore requested that the actions proposed by ICAO under HLCAS Agenda Item 5: *Capacity building and technical assistance* be properly interpreted in order to reflect the spirit of discussion during the Conference, which he had attended. The Delegate of Ethiopia emphasized that it would be necessary to align the proposed Consolidated statement (WP/14) with the follow-up actions to be taken on the HLCAS' recommendations. He further emphasized the need to expedite the airlines' work relating to air cargo supply chain and the screening of persons other than passengers, as well as the publication of ICAO-WCO joint documentation on air cargo security and facilitation. The Delegate of Ethiopia underscored that the latter would relieve air transport operators from the obligation of complying with the various régimes, and ensure sustainable air cargo security frameworks. In then taking note of the work undertaken by ICAO since the last Assembly to develop a transition plan to a USAP-CMA, which was to be fully implemented by 2015, he reiterated his State's appreciation, while acknowledging the associated technical challenges envisaged by the Organization.

53. The Delegate of Sweden joined the Delegates of other European States in supporting the global aviation security community's conclusions and recommendations arising from the HLCAS. Affirming that they not only contributed to enhancing baseline security measures at the global level, but also reiterated the importance of cooperation between all partners engaged in securing the air transport sector, she advocated endorsement by the Assembly of the HLCAS follow-up actions set forth in WP/12 (Council) as they were, overall, consistent with European priorities for aviation security as presented in WP/64.

54. Referring to WP/133 (23 co-sponsors), the Delegate of Spain spoke in favour of the Assembly endorsing the proposed roadmap to strengthen global air cargo security and agreeing to its periodic updating to reflect the latest developments. He emphasized the need for all stakeholders to work together to ensure the sustainable implementation of the air cargo security measures in all Member States and to strengthen measures for high-risk cargo items.

55. The Delegate of Nicaragua supported WP/235 [Venezuela (Bolivarian Republic of)] in view of the envisaged benefits of e-learning, including a reduction in aviation security training costs and the provision of such virtual training in the workplace, which ensured the continuous availability of the aviation personnel taking the e-learning courses. She favoured the proposed establishment of guidelines and basic principles for promoting such use of e-learning as that would serve to highlight the associated benefits. The Delegate of Nicaragua also endorsed WP/138 [Venezuela (Bolivarian Republic of)] relating to the development of guidance material to assist States in efficiently and effectively applying the basic principles governing international cooperation, with special emphasis on a results-based approach to security.

56. The Delegate of Switzerland shared the views expressed by the Delegates of Ireland, Sweden, the United Kingdom and Spain and advocated the action proposed in WPs/64, /128, /129 and /133, of which it was a co-sponsor. He highlighted WP/128, which provided a clear way forward for the next three years which would be crucial ones for aviation security. The Delegate of Switzerland voiced support for WP/158 (Indonesia) and WP/178 (Egypt) on air cargo and mail security, in particular for: ICAO joining forces with other entities active in the same area, such as the WCO; and the proper implementation of the newly-adopted Annex 17 SARPs on air cargo security and of the excellent guidance material recently published by ICAO

[cf. Amendment 1 to the Eighth Edition of the *Aviation Security Manual* (Doc 8973 – Restricted)]. He emphasized that the focus would be on the implementation of air cargo security-related SARPs during the next triennium.

57. In line with his State's position as expressed at the Regional Aviation Security Conference held in Caracas on 7-8 February 2012 and subsequently at the HLCAS, the Delegate of Venezuela (Bolivarian Republic of) supported the Council's proposed follow-up action to strengthen aviation security (WP/12). He also endorsed the detailed complementary proposals by the EU and ECAC Member States (WP/64). In likewise supporting the action proposed by the Russian Federation (WP/197), the Delegate of Venezuela (Bolivarian Republic of) congratulated that State on the progress that it had made in the development and implementation of its aviation security PoC. He affirmed that the envisaged guidance material would greatly assist States in strengthening the functioning of their PoCs. In addition, the Delegate of Venezuela (Bolivarian Republic of) voiced support for the action proposed by LACAC Member States (WP/172) to combat the illicit trafficking of narcotic drugs and psychotropic substances by air.

58. In likewise endorsing the action proposed in WP/172, the Delegate of Costa Rica reiterated the importance of taking the necessary measures to fight that scourge, which affected many States. He highlighted, in this context, the sharing of information on the criminals involved in such illicit trafficking.

59. The Delegate of the Russian Federation voiced support for the excellent papers presented by the Council (WPs/12, /13 and /14), as well as for WP/128 (25 co-sponsors) proposing approaches for strengthening global aviation security, WP/133 (23 co-sponsors) setting forth a roadmap therefor, and WP/136 (Australia, Canada and the United States) outlining a technology-based approach to LAGs screening with a view to progressively relaxing restrictions on such items. In noting the efforts of the Secretary General and ICAO Member States to establish a global aviation security system, he underscored that the same screening equipment was being used at Member States' respective airports, that their aviation personnel were being trained in ICAO-endorsed ASTCs and that their auditors were certified by ICAO. The Delegate of the Russian Federation shared the concerns expressed by Indonesia in WP/158 regarding the implementation of a secure air cargo supply chain.

60. The Delegate of the Russian Federation then drew attention to the EU's "Air cargo or mail carrier operating into the European Union from a third country airport" (ACC3) regulation (cf. WP/277 co-sponsored by 55 States, including the Russian Federation, but subsequently withdrawn), according to which air carriers from third countries designated as ACC3s would have to ensure that all air cargo and mail was physically screened according to EU standards or came from an EU aviation security validated secure supply chain. He averred that the EU's ACC3 regulation violated paragraph 2.4.2.5 of Part C – *The Establishment and Management of a State's Aviation Security Oversight System* of ICAO's *Oversight Manual* (Doc 9734), which clearly stated that States "should retain effective control of all aviation security quality control functions (i.e. audits, inspections, surveys and tests)" and that "such functions should not be delegated to non-government entities".

61. The Delegate of the Russian Federation maintained that the EU's ACC3 regulation effectively moved away from the common principle of guaranteeing aviation security towards support of the narrow commercial interests of such non-government entities. He emphasized that, taking into account the sovereign responsibility of each State to protect civil aviation from acts of unlawful interference and to safeguard the confidentiality of sensitive aviation security information, the issue of implementing any independent audits, inspections, etc. should be addressed by States, in accordance with relevant international Standards and inter-State agreements in force. The Delegate of the Russian Federation noted that under his State's national laws, sensitive aviation security information was restricted to persons who required such information in the performance of their duties and were therefore authorized to have access thereto. Such persons would face criminal liability if they disclosed that information to unauthorized persons. He questioned whether EU

Member States would assume such liability for the unauthorized disclosure to terrorist groups of sensitive aviation security information provided during the envisaged EU aviation security validation of ACC3's air cargo and mail operations.

62. Recalling that there had been intensive discussions about the EU's ACC3 regulation and the independent validation system applied for carriers from third countries at the recent second meeting of the ICAO European/North Atlantic (EUR/NAT) Aviation Security Group (ENAVSECG) (Astana, Kazakhstan, 4-6 September 2013), the Delegate of the Russian Federation noted that the Group had concluded that there was an urgent necessity for further dialogue between the EU, its Member States and non-EU Member States prior to the regulation's implementation. The ENAVSECG had also concluded that associated legal and financial issues were highly problematic. He stressed that if the EU's ACC3 regulation were implemented in its current form, then some States would be effectively called upon to take reciprocal measures against European operators. For all of the above reasons, the Delegate of the Russian Federation was opposed to the implementation of the EU's ACC3 regulation as it now stood. He reiterated his support for WP/277 on that issue.

63. The Delegate of South Africa fully supported this view regarding the EU's ACC3 regulation.

64. The Delegate of Barbados welcomed all of the papers which had been presented and commended ICAO on its work in the field of aviation security. In highlighting a concern shared by many airlines relating to the transfer of passengers and baggage at hubs, he recommended that the definitions of the terms "transfer passengers and baggage" and "transit passengers" contained in the *Aviation Security Manual* (Doc 8973 – Restricted) be amended by replacing the word "flight" with the word "aircraft" used in the definition of the term "air cargo", in keeping with the existing mechanisms for updating ICAO guidance material.

65. The Delegate of France underscored that aviation security was of concern to all States and that it was necessary to find common solutions for combatting acts of unlawful interference against international civil aviation. He recalled that WP/128 (25 co-sponsors) highlighted the important work carried out since the terrorist attacks of 11 September 2001 as a result of cooperation between Member States, international organizations and other stakeholders at the global and regional levels. In affirming that such cooperation would be indispensable in coming years and would enable all stakeholders to better assess and take into account the operational impacts of aviation security measures on air passengers, he underscored that France therefore fully supported the actions proposed in WP/128. Noting that his State also endorsed the action proposed in WP/129 (26 co-sponsors), the Delegate of France emphasized that the envisaged implementation of the three principles governing international cooperation in aviation security would enable Member States to work better together to effectively address the challenges facing international civil aviation using relevant ICAO SARPs as a basis while respecting State sovereignty.

66. In the context of such cooperation, the Delegate of France reiterated the importance of combatting the illicit trafficking in narcotic drugs and psychotropic substances by air described in WP/172 (LACAC). He underscored that illicit trafficking was a significant problem which did not only affect air transport and that aviation security measures designed to combat acts of unlawful interference against international civil aviation were not geared to limiting such illicit trafficking. Noting that the United Nations Office on Drugs and Crime (UNODC) now made it possible to track that problem globally, the Delegate of France emphasized that ICAO should effectively cooperate with the UNODC in order to avoid any duplication of effort. It was for that reason that France favoured cooperation between ICAO, its Member States and the UNODC over the adoption of an Assembly Resolution specifically on the illicit trafficking in narcotic drugs and psychotropic substances by air or the amendment of Annex 17 – *Security*.

67. In voicing full support for the proposal by Venezuela (Bolivarian Republic of) for the establishment of guidelines and basic principles for promoting the use of e-learning in aviation security training (WP/235), the Delegate of Belgium recalled that that issue was currently on the Agenda of the AVSECP's Working Group on Training (WGT).

68. The Delegate of the Netherlands expressed appreciation to the AVSECP's WGACS for developing the roadmap for strengthening global air cargo security (WP/133), which she fully supported. She also endorsed the proposals made in several papers to further enhance Annex 17 – *Security* by developing a worldwide secure supply chain for air cargo. The Delegate of the Netherlands stressed, in this context, that consideration should be given not only to regulatory SARPs and related guidance material but also to enhanced tools, such as technological and information tools. This should be done in close cooperation with industry and other relevant organizations, such as the WCO. Recalling that in July 2012 ICAO and WCO had acknowledged the need to align their policy and regulatory frameworks to achieve synergies, she voiced support for the related action proposed in WP/158 (Indonesia).

69. The Delegate of Monaco endorsed WP/64 (EU and ECAC), WP/128 (25 co-sponsors) and WP/129 (26 co-sponsors) which elaborated on two major innovative ideas: a risk-based approach to aviation security; and mutual recognition of security controls between States. With regard to the first idea, he underscored that aviation security policy had evolved from 100 per cent controls to controls that were risk-based. Referring to the second idea, the Delegate of Monaco noted that over the past decade little progress had been made in addressing the problem of double or triple security checks for passengers with connecting flights. In affirming that the proposed mutual recognition of security controls would soon solve it, he indicated that ICAO and relevant stakeholders could obtain the requisite data and develop and issue security tags which would enable passengers on connecting flights to avoid multiple security checks.

70. The Delegate of Uganda expressed support for all of the papers, in particular, WP/129 (26 co-sponsors) proposing the development of an action plan to implement the three principles governing international cooperation in aviation security. In noting that the issue of cyber-attacks had been raised in several papers, he expressed concern that many African States might not be fully prepared to respond to such attacks and needed capacity building in that regard.

71. The Delegate of South Africa fully supported WP/128 and WP/129, with particular emphasis on international cooperation and the recognition of equivalent security measures. She underscored that the said three principles constituted a good basis for promoting multilateralism and discouraging unilateralism while respecting State sovereignty and adherence to ICAO SARPs as an international baseline.

72. The Delegate of Brazil endorsed WP/12 (Council), WP/128 (25 co-sponsors), WP/129 (26 co-sponsors), WP/172 (LACAC), WP/138 [Venezuela (Bolivarian Republic of)] and WP/136 (Australia, Canada and the United States). He stressed that all necessary efforts must be made to reach the common grounds of harmonization and standardization before implementing the actions proposed in WPs/129, /138 and /136.

73. In voicing support for WP/136, the Delegate of Japan noted that his Government considered it necessary to move in step with Australia, Canada, the United States and European States for the abolition of restrictions on the carriage of LAGs. It therefore intended to cooperate in the activities of the United States' Transportation Security Administration (TSA) and other relevant agencies.

74. The Delegate of the United Republic of Tanzania endorsed the papers presented, in particular WP/128 (25 co-sponsors), WP/129 (26 co-sponsors), WP/276 (ACI) and above all, WP/172 (LACAC). He indicated that he would not hesitate to support an Assembly Resolution to address the issues raised in the latter paper relating to the illicit trafficking of narcotic drugs and psychotropic substances by air.

75. In likewise endorsing all of the papers in general, the Delegate of Singapore voiced support for WP/13 (Council) in particular and stressed the importance of the ICASS as the basis for the AVSEC Programme planning for the next triennium and beyond. He also expressed support for WP/133 (23 co-sponsors) setting forth a roadmap for air cargo security, whose crucial importance had been emphasized by many Delegates, and WP/138 [Venezuela (Bolivarian Republic of)] on a results-based approach to aviation security. With regard to the latter paper, the Delegate of Singapore underscored that the development of related guidance material would be essential to ensure the flexibility of measures taken to combat acts of unlawful interference against international civil aviation while maintaining their effectiveness. In voicing support for WP/197 (Russian Federation), he encouraged all ICAO Member States to take the opportunity to benefit from the ICAO Aviation Security PoC Network, which had been established as a mechanism for raising awareness and exchanging critical security information swiftly.

76. In voicing support for some of the papers presented, the Delegate of Ecuador cited WP/235 [Venezuela (Bolivarian Republic of)] on the benefits of e-learning in aviation security training, WP/172 (LACAC) on the illicit trafficking of narcotic drugs and psychotropic substances by air and WP/138 [Venezuela (Bolivarian Republic of)] relating to the said results-based approach to aviation security. He affirmed that the initiatives set forth in those three papers would enhance the important steps being taken by ICAO through the effective implementation of its TRAINAIR PLUS Programme. The Delegate of Ecuador stressed that any proposals to optimize training capacity in the field of aviation security should be considered in depth.

77. Expressing support for WP/64 and WP/133 of which his State was a co-sponsor, the Delegate of Germany underscored that, since the security incidents of October 2010, significant progress had been made to enhance the international Standards applied to air cargo and mail security and to strengthen the baseline security measures described in Annex 17 – *Security*. That progress had been made possible due to the collaborative efforts of ICAO Member States and industry stakeholders. While it was a welcome development, not all of the objectives had been achieved. It was necessary to continue efforts to secure air cargo, on the one hand by focusing activities on the implementation of the newly-adopted Annex 17 Standards and, on the other hand, by continuing to review the threats to air cargo operations and on that basis to define adequate security measures. Those were the reasons why the Delegate of Germany supported the Assembly's endorsement of the proposed roadmap to strengthen global air cargo security and its periodic update to reflect future developments as called for in WP/133.

78. In endorsing WP/128 (25 co-sponsors), the Delegate of Afghanistan noted the important work that had been carried out in the field of aviation security during the current triennium. She affirmed that aviation security was a high priority and underscored that it was especially critical in her region. In also expressing support for WP/138 [Venezuela (Bolivarian Republic of)], the Delegate of Afghanistan reiterated the need to provide assistance to numerous States in the practical implementation of a results-based approach to aviation security.

79. In welcoming WP/128 and WP/129 (26 co-sponsors) as they related to cooperation between the aviation industry and other stakeholders, the Observer from ACI emphasized that it was in their joint interest to enhance aviation security outcomes across the full range of activities.

80. In summarizing the discussion, the First Vice-President noted that the Executive Committee supported the Council's efforts to implement the HLCAS recommendations, and acknowledged achievements to date. In particular, it noted with appreciation the prompt action taken by the Council to address air cargo vulnerabilities and the threat posed by insiders by expediting Amendment 13 to Annex 17 – *Security*. Considering that substantial progress had already been made in implementing a considerable number of other HLCAS recommendations, including the regular updating and dissemination of the ICAO *Global Risk Context*

Statement and plans to convene a Symposium on Innovation in Aviation Security in 2014, it endorsed the detailed work plan approved by the Council for the implementation of all HLCAS recommendations by the end of 2016.

81. The Committee recognized the successful outcomes of the HLCAS in setting out important aviation security principles, and recalled a number of key HLCAS recommendations calling for ICAO and Member States to: a) promote a risk-based approach to aviation security; b) ensure sustainability of aviation security measures; c) encourage mutual recognition arrangements and international cooperation; d) promote innovation; and e) target assistance activities.

82. The Committee agreed that the above recommendations should be considered as policy priorities of ICAO's Aviation Security Work Programme for the 2014-2016 triennium, while the Organization undertook specific tasks identified in WP/12 (Council), WP/13 (Council), WP/64 (EU and ECAC), and WP/128 (25 co-sponsors).

83. The Committee agreed that the Declaration on Aviation Security remained relevant and should continue to guide States and other stakeholders in efforts to further strengthen aviation security. Having noted with satisfaction the key accomplishments in implementing the aviation security mandate provided by the 37th Session of the Assembly, the Committee reaffirmed the ICASS as the primary strategy for enhancing aviation security in the next triennium, and stressed the importance of continuing to support ICASS activities through financial and in-kind contributions from States.

84. Realizing that a technological solution now existed for screening LAGs, the Committee commended efforts by several States to progressively relax the current restrictions by implementing a multi-phase liquids screening technology. However, given the potential impact that might have on third countries, the Committee agreed that a coordinated approach and clear communication lines between States that screen and those that did not yet screen LAGs were necessary, in order to avoid passenger confusion and inconvenience. It invited the Council to consider developing mutually recognized minimum requirements for use by Member States.

85. Acknowledging the importance of sustainability in aviation security, the Committee supported the proposal that ICAO develop an action plan to implement the principles of international cooperation in aviation security, as elaborated in WP/129 (26 co-sponsors). In this respect, it welcomed efforts by ICAO and Member States to apply a risk-based and outcomes-focused approach to the development of aviation security measures and guidance material, and encouraged all States to reinforce sustainability by such means, recognizing Annex 17 – *Security* as the baseline. The Committee reaffirmed that passenger facilitation should be a central consideration when designing and implementing aviation security measures.

86. Recognizing that the ICAO PoC Network was an effective mechanism for exchanging critical information before, during, or after an incident affecting aviation security, the Committee urged States to use the functionalities of the PoC Network and to enhance the Network's effectiveness by maintaining accurate contact coordinates. It further encouraged States to conduct regular tests among PoCs to maintain effectiveness. In this context, the Committee proposed that ICAO develop guidance material to facilitate States' use of the PoC Network.

87. Noting that global supply chain security provisions were strengthened by Amendment 13 to Annex 17 – *Security*, the Committee also acknowledged that the risks to air cargo and mail remained significant. With the availability of updated guidance material on air cargo and mail security, the Committee underscored the need for States to ensure effective implementation of cargo-related Standards, as well as to further improve cargo and supply chain security through collaborative initiatives involving all stakeholders. It further advocated international collaboration as a means to promote mutual recognition of measures while

facilitating the movement of goods. The Committee endorsed the proposed roadmap to strengthen global air cargo security (WP/133) and invited States to report to ICAO on related activities, noting that regular updates would help ensure the global harmonization of air cargo security régimes.

88. Efforts by some States to implement cargo and mail security provisions in their respective jurisdictions, as well as efforts to align cargo and customs requirements, were noted by the Committee. The Committee stressed the importance of multilateralism and encouraged all Member States to use the existing ICAO platforms to discuss policy matters with implications for international civil aviation.

89. The Committee recognized the exploitation of the aviation sector for a range of criminal activities, including the illicit transport of narcotic drugs and psychotropic substances by air. Likewise, it recognized the importance of continuing ICAO's active collaboration with the United Nations and its other Specialized Agencies, including the UNODC, in addressing narcotic drug-related problems involving international civil aviation.

90. The proposal by Venezuela (Bolivarian Republic of) (WP/235) that the Council continue to promote the use of e-learning in aviation security training received support from the Committee.

91. The Committee noted the request by the Delegate of Barbados to amend the definitions of the terms "transfer passengers and baggage" and "transit passengers" contained in the *Aviation Security Manual* (Doc 8973 – Restricted) by replacing the word "flight" with the word "aircraft", in keeping with the existing mechanisms for updating ICAO guidance material.

92. Noting several significant developments in the field of aviation security in the past three years, and considering the critical role of ICAO in the global effort to engage the international civil aviation community towards further enhancing aviation security, the Committee endorsed the proposed revised Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference (WP/14), and agreed furthermore that it be retitled *Consolidated statement of continuing ICAO policies related to aviation security*. Completing its work on this Agenda Item, it agreed to submit the revised Consolidated statement to the Plenary for adoption.

Agenda Item 14: Universal Security Audit Programme (USAP)

93. This Agenda Item was considered on the basis of two working papers presented by the Council, WP/15 [Universal Security Audit Programme (USAP): Transition to a Continuous Monitoring Approach] and WP/16 [Universal Security Audit Programme] [with Revision No. 1 (French and Russian only)], and a related working paper and information papers.

94. In his introduction of WP/15, the Chief of the Aviation Security Branch (C/AVSEC) recalled that the second cycle of the USAP had recently been completed, in June 2013. In 2012, following the evaluation of various options for the continuation of the USAP, the Council had approved the transition to a continuous monitoring approach known as the USAP-CMA. The working paper provided a brief outline of the methodology to be applied under the USAP-CMA, together with a description of the transition plan being implemented by the Secretariat. He emphasized that, unlike cyclical audits, the USAP-CMA would enable ICAO to adapt to the changing global civil aviation security environment and allow resources to be focused on those States where they were most required. In addition, the USAP-CMA would allow for the tailoring of monitoring activities and more precise targeting of assistance. The transition to the USAP-CMA would take place in three phases, the development phase, the preparatory phase and the testing phase, as outlined in the working paper. It would be completed in time for the full implementation of the new methodology, which would begin in January 2015. Noting that the development phase was already well underway, C/AVSEC

encouraged Member States to fully support the transition to the new USAP-CMA and to actively participate in regional information seminars, workshops and other activities that would take place during the transition. The Assembly was invited to endorse the USAP-CMA transition plan as outlined in WP/15.

95. C/AVSEC then presented WP/16, which reported on the overall implementation of the second cycle of USAP audits, as well as on related developments since the 37th Session of the Assembly. The second cycle of audits, which had been launched in January 2008 and had been completed in June 2013, had focused on States' aviation security oversight capabilities. The scope of those audits had included both Annex 17 – *Security* SARPs and the relevant security-related provisions of Annex 9 – *Facilitation*. Over the course of the second USAP cycle, 177 audits of ICAO Member States had been conducted, as well as an audit of Macao, a Special Administrative Region of China. Those audits had revealed a 30.7 per cent global average of lack of effective implementation of the eight critical elements of an aviation security oversight system, indicating that there still was significant room for improvement, as well as the need to continue to strengthen efforts to support States through the provision of appropriate and targeted assistance. Details regarding the second cycle USAP audits were available in the supplementary document *Universal Security Audit Programme – Analysis of Audit Results*, Fifth Edition (2013), a copy of which had been distributed to Delegates and had been incorporated in the USB keys provided to the latter.

96. C/AVSEC took this opportunity to thank those States that had contributed to the success of the USAP, in particular, those that had seconded experts to ICAO on a short- or long-term basis to act as USAP auditors or audit team leaders (cf. paragraph 3.1.3 of WP/16). The Assembly was invited to note the final report on the implementation of the second cycle of USAP audits.

97. In presenting working paper WP/230, the Delegate of the Russian Federation underscored that his State very strongly supported the evolution of the USAP to a continuous monitoring approach. Noting that the Russian Federation had adopted legislation to enable the introduction of the USAP-CMA, he emphasized that there had already been major achievements in the transition to the CMA. In paragraph 4.1 of the paper, the Russian Federation invited the Assembly to: support introducing a mechanism of continuous monitoring in the realm of aviation security, based on risk assessment; request the Council to prepare and publish instructions for implementing the USAP-CMA; encourage States to actively implement, at the domestic level under the quality control system, a new continuous monitoring approach when conducting audits, which was an effective method to elevate the level of aviation security; propose that States more broadly implement a management certificate of a State quality control system (oversight) by passing the proper legislation and arranging highly professional personnel training in aviation security assurance; and agree to maintain the existing principle of limited transparency of USAP audit results given the possible danger of classified aviation security information being improperly used.

98. While noting that work on the said USAP-CMA implementation instructions was already underway, the Delegate of the Russian Federation stressed the need to accelerate it and underscored his State's willingness to be actively involved in that effort. The Russian Federation hoped that the ICAO Secretariat would assist States in developing and implementing the envisaged management certificates. Furthermore, it called upon all parties concerned to be extremely prudent in addressing the issue of transparency in USAP-CMA audits in view of the new threats posed by cyber-terrorism.

99. It was noted that the following information papers had also been submitted: WP/168 (AVSEC quality control – the experience of the Dominican Republic), by the Dominican Republic; and WP/328 [Caribbean Aviation Safety and Security Oversight System (CASSOS) Report of activities and progress since the 37th General Assembly], by the Member States of CASSOS.

100. Expressing support for the transition to the USAP-CMA, the Delegate of Saudi Arabia emphasized the need for re-certification courses for existing USAP auditors and for initial auditor certification courses for new auditors.

101. In highlighting the positive outcome of the second cycle of USAP audits, the Delegate of Italy voiced appreciation for the efforts of the Secretary General and the Secretariat. Noting, however, that much work remained to be done to address all of the USAP audit findings and the challenges posed by the lack of effective implementation of Annex 17 – *Security* SARPs and Annex 9 – *Facilitation* aviation security-related provisions, he underscored that the mechanism that had been established to report Significant Security Concerns (SSECs) was essential to better targeting ICAO's capacity building activities. The Delegate of Italy encouraged ICAO to continue its work to transition to a USAP-CMA.

102. The Executive Committee noted the overall success achieved by the USAP during its second cycle and the role played by the USAP audits in identifying deficiencies, targeting assistance activities and developing new audit strategies. It also noted, however, that much work was still required by States to strengthen aviation security and address the USAP audit findings.

103. In welcoming the decision to evolve the USAP to a continuous monitoring approach, the Executive Committee endorsed the USAP-CMA transition plan as outlined in WP/15.

Agenda Item 15: Aviation security — Implementation support

104. The Executive Committee had for consideration two working papers presented by the Council, WP/20 (Aviation Security Assistance and Capacity Building Strategy) and WP/21 [Implementation Support and Development – Security (ISD-SEC) Programme], with related working papers and information papers.

105. In introducing WP/20, the Director of the Air Transport Bureau (D/ATB) noted that, in keeping with the provisions of Assembly Resolution A37-17 (*Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*) and the *Declaration on Aviation Security*, ICAO had, over the current triennium, intensified its efforts to provide and coordinate aviation security assistance to Member States in all regions. ICAO assistance provided under the ISD-SEC Programme had been primarily administered directly to States or through partnerships with donor States through the ICAO Aviation Security Assistance and Capacity Building Strategy. The Secretariat's efforts had been strengthened through the establishment of Regional Officer/AVSEC (RO/AVSEC) posts in the Cairo, Paris and Lima Regional Offices. All ICAO Regional Offices now benefitted from having a RO/AVSEC.

106. D/ATB noted that to further facilitate the provision of aviation security assistance, ICAO had established the Ad Hoc Group on Partnership in AVSEC Capacity Building. Through that Group, the Secretariat had increased the exchange of information on assistance and hence the level of assistance provided through partnerships, and reduced the duplication of efforts among the donor States. The Secretariat considered aviation security training to be an integral part of the assistance and capacity building effort. To that end, the ISD-SEC Programme oversaw a network of ICAO-endorsed aviation security training centres (ASTCs) which reached a wide international and regional audience. The Assembly was invited to note the assistance efforts undertaken through the implementation of the ICAO Aviation Security Assistance and Capacity Building Strategy as outlined in WP/20.

107. D/ATB then presented WP/21, which contained proposals for the continued implementation of the said Strategy for the 2014-2016 triennium. Underscoring that its implementation had thus far proven to be very successful, he noted that the focus of aviation security assistance activities had significantly intensified

and that their reach had expanded, with positive results and favourable feedback from States. Those factors indicated that ICAO should “stay the course” with the Strategy’s implementation. In noting that ICAO would look towards expanding the scope of aviation security assistance activities within the Strategy’s framework, D/ATB cited, as one example, the development and delivery of more assistance activities for operational-level personnel. The Secretariat would also continue to address the challenges of prioritizing States for assistance and developing and applying a standardized approach for measuring the effectiveness of the assistance and capacity building that had been provided. In its efforts to enhance aviation security assistance at the regional level, the Secretariat would continue to support and promote the utilization of existing regional groups and Cooperative Aviation Security Programmes (CASPs). The evolution of the ICAO Universal Security Audit Programme (USAP) to the continuous monitoring approach (CMA) was an excellent opportunity to monitor activities and could be used to identify States that required assistance. In addition, it provided an opportunity to assess the effectiveness of the assistance activities undertaken. With a view to expanding the scope of assistance activities, the Secretariat would continue to provide the requisite training throughout the global network of ICAO-endorsed ASTCs. The Assembly was invited to endorse the continued implementation of the ICAO Aviation Security Assistance and Capacity Building Strategy and the further refinement of its related activities and tools.

108. The Delegate of Canada then introduced WP/130 (Capacity building strategy specific to air cargo security) on behalf of Australia, Canada, Jordan, Lebanon, Singapore, South Africa, the United Kingdom, the United States, Airports Council International (ACI), Global Express Association (GEA), the International Air Transport Association (IATA) and the International Air Cargo Association (TIACA). The paper recalled that the ICAO High-level Conference on Aviation Security (HLCAS) (Montréal, 12-14 September 2012) had endorsed the development of an international capacity building strategy specific to air cargo and mail security in order to aid those ICAO Member States that required assistance in implementing new international air cargo and mail security Standards and to be consistent with the existing ICAO Aviation Security and Capacity Building Strategy. Since that time, the Working Group on Air Cargo Security (WGACS) of the Aviation Security Panel (AVSECP) had adopted a framework of best practices consisting of six key pillars (Facility Security; Personnel Security; Training; Cargo Screening; Chain of Custody; and Oversight and Compliance) which had been integrated into the ICAO guidance material on air cargo and mail security. The strategy to aid State implementation of the air cargo strategy and mail security Standards consisted of the following: full integration of the air cargo capacity building efforts into the broader ICAO Aviation Security Assistance and Capacity Building Strategy; Member States and industries making resources, such as training material and officers, available to the ICAO Secretariat to aid the continued development of training material as outlined in the last Assembly; the WGACS tracking the capacity building efforts of others to avoid duplication; and the alignment of the training and guidance material that was being developed with the best practices adopted under the said six pillars to promote consistency. That strategy was consistent with the air cargo security principles incorporated into the guidance material and the roadmap for strengthening global air cargo security proposed in WP/133, considered earlier under Agenda Item 13 (cf. paragraph 32).

109. The Assembly was invited to: support the continued work of ICAO to develop and review guidance materials and training materials based on the framework of best practices in air cargo and mail supply chain security that were consistent with the principles on air cargo and mail security and the ICAO Aviation Security Assistance and Capacity Building Strategy, while allowing States flexibility where needed to accommodate their specific circumstances; and consider the information contained in WP/130 for the update of Assembly Resolution A37-17 (WP/14).

110. In presenting WP/107 (Aviation Security Assistance and Capacity Building Strategy) on behalf of the 54 Member States of the African Civil Aviation Commission (AFCAC), the Delegate of South Africa underscored that the said States had noted, with appreciation, the efforts of the ICAO Secretariat in providing, coordinating and facilitating assistance to States in the area of aviation security as mandated by Assembly Resolution A37-17. The implementation of State Improvement Plans (SIPs) had enabled the

Secretariat to provide technical assistance and capacity building support to ICAO Member States. The paper highlighted the fact that, while AFCAC applauded ICAO's assistance efforts in the fields of training and capacity building as they had benefitted a number of African States and their aviation security personnel, it considered that the four ASTCs located in the African continent were insufficient. AFCAC therefore called for ICAO's endorsement and accreditation of more ASTCs in Africa in order to ensure adequate access to training by all African States and other ICAO Member States and to broaden the network of ASTCs. Furthermore, AFCAC urged the empowerment of regional bodies as it considered that the latter were well-positioned to contribute to the progress of implementing effective and sustainable aviation security measures with a view to strengthening aviation security globally. The Assembly was invited to: note ICAO initiatives in providing leadership in developing and coordinating the implementation of the Aviation Security Assistance and Capacity Building Strategy; request the Council to direct the Secretary General to work on broadening the network of ASTCs; and request the Secretary General to continue to provide leadership in the further development of AVSEC assistance and capacity building with a view to enhancing the outreach of the said Strategy and to give priority to developing States.

111. The Delegate of Chile then introduced WP/320 Revised on behalf of the 22 Member States of the Latin American Civil Aviation Commission (LACAC). The paper highlighted the coordinated work of the ICAO-LACAC AVSEC/FAL Regional Group to establish security priorities, standardize security practices in the North American and Caribbean (NACC) and South American (SAM) regions, and to improve capacity building activities, which had led to the adoption by LACAC, at its XX Ordinary Assembly (Brasilia, Brazil, 5-8 November 2012), of the following three resolutions: Resolution A20-17 (*Course on detection of unruly and disruptive passengers*); Resolution A20-19 (*Manual on the threat assessment and risk management methodology – Guidelines*); and Resolution A20-21 (*Manual on the treatment of persons with disabilities in air transportation*). The important documents resulting from the ICAO-LACAC AVSEC/FAL Regional Group's work assisted the Civil Aviation Authorities of LACAC Member States in addressing aviation security and facilitation issues and contributed to the safe, orderly and efficient development of international air transport, maintaining an appropriate balance between aviation security and facilitation. The Assembly was invited to: take note of the information provided in WP/320 Revised and the documents referred to therein and to place the latter at the disposal of the international aeronautical community; and endorse the aviation security- and facilitation-related work being carried out in the Latin American and Caribbean region as outlined in the paper.

112. It was noted that the following five information papers had also been submitted: WP/152 [Presentation of the School of Civil Aviation Security (ESAC), ICAO Regional Training Centre, ASTC/ESAC], by the Dominican Republic; WP/160 (Protection of security restricted area), by India; WP/299 (Aviation security training and other related activities for capacity building of developing countries led by the Republic of Korea), by the Republic of Korea; WP/217 (International Conference "Aviation Security: 40 Years of Service in Civil Aviation of Russia"), by the Russian Federation; and WP/313 Revised [The Programme of audits/inspections of the Economic and Monetary Union of Western Africa (UEMOA)], by UEMOA.

113. In expressing strong support for WP/107 (AFCAC) and WP/320 (LACAC), as well as the other papers, the Delegate of Togo highlighted the problem which the shortage of trained aviation personnel posed to African States. While there were some training schools in Africa, they required assistance in meeting ICAO's requirements for accreditation as ASTCs, which would ensure that aviation personnel were properly trained. Underscoring that there was a dearth of resources, the Delegate of Togo averred that it would be more cost effective to establish additional ASTCs in Africa to train aviation personnel and instructors than to send them to ASTCs located in other continents.

114. The Delegates of Mali, the Comoros and Burkina Faso shared this view.

115. In joining the previous speakers in voicing support for WP/107 (AFCAC), the Delegate of the United Kingdom emphasized that capacity building remained a very important element of the collective tool kit for delivering aviation security. She underscored that resources and efforts should be targeted to where they would have the most impact, using a risk-based approach, as was done for other elements of aviation security. The United Kingdom was fully committed to continuing to enhance its participation in capacity building activities. It was already a very active participant and partner in such activities and looked to ICAO to continue to provide leadership to help facilitate and coordinate them. The Delegate of the United Kingdom stressed the need to prioritize and to put efforts into working in partnership with those States that showed a firm commitment to act and that had a clear strategy for the sustainable implementation of new measures. She voiced support for WP/20 and WP/21 presented by the Council and for WP/130, of which the United Kingdom was a co-sponsor.

116. The Delegate of the United Republic of Tanzania endorsed these comments.

117. The Delegate of Singapore expressed support for WP/20 (Council), as well as for WP/107 (AFCAC). In also applauding WP/320 Revised, he affirmed that the work done by LACAC contributed to the enhancement of security and facilitation throughout the world. Endorsing WP/130 (8 States and 4 associations), the Delegate of Singapore reiterated that air cargo security was a priority and voiced support for ICAO's continued work to develop and review related guidance and training materials.

118. In commending ICAO for the progress made in the provision of aviation security assistance and capacity building, the Delegate of Nigeria endorsed WP/20 and WP/21 presented by the Council. In also supporting WP/107 (AFCAC), he reiterated the need to establish additional ASTCs in Africa so as to facilitate the training of aviation personnel from African States and States in other regions.

119. While also endorsing WP/107, the Delegate of the Russian Federation suggested that action paragraph a) in the executive summary be amended to indicate that the Assembly was invited to support, rather than note, ICAO initiatives. Action paragraph c) could likewise be amended to reflect that it was invited to support ICAO's continued leadership in the further development of aviation security assistance and capacity building rather than to request the Secretary General to continue to provide such leadership. In then drawing attention to information paper WP/217 on the fortieth anniversary of the establishment of an aviation security system in Russia, he underscored that there would be another fortieth anniversary to commemorate in 2014, namely, the adoption by ICAO of Annex 17 – *Security*. The Delegate of the Russian Federation proposed that the Assembly take note of ICAO's work in the field of aviation security, in particular, of the historic importance of Annex 17.

120. The First Vice-President observed, in this context, that ICAO would also be celebrating in 2014 the 70th Anniversary of the signing of the *Convention on International Civil Aviation* (Chicago Convention) (Chicago, 7 December 1944).

121. The Delegate of Colombia noted the assistance being provided by ICAO under its Aviation Security Assistance and Capacity Building Strategy as described in WP/20 (Council). She recalled that under her State's national aviation security training programme, courses were given to enhance the competencies of aviation personnel responsible for the implementation of relevant ICAO SARPs at airports across Colombia. In accordance with recent changes made to Colombia's Aeronautical Regulations to reflect amendments to Annex 17 – *Security*, it was necessary for the said national training programme to implement an aviation security instructor certification process and to review the certification process for aviation security personnel. The Delegate of Colombia endorsed the measures being taken by ICAO under its ISD-SEC Programme (WP/21) to enhance its aviation security assistance and capacity building activities and tools, in particular, its initiatives for the workplace and the diversification of training programmes. She fully supported the work being carried out by LACAC in the areas of aviation security and facilitation (WP/320 Revised).

122. Drawing attention to WP/130 (8 States and 4 associations), the Delegate of Spain underscored the importance that the HLCAS had attached to the development of a capacity building strategy specific to air cargo and mail security. Affirming that the related Annex 17 SARPs were an excellent basis for harmonization for all Member States, he stressed the need for the guidance material which was being developed to take into account the framework of best practices and thus assist States in implementing effective measures to ensure the security of air cargo and mail. As an example of Spanish collaboration in this field, the Delegate of Spain cited the work being done by his State and Argentina to develop a certification process for air cargo sniffer dogs. Noting that Spain was involved in technical assistance projects with various States, particularly those in the Mediterranean region, he underscored its commitment to collaborate with those States requiring assistance in the implementation of new SARPs, and to also work in cooperation with other European States and organizations in contributing to that implementation process. The Delegate of Spain requested that the Assembly take the information contained in WP/130 into account in updating Assembly Resolution A37-17.

123. Referring to WP/20 and WP/21 presented by the Council and WP/107 (AFCAC), the Delegate of France stressed that ICAO's aviation security assistance and capacity building was vital to attaining the objectives of global implementation and harmonization of aviation security measures. In emphasizing that ICAO should continue its technical assistance and cooperation efforts in order to enable the implementation of its aviation security-related SARPs, he noted that France was actively participating therein. Recalling that his State had already carried out more than one hundred cooperation activities during 2013 involving twenty-nine African, Arab and European States, the Delegate of France underscored that it would continue its capacity building efforts in the future. He further emphasized that France supported ICAO's continuing collaborative work with other assistance providers to develop and apply a standardized approach to measuring the effectiveness of assistance and capacity building.

124. The Delegates of the Comoros, Cameroon, Senegal, Burkina Faso and Guinea endorsed WP/107 (AFCAC) and expressed appreciation to France for the training which it provided to African States through its *Programme d'appui à la sûreté de l'aviation civile en Afrique* (ASACA), which was of great benefit. The Delegate of Burkina Faso also thanked the Agency for Air Navigation Safety in Africa and Madagascar (ASECNA) for the constant support it provided to African States.

125. The Delegate of Senegal also voiced support for the other papers which were under consideration. In recalling that the dearth of ICAO auditor training courses had been raised at the HLCAS, he underscored that many African auditors would soon be retiring and that it was necessary to ensure their succession. The Delegate of Senegal noted, however, that although many African States were French-speaking, ICAO auditor training courses tended to be given in English.

126. While expressing satisfaction with all of the efforts being made by ICAO and other entities to provide aviation security assistance to the African continent, the Delegate of Guinea stressed the need for ICAO to revitalize its instructor training programme, which was of key importance to maintaining aviation security at the requisite level.

127. The Delegates of El Salvador and Venezuela (Bolivarian Republic of) voiced support for WP/320 Revised (LACAC), with the latter commending the valuable work being done by the ICAO-LACAC AVSEC/FAL Regional Group. The Delegate of Venezuela (Bolivarian Republic of) also endorsed WP/20 and WP/21 presented by the Council and WP/107 (AFCAC).

128. The Delegate of Belgium likewise expressed full support for WP/20 and WP/21 and for WP/130 (8 States and 4 associations), all of which underscored ICAO's role in coordinating capacity building efforts with its Member States and regional organizations. He encouraged the continued development of

training material, as well as the development of the existing ASTCs in line with the training policy, which itself should be further developed by ICAO.

129. In also supporting WP/21, the Delegate of Japan indicated that his State expected ICAO to play a leading role in developing and coordinating aviation security assistance and capacity building activities.

130. The First Vice-President noted, from the discussion, that the Executive Committee supported the work of the ICAO-LACAC AVSEC/FAL Regional Group as set forth in WP/320 Revised and welcomed its contribution. There was also broad support for the other working papers.

131. In taking the action then proposed by the First Vice-President, the Executive Committee noted with satisfaction the progress in implementation of the Aviation Security Assistance and Capacity Building Strategy during the current triennium and the results of the assistance being provided to States, but called upon ICAO to provide leadership in coordinating the further development of effective, targeted and sustainable capacity building activities. Acknowledging the high standard of the training that was being provided throughout the ASTC network, the Executive Committee welcomed the prospect of further expanding the network to better enable developing States to benefit from training. It fully endorsed continued implementation of the Strategy, further refinement of the assistance and capacity building activities and tools, and addressing the shortage of aviation security instructors and auditors.

132. The Executive Committee noted that assistance should continue to be prioritized for States in need that demonstrated the necessary commitment and ability to sustain improvements. Such assistance should be targeted and risk-based.

133. The Executive Committee also noted the important work being undertaken relating to air cargo security and fully supported prioritizing the development of new training materials and other cargo-specific capacity building activities.

Agenda Item 13: Aviation security — Policy

134. The Director of the Air Transport Bureau (D/ATB) then introduced WP/14, which proposed revisions to Assembly Resolution A37-17 (*Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*), to be retitled *Consolidated statement of continuing ICAO policies related to aviation security*. The latter included amendments to reflect the significant developments that had taken place since the last Assembly, notably the main outcomes of the High-level Conference on Aviation Security (HLCAS) (Montréal, 12-14 September 2012), as well as amendments to clarify the intent of present policies.

135. The Delegate of Singapore suggested that the proposed revised Consolidated statement be amended to include a provision recognizing the international organizations which had been effectively part of ICAO's aviation security activities. On the understanding that he would provide the text of this suggested amendment to the Secretariat for appropriate action, the Executive Committee approved the said Consolidated statement of continuing ICAO policies related to aviation security set forth in Appendix A to WP/14 for submission to the Plenary for adoption.

136. The meeting adjourned at 1700 hours.

Minutes of the Seventh Meeting
(Wednesday, 2 October 2013 at 0900 hours)

SUBJECTS DISCUSSED

1. Agenda Item 11: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012
Agenda Item 18: Cooperation with regional organizations and regional civil aviation bodies
Agenda Item 19: Duration of the terms of the Secretary General

— Approval of draft text for Report to the Plenary
2. Agenda Item 12: Technical Cooperation – Policy and activities on technical cooperation and assistance

— Approval of draft text for Report to the Plenary
3. Agenda Item 20: Proposal to hold Assembly sessions every two years
Agenda Item 21: Proposal to amend Article 50 a) of the Chicago Convention so as to increase the membership of the Council to 39

— Approval of draft text for Report to the Plenary
4. Agenda Item 22: Human resources management
Agenda Item 23: Status of ICAO workforce

— Approval of draft text for Report to the Plenary
5. Agenda Item 24: Increasing the efficiency and effectiveness of ICAO

— Approval of draft text for Report to the Plenary
6. Agenda Item 25: Other high-level policy issues to be considered by the Executive Committee

— Approval of draft text for Report to the Plenary
7. Agenda Item 13: Aviation Security – Policy

— Approval of draft text for Report to the Plenary
8. Agenda Item 14: Universal Security Audit Programme (USAP)

— Approval of draft text for Report to the Plenary
9. Agenda Item 15: Aviation Security – Implementation Support

— Approval of draft text for Report to the Plenary
10. Agenda Item 16: Facilitation and Machine Readable Travel Documents

— Approval of draft text for Report to the Plenary
11. Approval of draft text for the General Section of the Executive Committee’s Report
12. Agenda Item 17: Environmental protection

— Approval of draft text for the Reports to the Plenary
(*Section on General provisions, noise and local air quality and Section on Climate change*)

SUMMARY OF DISCUSSIONS

Agenda Item 11: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012

Agenda Item 18: Cooperation with regional organizations and regional civil aviation bodies

Agenda Item 19: Duration of the terms of the Secretary General

Approval of draft text for Report to the Plenary

1. The Committee had for consideration WP/373 setting forth the draft text of the Report on these Agenda Items.

2. During the review of the draft text relating to Agenda Item 18 on cooperation with regional organizations and regional civil aviation bodies, the Delegate of Australia suggested, and it was agreed, that paragraph 18.3 be amended to read: “One delegation noted that a regional body similar to those in other regions had not been established in the Asia and Pacific Region, and offered to support its regional neighbours in exploring further initiatives for coordinated engagement that could be complementary to existing arrangements.”.

3. Subject to the above amendment, the Committee approved for submission to the Plenary the draft Report on Agenda Items 11, 18 and 19 as presented in WP/373. In addition, the Committee agreed to recommend to the Plenary the adoption, under Agenda Item 19, of draft Resolution 19/1 (*Term limits for the Offices of the Secretary General and the President of the Council*).

Agenda Item 12: Technical Cooperation – Policy and activities on technical cooperation and assistance

Approval of draft text for Report to the Plenary

4. The Committee reviewed and approved without change, for submission to the Plenary, the draft text of its Report on Agenda Item 12 as contained in WP/372.

Agenda Item 20: Proposal to hold Assembly sessions every two years

Agenda Item 21: Proposal to amend Article 50 a) of the Chicago Convention so as to increase the membership of the Council to 39

Approval of draft text for Report to the Plenary

5. The Committee reviewed and approved without change, for submission to the Plenary, its draft Report on Agenda Items 20 and 21 as set forth in WP/381.

Agenda Item 22: Human resources management

Agenda Item 23: Status of ICAO workforce

Approval of draft text for Report to the Plenary

6. The Committee reviewed and approved without change, for submission to the Plenary, its draft Report on Agenda Items 22 and 23 as presented in WP/386 Revised.

Agenda Item 24: Increasing the efficiency and effectiveness of ICAO

Approval of draft text for Report to the Plenary

7. Consideration was next given to WP/403 setting forth the draft text of the Report on this Agenda Item.

8. The Delegate of Cuba noted the Secretary General's position on multilingualism as outlined in paragraph 24.8, in particular, that ICAO Standards and Recommended Practices (SARPs) were always approved in the Organization's six official languages. She recalled that in WP/227 (Availability of ICAO documents in the official languages of the Organization), the 22 Member States of the Latin American Civil Aviation Commission (LACAC) had proposed actions to increase the dissemination of ICAO documents in all of the Organization's official languages, including amendments to Assembly Resolution A37-15 (*Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation*) and Assembly Resolution A37-25 (*ICAO Policy on the language services*). The Delegate of Cuba would put forward their proposal to amend Operative Clause 4 of Assembly Resolution A37-15 during the Committee's consideration of the next Agenda Item.

9. In sharing the concerns of the LACAC Member States, the Delegate of the Russian Federation affirmed that the publication of ICAO documents relating to safety and other important areas of work of the Organization in all of the latter's official languages was of paramount importance. He recalled that his State had proposed, in paragraph 5 h) of WP/307 (Multilingualism as one of the fundamental principles to achieve goals of ICAO as the Specialized UN Agency), that the Council revise and approve the prioritization procedure for ICAO publications and documentation in cases where it was not possible to comply with the principle of simultaneous distribution in all the working languages of ICAO (cf. Assembly Resolution A24-21, Operative Clause 1). Noting that such a procedure had been adopted and had the support of ICAO Member States, the Delegate of the Russian Federation emphasized the need to continue with its implementation.

10. Drawing attention to paragraph 24.10, the Delegate of the United States indicated that although he supported the draft text of the Report, he considered that WP/362 (Preserving multilingualism at ICAO) presented by France and Burkina Faso, Cameroon, Canada, Egypt, Libya, Morocco, Saudi Arabia, Ukraine and the United Arab Emirates to be overly prescriptive and that some of the actions proposed would infringe upon the policy-making and management responsibilities of the Council and Secretary General. He noted with satisfaction, however, that sub-paragraph 4) seemed to ensure that the Council and the Secretary General were fully in charge of the implementation of the Organization's policies to enhance the efficiency and effectiveness in language service matters.

11. In the absence of further comments, the Committee approved the draft Report on Agenda Item 24 as presented in WP/403 for submission to the Plenary.

Agenda Item 25: Other high-level policy issues to be considered by the Executive Committee

Approval of draft text for Report to the Plenary

12. The Committee then reviewed WP/387, which contained the draft text of its Report on Agenda Item 25.

13. It agreed that, as proposed by the Delegate of Denmark: the Fifth Preambular Clause of draft Resolution 25/1 (*Composition of the Air Navigation Commission and participation in its work*) be deleted; and

the term “Contracting States” be replaced by the term “Member States” in Operative Clause 2 and wherever else it appeared in the text.

14. In addition, the Committee agreed to a proposal made by the Secretary General in light of a suggestion put forward by the Delegate of Cuba (cf. WP/227, Appendix B) and comments made thereon, that the second sentence of Operative Clause 4 of draft Resolution 25/2 (*Formulation and Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and Notification of Differences*), be amended by inserting, after the word “ICAO”, the phrase “should be translated in all working languages of ICAO in a timely manner and” so as to read: “Supporting technical specifications, when developed by ICAO, should be translated in all working languages of ICAO in a timely manner and shall be placed in separate documents to the extent possible.”.

15. It also agreed that, as suggested by the Delegate of France: Operative Clause 16 of draft Resolution 25/2 be amended by adding the phrase “as soon as possible” after the word “provided” so as to read “and provided as soon as possible with more guidance in respect of the notification and publication of differences”; and the word “/observance” be deleted from Associated Practice 6 as it did not reflect the Committee’s discussions.

16. In addition, the Committee agreed that, as suggested by the Delegate of Spain: the second sentence of paragraph 25.9 be amended by adding, after the word “Committee”, the phrase “which endorsed the Policy and” to reflect the action proposed in WP/22 to have the Assembly endorse the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998); and paragraph 25.10 be expanded to include a new sentence at the end to reflect that WP/22 proposed the introduction of a Recommended Practice in Annex 9 regarding the establishment of legislation, regulation and/or policies by States to support aircraft accident victims and their families.

17. Furthermore, the Committee agreed to a proposal made by the Delegate of Singapore and supported by the Delegates of Spain and the United States that the third sentence of paragraph 25.11 be amended by adding the phrase “assistance of aircraft accident victims and their families” after the words “dedicated to” and by deleting the remainder of the sentence, and to a proposal made by the Delegate of Spain that the second sentence thereof be transformed into a separate paragraph.

18. Subject to the changes indicated above, Committee approved the draft report on Agenda Item 25 and agreed to recommend to the Plenary the adoption of: amended draft Resolution 25/1 (*Composition of the Air Navigation Commission and participation in its work*); amended draft Resolution 25/2 (*Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences*); and draft Resolution 25/3 (*Assistance to victims of aviation accidents and their families*) presented in WP/387.

Agenda Item 13: Aviation Security – Policy

Approval of draft text for Report to the Plenary

19. Consideration was then given to WP/385 setting forth the draft text of the Report on this Agenda Item.

20. The Committee agreed that, as suggested by the Delegate of Barbados, a new paragraph 13.33 be inserted in the Report to reflect his recommendation (EX/6) that the definitions of the terms “transfer passengers and baggage” and “transit passengers” contained in the *Aviation Security Manual* (Doc 8973 –

Restricted) be amended by replacing the word “flight” with the word “aircraft” used in the definition of the term “air cargo”, in keeping with the existing mechanisms for updating ICAO guidance material.

21. It further agreed to a proposal made by the Chairperson in light of a suggestion put forward by the Delegate of the Russian Federation and supported by the Delegate of South Africa and comments made thereon that paragraph 13.6 be expanded by adding a new sentence at the end that would read along the following lines: “A number of States expressed concern with the application of regulations in third-party Member States.”.

22. The Committee also agreed to proposals by the Delegate of Canada that: the first sentence of paragraph 13.11 be amended by moving the phrase “by 31 January 2014” from its current location to after the word “introduce” to clarify that technology-based screening for liquids, aerosols and gels (LAGs) would only be introduced by that date; and the last sentence of paragraph 13.27 be amended by replacing with word “satisfaction” with the word “facilitation”.

23. It further agreed to amend the second sentence of paragraph 13.27 by inserting, at the end, the phrase “, recognizing Annex 17 as the baseline”, as suggested by the Delegate of Switzerland.

24. In addition, the Committee agreed that, as suggested by the Delegate of the United Kingdom, paragraph 13.12 be amended by deleting the word “certain” from the second line and by replacing the text appearing after the words “aviation security mandate” with the following: “and be considered in revising the *Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference*. It invited the Assembly to consider that the tasks in WP/64 be acted on as policy and work priorities for the coming 2014-2016 triennium.”.

25. Furthermore, it agreed to the following proposals made by the Delegate of Nicaragua to take into account its concerns while remaining within the framework of ICAO’s mandate: that the second line of paragraph 13.13 be amended by replacing the word “cited” with the word “explained”; that the second sentence of paragraph 13.31 be amended by replacing the words “It stressed the importance” with the words “Likewise, it recognized the importance”; and that draft Resolution 13/1 (*Consolidated statement of continuing ICAO policies related to aviation security*) be amended by adding, in Appendix A, a Preambular Clause reading “*Recalling that Resolutions A27-12 and A29-16 remain in force;*” and an Operative Clause reading “*Recognizing the exploitation of the aviation sector by a variety of criminal activities, including the illicit transport of narcotics and psychotropic substances by air;*”.

26. The Committee also agreed that Operative Clause 9 of Appendix F to draft Resolution 13/1 be amended by adding a phrase at the end reading along the lines “and promote the use of e-learning in aviation security training”, as suggested by the Delegate of Venezuela (Bolivarian Republic of) in light of the support expressed for his State’s proposal to that effect (WP/235).

27. Subject to the above changes, the Committee approved, for submission to the Plenary, the draft text of its Report on Agenda Item 13 and agreed to recommend to the Plenary adoption of amended draft Resolution 13/1 (*Consolidated statement of continuing ICAO policies related to aviation security*).

Agenda Item 14: Universal Security Audit Programme (USAP)

Approval of draft text for Report to the Plenary

28. The Committee then reviewed and approved without change, for submission to the Plenary, the draft text of its Report on Agenda Item 14 contained in WP/392, on the understanding that minor typographical errors in the French and Russian texts would be rectified in the final version.

Agenda Item 15: Aviation Security – Implementation support

Approval of draft text for Report to the Plenary

29. Consideration was then given to WP/396 setting forth the draft text of the Report on this Agenda Item.

30. The Committee agreed that, as suggested by the Delegate of the United Kingdom: the first sentence of paragraph 15.12 be amended by adding, at the end, the phrase “but called upon ICAO to provide leadership in coordinating the further development of effective, targeted and sustainable capacity building activities.”; and that the second phrase of paragraph 15.14 be amended to read “fully supported prioritizing the development of new training materials and other cargo-specific capacity building activities.”

31. Subject to these amendments, the Committee approved the draft text of its Report on Agenda Item 14 contained in WP/396 for submission to the Plenary.

Agenda Item 16: Facilitation and Machine Readable Travel Documents

Approval of draft text for Report to the Plenary

32. The Committee reviewed and approved without change, for submission to the Plenary, the Report on Agenda Item 16 contained in WP/397. It also agreed to recommend to the Plenary adoption of draft Resolution 16/1 (*Consolidated statement of continuing policies and practices related to facilitation*).

Approval of the draft text for the General Section of the Executive Committee’s Report

Approval of draft text for Report to the Plenary

33. The Committee examined and approved without change the draft material for the General Section of its Report as presented in WP/405.

Agenda Item 17: Environmental protection

Approval of draft text for Report to the Plenary (Section on General provisions, noise and local air quality)

34. Consideration was then given to the draft Report on Agenda Item 17 relating to the section on general provisions, noise and local air quality set forth in WP/371.

35. Pursuant to a point raised by the Delegate of Guatemala regarding WP/327 Revision No. 1 (Damaging effects of exposure to fine particles) presented by the International Transport Workers’ Federation (ITF), the Committee agreed that paragraph 17.2.14 be amended by adding, at the end of the second sentence, a phrase reflecting that the information provided by the ITF in that paper would be brought to the attention of the Committee on Aviation Environmental Protection (CAEP) for consideration in its work.

36. It also agreed that, as suggested by the Delegate of South Africa, paragraph 17.2.16 be expanded to reflect that WP/240 (South Africa's approach and recommendations on aircraft noise curfews) had also requested States and regions that have imposed night curfews to review their policies.

37. In addition, the Committee agreed that Operative Clause 8 of Appendix B to Resolution 17/1 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality*) be amended as proposed by the Delegate of Argentina to reflect the recommendation made in WP/318 (Environmental protection, CAEP and the ICAO Regional Offices) presented by his State that the Council encourage the Regional Offices to promote seminars, workshops and other similar events so that States that were not CAEP members or observers could benefit more fully from CAEP's work through broader and more direct access thereto. It was understood that the Delegate of Argentina would provide the text of his proposed amendment to the Secretariat.

38. Subject to the amendments indicated above, the Committee approved the draft text of its Report on Agenda Item 17 relating to the section on general provisions, noise and local air quality as contained in WP/371. It also agreed to recommend to the Plenary the adoption of amended draft Resolution 17/1 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality*).

***Approval of draft text for Report to the Plenary
(Section on Climate change)***

39. The Committee commenced its consideration of the draft report on Agenda Item 17 relating to the section on climate change presented in WP/378, in conjunction with WPs/424, /425, /426 and /427 which proposed amendments to draft Resolution 17/2 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*) contained in WP/34.

40. In introducing the paper, the Chairperson of the Executive Committee recalled that the Committee, at its Fourth Meeting on 26 September 2013 (EX/4), had not been able to reach a consensus, particularly on paragraphs 17 and 18 related to market-based measures (MBMs) of draft Resolution 17/2 (WP/34), and at his suggestion, had agreed that he undertake consultations with Delegations in order to seek a revised proposal. The Chairperson highlighted the results of those consultations, which were presented in WP/378 as proposed amendments to draft Resolution 17/2.

41. The Delegate of the Russian Federation proposed that: a paragraph be inserted in the section of the Report on sustainable alternative fuels for aviation citing concerns regarding the limited production capacity and cost of such fuels as raised in WP/250 (Market-based measures as the factor of an increase of greenhouse gas emissions in the sector of international civil aviation) presented by his State; the section of the report on States' action plans be amended to reflect the Russian Federation's support for such action plans; paragraph 17.3.9 be amended to include a reference to WP/250 as the latter highlighted the importance of voluntary action plans and various solutions for providing assistance to States in developing and updating their action plans; and the penultimate sentence of paragraph 17.3.31 be amended by replacing the phrase "also expressed its objection to the" with the phrase "urged States to abandon the principle of" *de minimis* exemptions to MBMs.

42. It was agreed to resume consideration of the draft report on Agenda Item 17 relating to the section on climate change (WP/378) at the next meeting.

43. The meeting adjourned at 1200 hours.

Minutes of the Eighth Meeting
(Wednesday, 2 October 2013 at 1400 hours)

SUBJECTS DISCUSSED

1. Agenda Item 17: Environmental protection

- Approval of draft text for Report to the Plenary
(*Section on Climate change*)
- Paper presented by Argentina, Brazil, China, Cuba, Guatemala, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa
- Paper presented by Argentina, Brazil, China, Cuba, Guatemala, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa
- Paper presented by Argentina, Brazil, China, Cuba, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa
- Paper presented by Argentina, China, Cuba, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa

SUMMARY OF DISCUSSIONS

Agenda Item 17: Environmental protection
(Section on Climate change)

Approval of draft text for Report to the Plenary

1. The Executive Committee resumed (EX/7) consideration of WP/378 on this Agenda Item, in conjunction with WPs/424, /425, /426 and /427 which proposed amendments to the original draft Resolution 17/2 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*) contained in WP/34.

2. Speaking on behalf of the 22 Arab States, the Delegate of Yemen raised a point of order regarding the way in which the very delicate issue of international aviation and climate change was being addressed, namely through consultations by the Chairperson of the Executive Committee with the Heads of the various regional blocks. In expressing their dissatisfaction with that mechanism, he emphasized that while the Arab States had tried to find a solution to the outstanding issues with the Chairperson through such consultations, they were of the opinion that his proposed draft text of Resolution 17/2 set forth in WP/378 would not assist the Committee in achieving an agreement and might oblige Delegates to accept his proposal without any consideration being given to their various viewpoints. The Delegates of the Russian Federation, India, Saudi Arabia, Iran (Islamic Republic of), Colombia, China, Nicaragua, Bahrain, Egypt, the United Arab Emirates, Maldives, the United Republic of Tanzania and Qatar shared this view. The Delegate of India stressed that it was extremely important to be transparent when addressing this highly sensitive issue, particularly as ICAO was supposed to be a Member-led organization.

3. The Chairperson of the Executive Committee underscored that draft Resolution 17/2 contained in WP/378 took into account the lengthy discussions which had taken place on international aviation and climate change, during which some forty Delegates had taken the floor, as well as the additional consultations which he had undertaken in order to bridge the gap between States' various positions. His proposed draft text was intended to help the Committee reach the best possible compromise. All Delegates were welcome to put forward their proposals to enhance Resolution 17/2.

4. The Delegate of the Russian Federation recalled that at the Fourth Meeting of the Executive Committee (EX/4) on 26 September 2013 he and the Delegates of Saudi Arabia, Brazil and China had suggested that the Chairperson establish a working group to progress the Committee's complex work on draft Resolution 17/2. The Committee had, however, agreed to the Chairperson's alternative proposal that he conduct informal consultations with Delegates to bridge the different views, using the Council's proposed text set forth in WP/34 as the basis on which to move forward.

5. Speaking on behalf of the co-sponsors of WPs/424, /425, /426 and /427, the Delegate of the Russian Federation indicated that the Chairperson's proposed draft text of Resolution 17/2 (WP/378) unfortunately did not address some of their fundamental concerns regarding the various issues raised under Agenda Item 17 (Section on climate change). They therefore could not accept draft Resolution 17/2 as presented in WP/378 without introducing the changes proposed in the said four papers. The co-sponsors considered that the Chairperson's proposal went against two basic principles of ICAO by promoting unilateralism over multilateralism and groups of States over States. The co-sponsors were committed to multilateralism and opposed to unilateralism. They were also against the inclusion of the concept of a group of States in draft Resolution 17/2 as that went against the Chicago Convention. The co-sponsors had put forward their proposed amendments to draft Resolution 17/2 bearing in mind the said basic principles of multilateralism and mutual agreement.

6. In suggesting that the Committee discuss each paper separately, the Delegate of the Russian Federation introduced WP/425 on behalf of its co-sponsors [Argentina, Brazil, China, Cuba, Guatemala, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa]. He indicated that the amendments proposed in that paper should be the basis for discussion rather than those proposed in WP/424 presented by the same co-sponsors.

7. The Delegates of Saudi Arabia, China and Brazil also spoke in favour of discussing the said four papers one at a time so as to facilitate the Committee's decision-making.

8. The Delegate of Argentina underscored that the co-sponsors' main objective in presenting WPs/424 and /425 was to express the position of their developing States on paragraphs 16 to 19 of the original draft Resolution 17/2 presented in WP/34. They did not support the Chairperson's proposed wording of paragraph 16 in WP/378 as they considered that it validated the unilateral application of MBMs by a State or group of States without the requirement for the prior mutual agreement of the other States concerned, pending the establishment of a global MBM scheme. In suggesting that paragraph 16 in WP/378 be replaced with paragraph 16 and 16 *bis* set forth in WP/425, the co-sponsors were underscoring the need for all MBMs to respect the principle of mutual agreement, which did not run counter to ICAO's principles, and the need for a *de minimis* threshold to protect the smallest States from being subjected to unilateral MBMs. The co-sponsors proposed a threshold of 1 per cent of total RTKs of international civil aviation activities. In addition, they proposed the deletion of paragraphs 17, 18 and 19 of the original text of draft Resolution 17/2 (WP/34).

9. Recalling that he had been a Member of the High-level Group on International Aviation and Climate Change (HGCC), the Delegate of India underscored that the issues which he and many other Members had raised during the HGCC's meetings were the same issues that remained unaddressed in the Chairperson's proposed text of draft Resolution 17/2 (WP/378). He had always placed emphasis on the basket

of measures, in which MBMs were complementary to the technological, operational and other innovations taking place in the aviation industry. However, if the Chairperson's proposal were accepted, then those other important elements of the basket of measures would be practically subsumed by MBMs, which would undermine not only the multilateral system but also the progress being made by the aviation industry. The Delegate of India fully supported the principles of multilateralism and mutual agreement, on which bases the Organization had dealt with very difficult issues in the past. He underscored that in addressing divisive issues such as the one now under discussion, it was necessary to find a way forward by taking into consideration the various different viewpoints and not by subscribing to only one.

10. The Delegate of India considered that the MBM proposal set forth in WP/378 would neither address climate change nor the advancement of international civil aviation. Noting that the concept of "States or groups of States" (or "States, whether separately or jointly") was new, he averred that it was anathema to the Chicago Convention and cautioned against introducing it through the back door. Emphasizing that his State and the other co-sponsors of WP/425 had had no other option but to present their proposed amendments to draft Resolution 17/2, the Delegate of India underscored that they were requesting the Assembly to maintain what it had previously agreed to in paragraph 14 of Assembly Resolution A37-19 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*), namely, constructive bilateral and/or multilateral consultations and negotiations between States to reach an agreement when designing new and implementing existing MBMs for international aviation, rather than introduce the said divisive concept. Fully understanding the concerns of many States regarding *de minimis*, the co-sponsors were also proposing a threshold of 1 per cent of total RTKs of international civil aviation activities in an effort to address them. Averring that the Chairperson's *de minimis* proposal was complicated, the Delegate of India emphasized that it would not be possible for all Delegates to agree thereto without first evaluating its impact on their respective States. For that reason, a far simpler solution was needed. He stressed that, in reviewing the Chairperson's proposal, Delegates should bear in mind the need to respect the provisions of the Chicago Convention and consider if they wanted the Assembly to adopt something which, in his view, would lead to the demise of multilateralism and give legitimacy to unilateralism. The Delegate of India did not think that that was the way forward.

11. The Delegates of Iran (Islamic Republic of), Colombia, the United Republic of Tanzania and Bangladesh shared the concerns expressed by the Delegates of the Russian Federation, Argentina and India.

12. During the ensuing discussion, the Delegates of Guatemala, Saudi Arabia, Iran (Islamic Republic of), Colombia, China, Cuba, Brazil, Pakistan, Nigeria, Peru, Nicaragua, the Democratic People's Republic of Korea, Bahrain, Egypt, Venezuela (Bolivarian Republic of), Uganda, South Africa, Maldives, Morocco, Bolivia (Plurinational State of), Sudan, the United Republic of Tanzania, Bangladesh, the Democratic Republic of the Congo, Kiribati, Barbados and Singapore endorsed the amendments proposed in WP/425.

13. In so doing, the Delegates of Saudi Arabia, Iran (Islamic Republic of), Colombia, Pakistan, Peru, Bahrain, Egypt, Maldives and the United Republic of Tanzania reiterated their opposition to the unilateral application of MBMs by a State or group of States. The Delegates of Bahrain and Egypt highlighted, in this regard, the potential negative impact of unilateral MBMs on the airlines of developing States. The Delegates of Saudi Arabia, Cuba, Peru, Uganda, Morocco and the United Republic of Tanzania stressed that the Chairperson's proposed draft Resolution 17/2 (WP/378) did not meet the concerns of developing States. The Delegate of Peru further indicated that she was not prepared to accept the Chairperson's proposed paragraph 16 c) relating to a *de minimis* threshold for the application of MBMs as it was necessary to first evaluate its potential impact on her State.

14. Drawing attention to the draft Report material contained in WP/378, the Delegate of China suggested that the sub-heading “Discussion” be inserted before paragraph 17.3.42 relating to the Committee’s consideration of WP/34 and that paragraph 17.3.44 be revised to reflect that a few States had suggested the establishment of a working group to move forward. He further suggested that the draft Report be amended to reflect his earlier statement (EX/4) regarding the various issues addressed in draft Resolution 17/2, in particular, the global aspirational goal of carbon neutral growth (CNG) from 2020, national MBMs and a global MBM scheme, the principle of common but differentiated responsibilities (CBDR) and the principle of special circumstances and respective capabilities (SCRC) of developing States, as well as the provision of financial resources, technology transfer and capacity building. The Delegate of Cuba supported these proposed changes to WP/378.

15. Referring to proposed paragraph 16 1) in WP/425, the Delegate of Mexico underscored that States had the sovereign right to apply a MBM within their national airspace under Article 1 (Sovereignty) of the Chicago Convention. Recalling comments made regarding the chapeau of Article 16 of the Chairperson’s text of draft Resolution 17/2 (WP/378), he emphasized that it was a longstanding practice of ICAO to recognize groups of States which had been delegated authority from certain States in the area of aviation safety. The Assembly had always supported such types of associations as they served to enhance aviation safety. In endorsing the Chairperson’s proposal in principle, the Delegate of Mexico indicated that he was nevertheless open to adding some elements of WP/425 in order to address the concerns of the co-sponsors and other States.

16. Speaking on behalf of the European Union (EU) and its Member States and the other Member States of the European Civil Aviation Conference (ECAC), the Delegate of Lithuania expressed concern as the Chairperson’s proposed draft Resolution 17/2 was not what the European States had hoped for on many points. On the other hand, it was positive that his proposal had been presented as a package. The European States would be ready to accept the Chairperson’s proposed compromise if and only if: each element thereof was retained as part of the overall package; and it led to acceptance by a larger majority of Delegates than the Council’s proposed text (WP/34).

17. The Delegate of Brazil reiterated support for not only WP/425 but also WP/426 presented by Argentina, Brazil, China, Cuba, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa, which proposed the addition of a new paragraph p) on the principle of CBDR and the principle of SCRC of developing States to the guiding principles for the design and implementation of MBMs for international aviation annexed to draft Resolution 17/2.

18. The Delegates of Pakistan, Egypt, Venezuela (Bolivarian Republic of), South Africa, Maldives and Afghanistan also endorsed WP/426.

19. Having examined that paper, the Delegate of the United Arab Emirates was of the view that a compromise could be achieved by: reinserting into draft Resolution 17/2 paragraph 15 of Assembly Resolution A37-19 relating to a *de minimis* threshold of 1 per cent of total RTKs of international civil aviation activities; and amending the proposal for a new paragraph p) in the guiding principles for the design and implementation of MBMs for international aviation annexed to draft Resolution 17/2 (WP/426) so that reference would also be made to the principle of non-discrimination. The Delegate of Qatar shared this view.

20. Highlighting that climate change was a real and serious issue which affected everyone as common citizens of the planet, the Delegate of Pakistan emphasized that all of the Earth’s inhabitants had a shared responsibility to address it. Recalling, however, that the current problem of accumulated environmental pollution originated mostly from developed States while they were achieving technological advancements, he underscored that the share of developing States was much less. Thus the common responsibility that all shared for addressing this environmental issue required differential treatment according to historical shares,

technological advancements, financial resources, etc. The Delegate of Pakistan noted, in this context, that international aviation emissions currently accounted for less than 2 per cent of total global CO₂ emissions. Emphasizing that there were other elements of the basket of measures that were equal in importance to MBMs, he cited, among others, improvements in fuel efficiency, operational measures and sustainable alternative fuels for aviation. The Delegate of Pakistan averred that the focus on a global MBM scheme was not beneficial for international civil aviation as it would lead to market distortion and thus negatively affect the aviation industry of developing States. Highlighting that his State was a co-sponsor of WPs/424-/427, he reiterated the need to respect the principles of State sovereignty, multilateralism and mutual agreement when addressing the global issue of climate change. In opposing the concept of “States or groups of States” (or “States, whether separately or jointly”) used in the Chairperson’s proposed draft Resolution 17/2 (WP/378), the Delegate of Pakistan averred that it was not in accordance with the Chicago Convention and would create an unnecessary precedent in the ICAO Assembly. In thus strongly rejecting paragraph 16 of the Chairperson’s proposed text, he indicated that he would only support a solution within the framework of the Chicago Convention.

21. Voicing dissatisfaction with paragraph 16 c) of the Chairperson’s proposed draft Resolution 17/2, the Delegate of Nigeria indicated that he remained committed to the position expressed by the 54 African States during the consultations, which was properly captured in WP/425. Averring that the figures for the *de minimis* thresholds given in paragraph 16 c) were arbitrary and unacceptable, he expressed support for the threshold of 1 per cent of total RTKs of international civil aviation activities contained in paragraph 15 of Assembly Resolution A37-19 and presented in paragraph 18 of the original draft text of Resolution 17/2 and paragraph 16 2) presented in WP/425.

22. The Delegate of France voiced his full support for the method which the Chairperson had chosen to conduct consultations with Delegations and the spirit in which he had undertaken them. He reiterated that the Chairperson’s proposal (WP/378) constituted a package to guide ICAO’s future actions in the field of international aviation and climate change, which contained the essential elements for the definition and implementation of a global MBM scheme and the definition of a framework for MBMs that States could apply pending the scheme’s implementation. The Delegate of France affirmed that there were no provisions in the Chicago Convention which prevented a State from taking measures within its national airspace or which prevented States from joining together to coordinate such measures. He therefore could not accept any proposed amendments to draft Resolution 17/2 that ran counter to that principle. Referring to the proposal (WP/426) to add to the guiding principles for the design and implementation of MBMs for international aviation annexed to the Resolution a new paragraph p) on the principle of CBDR and the principle of SCRC of developing States, he maintained that it would render the process all the more complex and would run counter to the concept of a global MBM scheme. For all of these reasons, the Delegate of France favoured working on the basis of the Chairperson’s proposed text (WP/378).

23. Endorsing the comments made by the Delegate of Lithuania, the Delegate of the United Kingdom underscored that the significant progress that had been made since the last Assembly on the full basket of measures was well-reflected in draft Resolution 17/2 set forth in WP/378. In fully supporting the consultative process established by the Chairperson, he affirmed that the latter’s proposed text was an improvement over the Council’s proposed text contained in WP/34. The Delegate of the United Kingdom was therefore also willing to continue the Committee’s discussions on the basis of the Chairperson’s proposal (WP/378), which must be seen as a package that already reflected comprises on all sides. He stressed the need to be conscious that this was an historic moment for ICAO and to show leadership by defining an agreement before the close of the Assembly in order for international aviation to play its part in the efforts to mitigate global climate change. In emphasizing that a global MBM scheme was necessary to meet ICAO’s goals, the Delegate of the United Kingdom noted that even the aviation industry was in agreement. He therefore fully supported the paragraphs of draft Resolution 17/2 which set forth the work programme leading up to the next Assembly in 2016.

24. Noting that scientific evidence showed that emissions must peak before 2020, the Delegate of the United Kingdom underscored that Europe considered that those States wishing to take early action should be able to implement the most cost-effective measures possible to reduce emissions, including MBMs. Europe was also of the view that, for more efficiency and for broader coverage of CO₂ emissions, regional measures or measures by groups of States should be encouraged. The envisaged framework for MBMs should facilitate that. The Delegate of the United Kingdom emphasized that ICAO encouraged regional cooperation in many other areas, including aviation safety. He further stressed that regional action allowed for harmonization of policies among a number of States, resulted in more comprehensive approaches, and reduced the administrative burden on operators, which was in line with the principles for MBMs agreed by the previous Assembly in Resolution A37-19. Europe was, however, fully conscious that not all States were ready to take early action and that SCRC must be taken into account, for example, via a *de minimis* clause, until a global MBM scheme had been developed. The Delegate of the United Kingdom underscored the importance of continuing to work constructively together to deliver the best possible compromise package.

25. The Delegate of Denmark voiced support for the interventions made by the Delegates of Mexico, Lithuania, France and the United Kingdom, as well as for the Chairperson's consultative process to reach an agreement on a global MBM scheme. Significant progress had been made since the start of the Assembly, and it was necessary to continue to strive to reach an agreement in a constructive spirit of compromise. Emphasizing that such an agreement and compromise needed to be seen as a package, the Delegate of Denmark stressed the need to progress on all aspects, including the most difficult areas. For that reason, he preferred the Chairperson's draft text of Resolution 17/2 (WP/378).

26. Referring to the proposals put forward in WP/425, the Delegate of Denmark underscored that the issue of climate change was a serious one and that it was necessary for the aviation sector, like all other sectors, to start reducing emissions now if it were serious about meeting globally agreed goals to limit the increase in global average temperature. It was therefore essential that ICAO recognize the rights and responsibilities of States in accordance with Article 1 (Sovereignty) of the Chicago Convention to be able to take action now to reduce aviation emissions. European States had already adopted a comprehensive set of measures and intended to continue to contribute to early efforts to reduce the climate impact of aviation emissions. Affirming that it was essential for ICAO to demonstrate that it was capable of regulating aviation in an effective way, the Delegate of Denmark reiterated that this current window of opportunity must not be missed.

27. The Delegate of the Democratic People's Republic of Korea expressed appreciation for the great work diligently done by the ICAO Secretariat in driving forward international civil aviation's strategy and initiatives for addressing its impact on the climate. In fully supporting the amendments to draft Resolution 17/2 set forth in WP/425, he highlighted the importance of the Council reviewing the *de minimis* as called for in proposed new paragraph 16 *bis*.

28. The Delegate of Portugal joined the Delegates of Lithuania, France, the United Kingdom, Denmark and others in supporting the Chairperson's proposal as a package, and in the spirit of compromise, in following a single path to achieve the main objective of this Assembly in the area of international aviation and climate change.

29. The Delegate of Belgium endorsed the comments made by the Delegates of Mexico, Lithuania, France and the United Kingdom, inter alia. He underscored that although the revised text of Resolution 17/2 contained in WP/378 was far from meeting his expectations in many regards, in considering it as a package he was ready to move forward with that proposed text and to continue to progress in the Committee's discussions. Indicating that he could not accept the amendments to Resolution 17/2 proposed by the co-sponsors of WPs/424, /425, /426 and /427, the Delegate of Belgium emphasized that he supported development within a framework which allowed those States wishing to do so to take measures to limit their

aviation emissions. In stressing the need to fully understand the concept of multilateralism, he questioned whether the framework defined the principles to which the measures must conform. The Delegate of Belgium averred that the requirement for mutual agreement was incompatible with the framework as it defined, by its essence, the modalities and principles to which the measures must conform. Furthermore, as highlighted by the Delegate of France, the requirement for mutual agreement could run counter to the sovereignty of States over their airspace.

30. In echoing the comments made by the Delegate of Denmark, the Delegate of Italy averred that a package which did not acknowledge the right of States to take action to reduce their aviation emissions within their national airspace prior to the implementation of a global MBM scheme would not seem a genuine signal of commitment to reduce climate change worldwide. The challenge was a serious one and so must be the response. Reiterating that the Chairperson's proposed draft text of Resolution 17/2 must be considered as a package in order to achieve broad support, the Delegate of Italy voiced opposition to the alternative proposals contained in WPs/424 to /427 as they undermined that approach. He underscored, in this regard, that the proposal set forth in WP/425 upset the balance achieved in WP/378 by deleting reference to the said right of States.

31. The Delegate of Germany endorsed the interventions made the Delegates of Mexico, Lithuania, France, the United Kingdom and other EU Member States. He noted that, for his State, environmental issues, in particular climate change issues, were very important. Reiterating the need for ICAO to show leadership in tackling the issue of international aviation and climate change, the Delegate of Germany underscored that a comprehensive approach should be taken. Recalling that technological and operational measures, as well as sustainable alternative fuels for aviation, had already been identified as important elements of such an approach, he emphasized that that basket of measures had to be complemented by MBMs in order to close the gap to achieve the CO₂ emissions reduction goals. Affirming that MBMs were the most cost-effective way in which to achieve the required reductions, the Delegate of Germany recalled that many Delegates had endorsed that concept in previous discussions (EX/4). Stressing that this opportunity should be taken to complement the set of CO₂ emissions reduction activities being undertaken by States pursuant to their national action plans, he indicated that his State considered the use of MBMs to be an important part of its national CO₂ emissions reduction activities pending the implementation of a global MBM scheme. Emphasizing that his State would not implement MBMs in a way that would cause market distortions, the Delegate of Germany indicated that it considered the use of MBMs to be a legitimate step and would like ICAO to provide a framework therefor.

32. Affirming that the Chairperson's proposed draft Resolution 17/2 (WP/378) was a good basis for compromise and a package that he would accept if all of its elements were retained, the Delegate of Germany noted that it described what action States could take in order to reduce aviation CO₂ emissions on a national or regional basis, which should be encouraged by ICAO. In his view, it reflected the various concerns of States and delivered exemptions for those States whose share of international civil aviation activities was very low, which was a concept he supported in general. Reiterating that the Chairperson's proposed text was thus a basis for compromise, the Delegate of Germany stressed that that tremendous achievement should not be put at risk by suggesting completely new elements, as had been done. In further emphasizing that past discussions should not be repeated, he averred that WPs/424 to /427 did not fit in with the approach outlined by the Chairperson in his introductory remarks on Agenda Item 17, when he had stated that there were divergent views which were very difficult to combine. For the above reasons, the Delegate of Germany supported the package proposed by the Chairperson in WP/378, and in particular, paragraph 16 of draft Resolution 17/2.

33. The Delegate of Venezuela (Bolivarian Republic of) recalled that one of ICAO's main objectives was to ensure the sustainable development of air transport. Noting the different positions of States

and regions, she reiterated the need to take their respective circumstances into consideration in finalizing Resolution 17/2. In voicing support for the amendments to that Resolution proposed in WPs/424, /425 and /426, the Delegate of Venezuela (Bolivarian Republic of) requested that her State be added as a co-sponsor of those papers. Recognizing ICAO's work and leadership in the area of international aviation and climate change, she emphasized that Venezuela (Bolivarian Republic of) would continue to work towards a consensus solution that was balanced and that respected the sustainable development of air transport.

34. Having participated widely in the consultations, the Delegate of Uganda was aware that paragraph 16 c) of the Chairperson's proposed draft Resolution 17/2 setting forth *de minimis* thresholds was an attempt to address the concerns of developing States. Averring that it did not adequately do so, for the very reasons that he had expressed during the consultative process, he expressed support for the amendments proposed in WP/425, which did meet those concerns. He expressed the hope that the amendments would be widely accepted so that the concerns of developing States, in particular those with a very low level of international civil aviation activity, would be taken into account in the final version of Resolution 17/2.

35. Reiterating support for WP/425 and WP/426 of which her State was a co-sponsor, the Delegate of South Africa highlighted the importance of the Assembly being guided by the United Nations Framework Convention on Climate Change (UNFCCC) and its principles when addressing climate change issues, in particular, its principles of CBDR and respective capabilities, equity, sustainable development and environmental integrity. In requesting that those principles be observed, she recalled that it was against that backdrop that the co-sponsors of WP/426 proposed the addition of a new paragraph p) stipulating that MBMs should abide by the principle of CBDR and the principle of SCRC of developing States. Averring that the language used in paragraph 16 in WP/378 was complex, the Delegate of South Africa suggested that it be replaced with the simplified language used in paragraph 16 and paragraph 16 *bis* in WP/425. Affirming that that compromise would be beneficial for all, she underscored that the said two paragraphs promoted constructive engagement before the implementation of MBMs and the retention of the *de minimis* principle as agreed in Assembly Resolution A37-19. Observing that the 1 per cent threshold proposed in WP/425 gave rise to a number of questions, the Delegate of South Africa underscored that the Council's review thereof proposed in paragraph 16 *bis* would assist the 39th Session of the Assembly in determining the appropriate threshold in 2016.

36. Highlighting that his State would be more affected than any other by global climate change, the Delegate of Maldives underscored that the current text of draft Resolution 17/2 (WP/378) would negatively affect it as it adversely impacted Maldives' only resource, tourism. He averred that it might cause his State to economically disappear before nature, in the form of rising sea levels, made it physically disappear. Noting that decisions that affected his State were being made unilaterally by States or groups of States, the Delegate of Maldives indicated that it was tantamount to being told that they knew what was best for his State. He questioned why it was necessary to refer to the right of States to take measures in their national airspace in Resolution 17/2 if, as previous speakers had indicated, they had already been accorded that right in the Chicago Convention. If they wanted to take such action, then they should. The Delegate of the Maldives could not, however, accept in good conscience, that a multilateral organization such as ICAO would allow a State or group of States to take unilateral decisions. He therefore supported the amendments to draft Resolution 17/2 proposed in WP/425. The Delegate of Maldives also endorsed the inclusion of a new paragraph p) on the principle of CBDR and the principle of SCRC of developing States in the Annex to the Resolution as proposed in WP/426.

37. In maintaining that CBDR had no place in the ICAO forum, the Delegate of the United States recalled that that concept was derived from the UNFCCC forum. He underscored that in ICAO it was the principle of non-discrimination and equal and fair opportunities (i.e. avoidance of market distortion) that was central. Observing that airlines of some developing States were among the best, the strongest, the richest and the most competitive in the world, the Delegate of the United States emphasized that it was the different but

related concept of SCRC that had been developed for the Assembly as a means of recognizing the different circumstances and respective capabilities of States in the ICAO context. While he considered that to be appropriate, he maintained that CBDR, and any sharp divide between developed and developing States per se, was inconsistent with the Chicago Convention and thus did not belong in ICAO.

38. Recalling the general statement made by the United States' Secretary of Transportation during the Second Meeting of the Plenary (P/2) on 24 September 2013, the Delegate of the United States reiterated that his State was firmly committed to addressing the impacts of climate change and to working intensively in ICAO to develop a global approach to addressing climate change. Consistent with that commitment, he supported many aspects of the Chairperson's proposed draft Resolution 17/2 (WP/378) but not its entirety. The Delegate of the United States noted that, importantly, that Resolution demonstrated a commitment by ICAO to address the climate change impacts of international aviation. In particular, under the Chairperson's proposal the ICAO Assembly would decide to develop a global MBM scheme for international aviation – a signature accomplishment for ICAO. It was an important commitment, one that was supported by the United States, its aviation industry and its non-governmental organization (NGO) stakeholders.

39. The Delegate of the United States underscored that, given the challenging nature of that issue, there were aspects of the Chairperson's proposed draft text of Resolution 17/2 that required compromise and did not reflect the ideal outcome for any one party. He noted, in that regard, that there were provisions that were certainly not perfect. In stating his views on a few of those provisions, the Delegate of the United States indicated, with respect to paragraph 16, that it was his State's understanding that Resolution 17/2 was neither an endorsement of, nor an authorization for, any particular MBM, nor was it a recommendation for States to develop and implement MBMs for international aviation. Referring to paragraph 16 b), whereby States were urged to engage in consultations and negotiations to implement any MBM for international aviation and that mutual agreement of the States concerned should be found if the MBMs covered overflights or flights beyond national airspace, the Delegate of the United States noted that, in his State's view, that meant that there would need to be mutual agreement of the State from which the flight departed, the State into which the flight arrived and the State of Registry of the aircraft operator. Furthermore, in the context of paragraph 16 b), the United States understood "national airspace" to mean sovereign airspace which could not exceed the 12 nautical mile territorial sea and could not include airspace over the high seas. The Delegate of the United States further indicated that compliance with an MBM would take into account the application of the guiding principles noted in paragraph 16 a) and listed in the Annex to draft Resolution 17/2, including, in particular, the need to minimize market distortion and the extent to which other States were participating.

40. With respect to paragraph 16 c), the Delegate of the United States underscored that while his State supported, in principle, the concept of *de minimis* thresholds, it had serious concerns with the *de minimis* provision in the Chairperson's proposed text (WP/378). Although the sliding scale approach was an improvement over the provision in WP/34, the United States did not consider that 4.7 billion RTKs was an appropriate initial threshold or that the threshold should be based on the international aviation activities of States as opposed to operators. The United States considered that criteria to be inconsistent with ICAO's principle of non-discrimination and equal and fair opportunities and its commitment to the avoidance of market distortion. The United States would have significant concerns with that approach as far as national and regional MBMs were concerned, although it was pleased that it was not meant to have any bearing, and it would see it as having no bearing, on the development of any global MBM scheme.

41. Reiterating his support for WP/425 of which his State was a co-sponsor, the Delegate of Guatemala indicated that he would also support any improvements thereto considered necessary by the majority of Delegates. He suggested the proposed amendments to draft Resolution 17/2 set forth in WP/425 be incorporated into the Chairperson's proposed text (WP/378).

42. In a spirit of pragmatism and compromise, the Delegate of Singapore agreed to work on the bases of WP/378 and WP/425. He emphasized the need to put in place a transparent, inclusive yet manageable process to narrow the differences of opinion on draft Resolution 17/2 and come to an agreement.

43. The Delegate of Sudan affirmed that ICAO was the only forum that enabled all States to work together to find solutions to the issue of international aviation and climate change. Expressing concern regarding the Chairperson's proposed paragraph 16 c) (WP/378), he voiced support for WP/425, as well as for the comments made by the Delegates of Nigeria, Uganda, Saudi Arabia, Maldives and Morocco, among others.

44. The Delegate of the United Republic of Tanzania shared the views expressed by the Delegates of Nigeria, Uganda and South Africa, inter alia.

45. Noting that ICAO, as an aviation leader, had a difficult role to play in safeguarding the environment, the Delegate of Bangladesh underscored the importance of its Members States, both developed and developing, working together to achieve consensus.

46. Reiterating that climate change was a very complicated and challenging issue, the Delegate of Afghanistan emphasized that developing States needed a practical solution for a global MBM scheme that appropriately addressed their concerns so as to enable proper implementation. She therefore supported the addition of a new paragraph p) on the principle of CBD and the principle of SCRC of developing States to the guiding principles annexed to draft Resolution 17/2 as proposed in WP/426.

47. The Delegate of the Democratic Republic of the Congo expressed gratitude to the President of the Council and the Secretary General for their laudable efforts to assist States in the implementation of ICAO Standards and Recommended Practices (SARPs) in order that international civil would be developed in a safe, orderly and efficient manner. He underscored that the Chairperson's revised draft text of Resolution 17/2 (WP/378) clearly demonstrated his concern that all States implement the proposed new measures to substantially reduce aviation emissions in order to protect the environment. Observing, however, that there were some differences of opinion regarding his proposal, the Delegate of the Democratic Republic of the Congo suggested that, in order to help achieve consensus, it be amended to include the *de minimis* threshold of 1 per cent of total RTKs of international civil aviation activities proposed in WP/425 and supported by Member States of the African Civil Aviation Commission (AFCAC) and other States.

48. Endorsing this proposal, the Delegate of Kiribati affirmed that the resultant text of draft Resolution 17/2 would greatly contribute to the development of a global MBM scheme. Emphasizing that climate change had already arrived in his region, he underscored that low-lying airports in the Central Pacific Ocean area, similar to those in the Indian Ocean-Arabian Sea area such as those in Maldives, might disappear underwater sooner rather than later. Highlighting the significant effect which climate change was having on his State, the Delegate of Kiribati noted that rising sea levels had recently eroded parts of the runway strip at one of its main airports. He voiced appreciation to the World Bank (WB) for securing funds for the establishment of a protective sea wall.

49. Recalling that the economies of his State and other small island developing States were based on tourism, the Delegate of Barbados emphasized that they had already been impacted by global warming and the application of MBMs by developed States on their tourist product. While supporting the Chairperson's proposed draft Resolution 17/2 (WP/378), he joined with other States in also supporting the amendments thereto proposed in WP/425. He stressed that the application of any existing MBMs should be discontinued when implementation of the envisaged global MBM scheme commenced.

50. While welcoming the progress made during the consultations, the Observer from the International Air Transport Association (IATA) raised three technical questions concerning the implications of paragraph 16 b) of the Chairperson's proposed draft Resolution 17/2 (WP/378). It was IATA's understanding that if two States agreed to have their carriers included in an MBM and then applied that MBM to the carriers of third States, then if some third States did not agree to comply therewith, that could result in competitive distortion on the same route between those States. In enquiring if that would be the case, he underscored that the aviation industry's concern was first of all, environmental integrity, and secondly, that there be a level playing field, with no competitive distortion or limited competitive distortion.

51. IATA considered that if a MBM was not implemented in a comprehensive way between States or a number of States in agreement, then there was a risk that traffic would shift from routes captured by the MBM to alternative routes that were not captured with a view to ensuring the lowest cost option. The Observer from IATA queried whether that was the case.

52. It appeared to IATA that if two States agreed, then they would be able to include, in their MBM, flights and/or portions of flights occurring anywhere outside of their respective airspace. Noting that that could even include flights occurring entirely within the airspace of a third State and flights in international airspace, even when operated by foreign carriers, the Observer from IATA enquired whether that was in conformity with the principles of the Chicago Convention. He asked that his questions be taken into consideration during the Committee's further deliberations.

53. In offering a summary of the discussion, the Chairperson noted that the Executive Committee was not divided into two camps as WP/378 and WP/425 shared common elements. Reiterating that his objective was to bring the different views closer together, he indicated that WP/425 proposed new text for paragraph 16 of the original draft Resolution 17/2 (WP/34), some elements of which could be incorporated into his proposed text (WP/378), notably the use of 1 per cent of total RTKs of international civil aviation activities as the *de minimis* threshold for the next three years [cf. paragraph 16 2) of WP/425]. The Chairperson considered that the Committee could accept that threshold as a compromise. In addition, the Council could be requested, or even delegated the authority, to carry out a review of that *de minimis* threshold with a view to refining it, along the lines of paragraph 16 *bis* proposed in WP/425. If a more efficient solution were found, then the Council could present it for consideration at the next Assembly in 2016. Observing that WP/425 also proposed the deletion of paragraphs 17, 18 and 19 of the original draft Resolution 17/2 (WP/34), the Chairperson emphasized that those paragraphs were not included in his proposed text. Thus the only element on which there was still no convergence related to paragraph 16 b) of his proposal on the capacity of States to establish MBMs within their national airspace or beyond, under certain conditions. Noting that there remained a difference of opinion on what could be done and how it could be done, the Chairperson indicated that he would prepare a revised draft text in light of the discussion and present it for the Committee's consideration at its next meeting.

54. Maintaining that paragraph 19 had not been deleted from the Chairperson's proposed text in WP/378, the Delegate of India underscored that it was reflected, in part, in the chapeau of paragraph 16. Recalling that his State was a co-sponsor of WP/425, he expressed satisfaction with the support expressed by many Delegates for the amendments proposed therein, notably paragraph 16 1) and 2). Emphasizing, however, that the Chairperson's proposal to merely incorporate some elements of WP/425 into WP/378 did not address the co-sponsors' concerns, the Delegate of India indicated that if the Committee had concluded its discussion of WP/425, then in accordance with Rule 46 of the Standing Rules of Procedure of the Assembly (Doc 7600), he would formally present a motion for a vote on the amendments to draft Resolution 17/2 proposed in that paper. The Delegate of China, whose State was also a co-sponsor of WP/425, voiced support for such a vote.

55. The Chairperson noted that, while he was not opposed thereto, the Executive Committee had not yet completed its discussion of WP/425. In light of time constraints he suggested, and the Executive Committee agreed, to continue its consideration of this subject at its next meeting.

56. The meeting adjourned at 1200 hours.

Minutes of the Ninth Meeting
(Thursday, 3 October 2013 at 0900 hours)

SUBJECTS DISCUSSED

1. Agenda Item 17: Environmental protection

- Approval of draft text for Report to the Plenary
(*Section on Climate change*)
- Paper presented by Argentina, Brazil, China, Cuba, Guatemala, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa
- Paper presented by Argentina, Brazil, China, Cuba, Guatemala, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa
- Paper presented by Argentina, Brazil, China, Cuba, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa
- Paper presented by Argentina, China, Cuba, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa
- Paper presented by Argentina, Brazil, China, Cuba, Guatemala, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa

SUMMARY OF DISCUSSIONS

Agenda Item 17: Environmental protection
(Section on Climate change)

Approval of draft text for Report to the Plenary

1. The Executive Committee resumed (EX/7 and EX/8) consideration of WP/378 on this Agenda Item, in conjunction with related WPs/424, /425, /426, /427 and /432.
2. The Chairperson of the Executive Committee recalled that at the previous meeting two Delegates had requested a vote on the proposed amendments contained in WP/425 to the draft Resolution 17/2 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*) appended to WP/34 presented by the Council of ICAO and incorporated into WP/378. Although he had not opposed such a vote, which was provided for in the Standing Rules of Procedure of the Assembly (Doc 7600), he had wished to give the opportunity to the other Delegates who had requested to take the floor to do so. While the Chairperson had also indicated during the meeting that it might be possible for him to propose enhancements to the said draft Resolution in light of the discussion, he had subsequently realized that that was not the case.
3. The Delegate of Malaysia noted that his State appreciated the work of the Council and its President outlined in WP/34 to mitigate aviation's impact on climate change in terms of limiting or reducing

CO₂ emissions through the implementation of a basket of measures encompassing the development and deployment of green technologies and operations, sustainable alternative fuels and market-based measures (MBMs). Malaysia wished to reiterate its stand in support of a solution for a global framework for MBMs, conditional upon an acceptable global MBM scheme and mechanism that was not discriminatory and did not cause market distortion.

4. Drawing attention to amended paragraph 16 c) of draft Resolution 17/2 set forth in WP/378 relating to a *de minimis* threshold for the application of MBMs, the Delegate of Malaysia underscored that agreement had been reached to have a continuous engagement to consider how best to reach a compromise thereon taking into account the principle of special circumstances and respective capabilities of States (SCRC). His State wished efforts to continue to improve the wording of that provision and to consider how best to amend related paragraph 17 to enhance the clarity of paragraph 16 c) and thereby ensure the achievement of the objective of sustainable air transport. Malaysia also wished to explore the possibility that the amendments proposed in WP/425 represented the next best option to achieve an acceptable global MBM scheme.

5. Agreeing on the need to take into account the special circumstances and respective capabilities of States, in particular those of developing States, the Delegate of Uruguay affirmed that it would not be discriminatory to do so. He emphasized the importance of affording States equal opportunity and equal treatment.

6. In expressing his State's appreciation for the tremendous efforts made to reach an agreement on the very controversial issues relating to MBMs, the Delegate of Switzerland noted that it above all welcomed the fact that ICAO was now ready to work towards a global MBM scheme. Switzerland was of the view that the Assembly should not lose sight of that great accomplishment and fully supported draft Resolution 17/2 with respect to the development of such a scheme. It considered, however, that more discussions were necessary in order to reach an agreement regarding the definition and implementation of regional MBMs prior to the full implementation of a global MBM scheme. Such discussions should be based on proposals made by the Chairperson of the Executive Committee taking into account all of the bilateral and multilateral discussions which he had held with a large number of Delegates. It was Switzerland's clear view that *de minimis* exemptions to regional MBM schemes should be granted to States according to the principle of SCRC. In that regard, it urged the Chairperson to consider using clear and non-controversial language in defining the principles for such exemptions in order to avoid having problems arise subsequently regarding the interpretation of Resolution 17/2.

7. Underscoring that there remained only 24 hours before the Assembly's conclusion, the Delegate of Singapore stressed the importance of reflecting on the most constructive and productive manner in which to proceed in order to maximize the chances of achieving some compromise. The Delegate of Spain shared this view.

8. A motion presented by the Delegate of Argentina that a nominal vote on the amendments to draft Resolution 17/2 set forth in WP/425 be held pursuant to Rule 46 of the said Rules of Procedure (Doc 7600) was supported by the Delegates of the Russian Federation, Saudi Arabia, India, and Cuba.

9. The Delegate of Switzerland requested, pursuant to Rule 48, that parts of that proposed motion, namely new paragraph 16 1) and new paragraphs 16 2) and 16 *bis* for inclusion in draft Resolution 17/2, be voted on in two separate votes given that they dealt with very different matters, with the resulting motion being put to a final vote in its entirety. He clarified that this was not an amendment to the original motion by the Delegate of Argentina referred to in Rule 49. The Delegate of Norway supported this proposal.

10. In opposing this motion, the Delegates of Saudi Arabia, India, the Russian Federation, China, Yemen and Brazil emphasized that the vote should take place on the amendments contained in WP/425 as an indivisible package which States represented at the Assembly could either approve or reject.

11. Recalling the comments made during the previous meeting, and noting the support expressed for the various elements of WP/378 and WP/425, the Delegate of the Netherlands maintained that it was still possible to formulate a proposal that would achieve broader support. Observing that there remained another day for the convening of the Assembly, she averred that it was premature to proceed to a vote and, on the basis of Rules 40 and 41 of the Rules of Procedure (Doc 7600), presented a motion that the meeting be suspended. The Delegate of Uruguay supported the motion.

12. The Delegates of Saudi Arabia, India, Cuba and Argentina voiced opposition to the motion. Responding to a point of order raised by the Delegate of Canada under Rule 36, the Delegate of the Netherlands clarified that the proposed suspension would be for the entire morning. While the Delegate of Canada was opposed to a suspension of that duration, he considered that it was possible that the Committee could benefit from a short break to discuss the matter.

13. The Delegate of Lithuania put forward a motion to delete paragraphs 16, 17, 18 and 19 of draft Resolution 17/2 as set forth in WP/34.

14. The Delegate of Japan did not agree to holding a vote on WP/425 at this stage as it would imply that ICAO was divided into two camps when it had been making great efforts to seek a compromise solution.

15. The Chairperson of the Executive Committee indicated that, pursuant to Rule 40 of the said Rules of Procedure (Doc 7600), it was necessary to vote on the motion by the Delegate of the Netherlands for the suspension of the meeting. In providing clarification regarding the legal framework therefor, provided in Rules 45, 46 and 47 of the Rules of Procedure, the Secretary, the Acting Director of the Legal Affairs and External Relations Bureau (A/D/LEB), noted that Rule 46 stipulated that "Voting shall normally be by voice, by show of hands, or by standing, but at the request of any delegation of a Contracting State there shall be a roll-call, which shall be taken in the English alphabetical order of the names of the Contracting States, beginning with the State whose name is drawn by lot by the presiding officer. The vote of each delegation participating in a roll-call shall be recorded in the minutes, as required by Rule 65."

16. The Chairperson of the Executive Committee proposed that the vote be carried out by a show of hands. A request by the Delegate of Argentina that it instead be a roll-call vote was supported by the Delegates of India and the Russian Federation.

17. The Committee then proceeded to a roll-call vote, commencing with Mauritius, on the motion by the Delegate of Netherlands to suspend the present meeting for the entire morning. The results were as follows:

In favour: 56 States [Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Canada, Central African Republic, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kiribati, Latvia, Lithuania, Luxembourg, Malta, Mexico, Mozambique, Myanmar, Netherlands, New Zealand, Norway, Philippines, Poland, Portugal, Republic of Korea, Romania, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States and Uruguay]

Opposed: 88 States [Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Guatemala, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Maldives, Mali, Mauritius, Micronesia (Federated States of), Morocco, Namibia, Nepal, Nicaragua, Oman, Pakistan, Panama, Paraguay, Peru, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, South Africa, South Sudan, Sri Lanka, Sudan, Swaziland, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Yemen, Zambia and Zimbabwe]

Abstentions: 0

With 144 votes cast, the required majority was 73. The motion by the Delegate of Netherlands was thus rejected.

18. Responding to a point raised by the Delegate of the United States regarding WP/425, the Delegate of the Russian Federation, as one of the co-sponsors, confirmed that the reference made therein to paragraphs 17, 18 and 19 related to the draft text of Resolution 17/2 contained in WP/34 and not that contained in WP/378.

19. The Secretary recalled that, in accordance with Rule 49, “Any amendment to a motion shall be voted on before a vote is taken on the motion. When two or more amendments are moved to a motion, the vote should be taken on them in their order of remoteness to the original motion, commencing with the most remote. The presiding officer shall determine whether a proposed amendment is so related to the motion as to constitute a proper amendment thereto, or whether it must be considered as an alternative or substitute motion; this ruling may be reversed by a majority of votes cast.” A determination therefore had to be made as to which of the two amendments currently being proposed was the most remote from WP/34.

20. The Delegate of Lithuania requested that a vote first take place on his motion to delete paragraphs 16, 17, 18 and 19, which was in effect a proposal to amend WP/425 and was more remote from WP/34 than the latter. In supporting this request, the Delegate of the United Kingdom agreed that the proposal was more substantive than the proposal contained in WP/425 as it entailed the deletion, rather than the amendment, of paragraph 16. He indicated that the vote should first be on the deletion of all four paragraphs and only thereafter on the proposed new paragraphs 16 1), 16 2) and 16 *bis*.

21. Voicing opposition, the Delegates of the Russian Federation and India averred that the proposal by the Delegate of Lithuania did not constitute an amendment to WP/425 but rather a stand-alone amendment to WP/34. As one of the co-sponsors of WP/425, the Delegate of India emphasized that proposed new paragraphs 16 1) and 16 2) preserved the concepts of bilateral and/or multilateral consultations and negotiations with other States to reach an agreement when designing new and implementing existing MBMs and *de minimis* exemptions set forth in paragraphs 14 and 15, respectively, of existing Assembly Resolution A37-19.

22. In stressing the need to have a better understanding of the implications of the proposed deletion of paragraphs 16, 17, 18 and 19 before voting thereon, the Delegate of China enquired whether it would result in the European Union unilaterally applying its Emissions Trading Scheme (ETS) and, in the affirmative, whether the EU would take into consideration *de minimis* exemptions. In noting this comment, the

Chairperson underscored that that the Executive Committee was not the forum in which to discuss the specific regulations of countries or regional organizations.

23. The Committee then held a second roll-call vote, beginning with Kenya, on the motion by the Delegate of Lithuania to delete paragraphs 16, 17, 18 and 19 of draft Resolution 17/2 as set forth in WP/34. The results are given below:

In favour: 40 States [Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and United Kingdom]

Opposed: 100 States [Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Libya, Maldives, Mali, Mauritius, Micronesia (Federated States of), Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Oman, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, South Sudan, Sri Lanka, Sudan, Swaziland, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Yemen, Zambia and Zimbabwe]

Abstentions: 9 [Brunei Darussalam, Cambodia, Fiji, Kiribati, Malaysia, Nigeria, Philippines, Republic of Korea and Saint Lucia]

With 149 votes cast, the required majority was 75. The motion by the Delegate of Lithuania was thus rejected.

24. At the suggestion of the Chairperson of the Executive Committee, it was agreed to continue deliberations in English only given the constraints on the provision of interpretation services.

25. Pursuant to the motion by the Delegate of Argentina, a roll-call vote, commencing with Lesotho, was then conducted on the amendments to the draft text of Resolution 17/2 contained in WP/34 as proposed in WP/425. The results were as follows:

In favour: 98 States [Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Cook Islands, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Libya, Malaysia, Maldives, Mali, Mauritius, Micronesia (Federated States of), Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Oman, Pakistan, Panama, Paraguay, Peru, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Seychelles, Sierra Leone, Singapore (*only to the extent that the text of paragraph 16 was a working draft that the Committee would now use to make further edits, further amendments and further improvements*), South Africa, South Sudan, Sri Lanka, Sudan, Swaziland, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Yemen, Zambia and Zimbabwe]

Opposed: 40 States [Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom and United States]

Abstentions: 9 [Burkina Faso, Cambodia, Fiji, Kiribati, Mexico, Nigeria, Philippines, Turkey and Ukraine]

With 147 votes cast, the required majority was 74. The motion by the Delegate of Argentina was therefore accepted and the amendments to draft Resolution 17/2 proposed in WP/425 adopted for inclusion in the Executive Committee's Report to the Plenary on Agenda Item 17 (Section on Climate Change) (WP/378).

26. The meeting adjourned at 1245 hours.

Minutes of the Tenth Meeting
(Thursday, 3 October 2013 at 1430 hours)

SUBJECTS DISCUSSED

1. Agenda Item 17: Environmental protection

- Approval of draft text for Report to the Plenary
(*Section on Climate change*)
- Paper presented by Argentina, Brazil, China, Cuba, Guatemala, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa
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SUMMARY OF DISCUSSIONS

Agenda Item 17: Environmental protection
(Section on Climate change)

Approval of draft text for Report to the Plenary

1. The Executive Committee resumed (EX/7, EX/8 and EX/9) consideration of WP/378 on this Agenda Item, in conjunction with WPs/424, /425, /426, /427 and /432 which proposed amendments to the original draft Resolution 17/2 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*) contained in WP/34. The Chairperson of the Executive Committee noted that the amendments to draft Resolution 17/2 contained in WP/425 which had been adopted at the previous (EX/9) meeting would be incorporated into the final version of the Committee's Report to the Plenary. In proposing that the Committee focus on paragraphs 18 and 19 of draft Resolution 17/2 relating to the development of a global MBM scheme for international aviation, he underscored that they constituted ICAO's basic policy for years to come. Delegates should bear in mind that their purpose was to defend the interests of international aviation and to find ways for the latter to combat climate change by controlling aviation CO₂ emissions.

2. The Delegate of the United States began by expressing his State's condolences to Nigeria over the loss of life resulting from the air accident which had occurred earlier that day in Lagos. In then addressing the issue of a global MBM scheme, he commended the opening (P/1) comments made by the President of the Council, Mr. Roberto Kobeh González, as Temporary President of the Assembly, and underscored the

importance of completing the work which he had done so much to advance during his excellent tenure. Emphasizing the importance of focussing on the big picture, the Delegate of the United States stressed that agreement by the Assembly to develop a global MBM scheme would be a major milestone that would complement the other elements in the basket of measures, such as technologies, operational measures and sustainable alternative fuels for aviation. In reiterating that the focus should be on multilateral action, he cautioned against letting acrimonious disputes over national or regional MBMs distract the Committee from its work. The Delegate of the United States underscored that his State had never supported the application of the European Union's Emissions Trading Scheme (EU ETS) to foreign carriers and had opposed it on various grounds. Nevertheless, at the same time, over the past year, the United States had tried to play the role of a broker and to see whether there was common ground. At this point, however, the amendments to draft Resolution 17/2 contained in WP/425 had been adopted. It was therefore time to move forward.

3. Recalling that for the past two years some States had repeatedly criticized the said unilateral action by the EU and asserted the primacy of multilateral action, the Delegate of the United States emphasized that now was the time to act. Delegates could not afford to let the Assembly fail in its endeavour as ICAO was the custodian of international air travel. Noting that the MBM framework had now been addressed, the Delegate of the United States urged the Committee to support the text of paragraphs 18 and 19 proposed in WP/378 without any additional amendments which would cripple the effort to develop a global MBM scheme before it started. He underscored that a decision to develop a global MBM scheme pursuant to paragraph 18 was simply an agreement to a process for the development of its key elements, which would be decided upon at the next Assembly in 2016. No final decision on a global MBM scheme was now being taken. There was ample opportunity to raise any issues. The Delegate of the United States observed that the current text of paragraphs 18 and 19 already incorporated changes to address the concerns of many States, such as the special circumstances and respective capabilities (SCRC) of States, *de minimis*, studies, State involvement, etc. He recalled that a global MBM scheme was favoured by, and had been worked on diligently by, the International Transport Association (IATA), with the participation of almost all of the world airlines in an effort to avoid a patchwork of regulations in different States and regions. The aviation industry had been the driver behind the development of a global MBM scheme as that was the only way to address aviation emissions that made sense. The Delegate of the United States agreed with that view. Noting that there were two possible headlines arising from the Assembly, one being that ICAO had spoken against unilateral action and for multilateral action on climate change, and another being that it had ended in failure, he stressed the need to make the first headline a reality.

4. The Delegates of New Zealand, Mexico, the Russian Federation, Canada, the Republic of Korea, and Denmark agreed that paragraphs 18 and 19 of WP/378 should be adopted without further amendment.

5. The Delegate of India emphasized that, in the opinion of his State, and many other States, even after the completion of the studies on the technical aspects, environmental benefits, economic impacts and the modalities of such a scheme undertaken pursuant to paragraph 18 of Assembly Resolution A37-19, the feasibility and practicability of a global MBM scheme was far from established. It was therefore necessary to accord all Member States the opportunity to discuss its feasibility and practicability and make a determination thereon before proceeding to the development of such a global MBM scheme. This was reflected in the amendments to draft Resolution 17/2 proposed in WP/424. While the co-sponsors of that paper were not opposed to a global MBM scheme per se, they wished to be sure that it was feasible and practicable given the constraints of the global aspirational goal of carbon neutral growth (CNG) from 2020. The Delegate of India underscored, in this regard, that very many developing States had serious concerns about a global MBM scheme which should be taken into consideration before starting to decide on such a scheme. In this context, the Delegate of India noted, with appreciation, that paragraph 21 a) of draft Resolution 17/2 contained in WP/34 had been revised to refer to the "environmental and economic impacts" of a global MBM scheme in

paragraph 19 a) of draft Resolution 17/2 (WP/378), and that a new paragraph 19 b) had been added thereto on the organization of seminars and workshops on a global MBM scheme.

6. The Delegate of the United States averred that the question was not whether it was appropriate, or possible, to consider all manner of issues, including the feasibility and practicability of a global MBM scheme, but whether the proposed means for doing so would obstruct and delay progress. Underscoring that paragraphs 19 a), b) and c) of draft Resolution 17/2 (WP/378) provided full opportunity to consider the feasibility and practicability of a global MBM scheme, the Delegate of the United States noted that subparagraph c) requested the Council to identify the major issues and problems, including for Member States, and make a recommendation on a global MBM scheme that appropriately addressed them. The difficulty with the proposal by the Delegate of India was that work to develop a global MBM scheme would not be able to commence until after the latter's feasibility and practicability had been fully determined, in some manner, by Member States. That could easily take the next three years, with the result that discussion at the next Assembly in 2016 would still only be on the results of studies.

7. As an alternative to stipulating, in paragraph 18, that the development of a global MBM scheme for international aviation could take place only after its feasibility and practicability had been determined by Member States, the Delegate of the United States suggested, in a spirit of compromise as he did not consider that an amendment to paragraph 18 was necessary, that the words "taking into account the work called for in paragraph 19" be added so as to read "*Decides to develop a global MBM scheme for international aviation, taking into account the work called for in paragraph 19;*". He maintained that this proposed text constituted a *carte blanche* to consider all issues of concern to Member States, including the feasibility and practicability of a global MBM scheme. It would enable ICAO to move on all tracks at once and would give it a chance to be in a position to consider whether or not to go forward with a global MBM scheme at the next Assembly in 2016.

8. The Delegate of the Russian Federation observed that this proposed amendment was also reflected in paragraph 2.1 of WP/432 presented by Argentina, Brazil, China, Cuba, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa.

9. The Chairperson of the Executive Committee noted that the Delegate of the United States' proposal was a constructive compromise which struck a balance between the existing text of paragraph 18 and the proposal by the Delegate of India. He suggested that paragraph 19 b) of draft Resolution 17/2 (WP/378) could be amended to indicate that the issues of the feasibility and practicability of a global MBM scheme would be addressed in the envisaged seminars and workshops.

10. The Delegate of Chile found that draft Resolution 17/2, as enhanced by the amendments contained in WP/425 and adopted at the previous (EX/9) meeting, was completely acceptable. Observing, however, that the Committee was very far from reaching unanimous agreement thereon, he supported the compromise text of paragraph 18 proposed by the Delegate of the United States.

11. The Delegate of Norway indicated that, although it was his Delegation that had proposed the current text of paragraph 18 of draft Resolution 17/2, he could accept the amendment proposed by the Delegate of the United States, whose comments he fully supported.

12. The Delegate of China voiced appreciation for the efforts made by the Delegate of the United States and others to find a compromise text for paragraph 18. As a preliminary comment, he suggested that that paragraph be amended along the lines indicated in paragraph 2.1 of WP/432, of which his State was a co-sponsor, so as to indicate that the Assembly decided to work towards developing a global MBM scheme for international aviation, taking into account the work mentioned in paragraph 19, instead of that it decided to

develop such a scheme. The Delegate of China also proposed the addition of a new sub-paragraph whereby the Assembly would request all Member States to submit their views on the feasibility study presented to the Council (cf. C-WP/13984; 197/6). This was similar to one of the suggested amendments set forth in WP/432 [cf. paragraph 21 *a tris*]. He urged that the words “from 2020” be deleted from paragraph 19 c) as proposed in paragraph 2.1 of WP/432 as the timeframe for the implementation of a global MBM scheme was subject to further discussion.

13. Endorsing the above proposal for a new sub-paragraph, the Delegate of Venezuela (Bolivarian Republic of) emphasized that it would enable Member States’ views on the feasibility of a global MBM scheme to be taken into account, while bearing in mind that States progressed at different paces and had different responsibilities. He therefore supported the comments made by the Delegate of India, as well as the prevailing spirit of collaboration which would assist the Committee in arriving at a solution that was satisfactory for all parties.

14. In voicing his very strong disagreement with the intervention by the Delegate of China, the Delegate of the United States underscored that his proposals were exactly of the kind that were meant to, and would have the effect of, delaying and obstructing progress. In affirming that there was no need to change the wording used in paragraph 18 from “*Decides to develop*” to “*Decides to work towards developing*” a global MBM scheme, he observed that the text already included provisos of many kinds.

15. Referring to the proposed deletion of the words “from 2020”, the Delegate of the United States recalled that the last Assembly had resolved, in paragraph 6 of Assembly Resolution A37-19, to “strive to achieve a collective medium-term global aspirational goal of keeping the global net carbon emissions from international aviation from 2020 at the same level” i.e. carbon neutral growth from 2020. To accept the Delegate of China’s proposal would send a signal to the international community that ICAO and its Member States were not serious about developing a global MBM scheme and would weaken their efforts to do so.

16. The Delegate of the United States maintained that it was unnecessary to seek the views of all Member States regarding the said feasibility study given the wide range and very ample consideration that had been given to the problems and issues which they had raised. He underscored that if the Committee accepted the Chairperson’s suggested amendment of paragraph 19 b), then the issues of the feasibility and practicability of a global MBM scheme would be discussed during the envisaged seminars and workshops on a global MBM scheme. The Delegate of the United States indicated that he had been quite encouraged by the discussion until now, as he considered that there was a very wide range of States, both developed and developing, from all regions, which supported proceeding with the development of a global MBM scheme in the manner set forth in paragraphs 18 and 19 of draft Resolution 17/2 in WP/378. He strongly urged that the Committee do so, subject to the amendments which he and the Chairperson had suggested.

17. Speaking on behalf of the co-sponsors of WP/424, the Delegate of India expressed appreciation to the Chairperson for having taken on board their concerns regarding the feasibility and practicability of a global MBM scheme and reflected and recognized the importance of those issues in his suggested amendment of paragraph 19 b) of draft Resolution 17/2 (WP/378). Reiterating the co-sponsors’ desire to be constructive and to find language on which all Delegates could agree, he observed that that was what the Delegate of China had tried to do in putting forward his suggested amendments. His proposals were not, however, entirely the same as those proposed in WP/424 or WP/432. The co-sponsors of WP/424 were willing to review the text of paragraphs 18 and 19, on the basis of the Chairperson’s suggestion, to determine how best to incorporate the important issues of the feasibility and practicability of a global MBM scheme into draft Resolution 17/2. The Delegate of India reiterated that it was not sufficient for experts to assess and evaluate the feasibility and practicability of a global MBM and that Member States should be involved in that process, with the Council.

18. The Delegate of Saudi Arabia, on behalf of Argentina, Brazil, China, Cuba, India, Iran (Islamic Republic of), Pakistan, Peru, the Russian Federation, Saudi Arabia and South Africa, then presented WP/426, which proposed the addition of a new paragraph p) to the guiding principles for the design and implementation of MBMs for international aviation annexed to draft Resolution 17/2 which read as follows: “MBMs should abide by the principle of common but differentiated responsibilities and the principle of special circumstances and respective capabilities of developing countries”. He recalled that the principle of CBDR for climate change adopted by the United Nations Framework Convention on Climate Change (UNFCCC) at the Rio Earth Summit in 1992 had served as a basis for the 1997 Kyoto Protocol, whose Article 2.2 called for States to pursue limitation or reduction of their aviation and maritime emissions working through ICAO and the IMO, respectively. The co-sponsors of WP/426 considered that the whole issue of climate change could not be considered on the basis of different principles in different fora and organizations. Accordingly, it was necessary to respect the guiding principles which had been adopted at the time of the earlier Conventions, notably the CBDR principle. The Delegate of Saudi Arabia observed that whereas Preambular paragraph 10 of draft Resolution 17/2 acknowledged the principles and provisions on common but differentiated responsibilities and respective capabilities, that was not captured elsewhere in the Resolution. For that reason, the co-sponsors proposed the above-mentioned new paragraph p). In noting, however, that divergent views had been expressed thereon prior to the formal introduction of WP/426, the Delegate of Saudi Arabia requested that it be put to a roll-call vote in accordance with Rule 46 of the Standing Rules of Procedure of the Assembly (Doc 7600). He emphasized that a commitment to reduce CO₂ emissions should fall on the shoulders of States and not solely on those of a single sector, aviation.

19. The Delegate of India fully supported these comments, as well as the proposal for a roll-call vote. The Delegate of Argentina also spoke in favour of a roll-call vote.

20. In encouraging more discussion on the proposed amendment, the Chairperson of the Executive Committee recalled that draft Resolution 17/2 (WP/378) acknowledged not only the UNFCCC principles and provisions on common but differentiated responsibilities and respective capabilities but also the Chicago Convention principles of non-discrimination and equal and fair opportunities to develop international aviation. He expressed concern over the use of roll-call votes, emphasizing that ICAO had adopted working methods which enabled consensus and compromises to be reached.

21. The Delegate of Japan noted that his State recognized the urgent need to address climate change and that it was the international community’s highest priority to do so. It was Japan’s strongly-held view that ICAO should, at this time, demonstrate its strong leadership in addressing the issue of international aviation and climate change. It firmly believed that it was necessary for this Assembly to reach a fruitful agreement based on the progress and the achievements made as a result of the lengthy discussions which had already taken place. In that regard, Japan strongly supported WP/378 and the comments made by the Delegate of the United States on the need to develop a single global MBM scheme to demonstrate the international aviation community’s strong commitment to addressing this global issue under ICAO’s leadership. With reference to WP/426, Japan supported the position expressed by the Delegate of the United States, being of the strong view that the UNFCCC principle of CBDR was incompatible with the ICAO principles of non-discrimination and multilateralism.

22. The Delegates of New Zealand and Denmark endorsed the comments made by the Delegate of Japan regarding the principle of CBDR.

23. The Delegate of Mexico strongly supported the introduction of the principle of CBDR in the Annex to draft Resolution 17/2 by means of proposed new paragraph p), even though it might be considered redundant given the fact that that principle was acknowledged in preambular paragraph 10 thereof. He emphasized, however, that paragraph p) should also include the principle of non-discrimination. Reference to

the latter should be made at the beginning of the paragraph, before the reference to the principle of CBDR and the principle of SCRC of developing countries. Furthermore, the words “abide by” should be replaced by the words “take into account”.

24. Noting that his State was a co-sponsor of WP/426, the Delegate of the Russian Federation urged other States to support it with a view to arriving at a consensus on draft Resolution 17/2. In expressing support for the principle of non-discrimination, one of the underlying principles of the Chicago Convention, he underscored that it did not only apply to the Resolution now under discussion: it was the guiding force behind all of ICAO’s work and indeed, that of all United Nations system organizations throughout the world.

25. The Delegate of Colombia indicated that her State was in favour of a global MBM scheme that would lead to a reduction in greenhouse gases produced by the aviation sector. It supported all measures designed to protect the environment, in particular, operational and technological measures and the use of sustainable alternative fuels for aviation. Colombia was of the view that MBMs were complementary and transitory measures with which to achieve operational and global aspirational goals for aviation emissions reductions. It supported the principle of SCRC, which it considered to be the basis of a global MBM scheme for international aviation. In its view, that principle did not contradict the Chicago Convention’s principle of non-discrimination. Colombia therefore endorsed new paragraph p) as set forth in WP/426.

26. The Delegate of Venezuela (Bolivarian Republic of) emphasized that operational measures had enabled substantial progress to be made in the reduction of aviation emissions.

27. The Delegate of Canada noted that his State shared the view that ICAO needed to demonstrate leadership on this issue which faced all Member States, including those present at the Assembly. In underscoring that it considered that the principle of CBDR was simply incompatible with ICAO’s own principles, he echoed a comment made previously by the President of the Council that the growth of international aviation to date had never needed to rely on the principle of CBDR between States. Canada was of the view that reference thereto in proposed new paragraph p) would only hamper the progress on this issue that ICAO needed to make over the next three years and, in turn, the continued sustainable development of international aviation. In this regard, Canada supported the interventions made by the Delegates of the United States, New Zealand, Japan and others.

28. The Delegate of the Republic of Korea emphasized that rhetoric would not be sufficient to convince other UN bodies that ICAO was effectively fulfilling its leadership role in addressing aviation emissions and that tangible progress by this Assembly was necessary. Noting that his greatest concern was that ICAO’s leadership role would be taken away by the UNFCCC in the future, he stressed the importance of demonstrating to the world that a global MBM scheme would be established by ICAO. Affirming that that point must be clearly reflected in draft Assembly Resolution 17/2, the Delegate of the Republic of Korea voiced his firm support for paragraphs 18 and 19 contained in WP/378.

29. The Delegate of China prefaced his remarks by expressing his State’s condolences to Nigeria over the said air accident in Lagos. In noting that the accident clearly demonstrated the need for the international aviation community to provide assistance and support to developing States in the field of safety oversight, he underscored that such assistance and support should also be provided to them in the field of environmental protection. Emphasizing the importance of abiding by the principle of CBDR in formulating a global MBM scheme, the Delegate of China fully supported its inclusion in proposed new paragraph p) set forth in WP/426, of which his State was a co-sponsor, as it would avoid overburdening developing States and negatively impacting their economies and the safety of their aircraft.

30. Referring to WP/426, of which his State was also a co-sponsor, the Delegate of India averred that while the principle of CBDR and the principles of non-discrimination and equal and fair opportunities to

develop international aviation were cited in the preambular paragraphs of draft Resolution 17/2, there was a substantial difference between them. The principles of non-discrimination and equal and fair opportunities were embedded in the Chicago Convention, under which the Organization carried out its work. While the principle of CBDR was not so enshrined in the Chicago Convention, climate change had not been an issue at the time of the latter's adoption in 1944. Now that it had been introduced into the discussions of the international aviation community, it was only correct to also bring in the principles under which the UNFCCC, in 1992, had decided to discuss it. It was for that reason that the co-sponsors of WP/426 were proposing to include the principle of CBDR, which was already acknowledged in the preambular paragraphs, in the guiding principles in the Annex to draft Resolution 17/2 as a new paragraph p). The fact that the said guiding principles did not mention the principles of non-discrimination and equal and fair opportunities was not a constraint as they were already embodied in the Chicago Convention, to which all Member States abided. The co-sponsors of WP/426 therefore considered that it was not sufficient to refer to the principle of CBDR in the Preamble to draft Resolution 17/2: it was extremely important to include it in the said guiding principles annexed thereto.

31. In noting that the principle of CBDR was guiding the ongoing UNFCCC's climate change discussions aimed at concluding a new agreement to replace the Kyoto Protocol after 2020, the Delegate of India stressed the need for consistency in the principles under which such discussions took place in the UNFCCC, ICAO and other fora. He affirmed that CBDR was extremely important for developing States, irrespective of their stage of development, including in the ICAO context.

32. The Delegate of India noted that proposed new paragraph p) also referred to the principle of SCRC of developing countries, the same terminology that was used in paragraph 6 a) of Assembly Resolution A37-19 and elsewhere in that Resolution. Draft Resolution 17/2 set forth in WP/378, however, referred to that principle in three different ways: paragraph 17 referred to "specific circumstances of States"; paragraph 20 referred to "special circumstances and respective capabilities of States, in particular developing States"; and paragraph 21 referred to "special circumstances and respective capabilities of developing States". Averring that one principle should not be subjected to three different wordings, the Delegate of India repeated the request made in WP/424 that reference be made to the principle of SCRC of developing States throughout draft Resolution 17/2.

33. The Delegate of Singapore remarked that the good progress achieved by ICAO over many years had been possible due to the maintenance of the delicate balance between the principle of CBDR and the principle of non-discrimination, principles strongly held by developed and developing States. He feared that if that delicate balance were upset, then ICAO's work on this issue would degenerate into acrimony and progress would be stifled. Referring to WP/426, the Delegate of Singapore strongly urged that that balance be maintained in the interest of unity and that proposed new paragraph p) refer to the principle of non-discrimination in addition to, and at the same level as, the principle of CBDR. Alternatively, the Committee should accept draft Resolution 17/2 in its current form, with the references to those two principles made in its Preamble.

34. The Delegate of Argentina indicated that his State found no contradiction between the Chicago Convention's principles of non-discrimination and equal and fair opportunities and the UNFCCC's principle of CBDR. He noted that, under the latter, it was necessary to treat developing States which bore no historical responsibility for climate change in a different manner from developed States, which did. Recalling that Article 2.2 of the Kyoto Protocol called for developed States to fulfil their commitments to reduce their aviation emissions working through ICAO, the Delegate of Argentina emphasized that developing States must protect their interests and rights and not accept measures that imposed additional costs and might jeopardize their development. It was for that reason that the co-sponsors of WP/426, one of which was Argentina, had presented their proposal for new paragraph p). They wished to work with ICAO during the upcoming Council

sessions to ensure that there was a global MBM scheme that they could support. Developing States thus needed a guarantee that the principle of CBDR would be included among the guiding principles contained in the Annex to draft Resolution 17/2 that would be used in designing and implementing MBMs. Stressing the need to reach consensus and move forward quickly, the Delegate of Argentina voiced support for the proposed roll-call vote on WP/426.

35. In highlighting the importance of having a balanced global MBM scheme under the umbrella of ICAO, the Delegate of the United Arab Emirates emphasized that it would protect the aviation sector from the imposition of unilateral measures by States or regions which would have negative economic repercussions. It was thus important to support ICAO in spreading its message that it was committed to undertake certain tasks that were supported by all Member States. She emphasized that any endeavour to weaken the relevant text that had already been approved in Assembly Resolution A37-19 would lead to a failure to fulfil that commitment.

36. Endorsing the comments made by the Delegates of Saudi Arabia, India Argentina and others, the Delegate of Brazil reiterated that there was no contradiction between the principles of CBDR and non-discrimination. Brazil considered that those principles could be considered as common guidelines for ICAO's work on this issue as a matter of compromise, as they were for the related work being carried out by the International Maritime Organization (IMO).

37. The Delegate of Denmark agreed with previous speakers that the time had come for ICAO to demonstrate its leadership in developing a global MBM scheme. He considered that WP/378 constituted a solid basis for the work to be conducted by ICAO in that area and therefore supported the comments made by the Delegates of the United States, New Zealand, the Republic of Korea, Canada and Mexico, *inter alia*.

38. Noting that there was a fundamental difference between the UNFCCC, where he spent most of his time, and ICAO, the Delegate of the United States remarked that the latter's principle of non-discrimination was related to the avoidance of market distortion. In aviation there existed, almost uniquely, a truly world-wide competitive arena in which some of the best, most competitive and most successful airlines were those of developing States. At issue was not whether States which had limited financial resources and/or were in need of assistance should be accorded some kind of special treatment or acknowledgement, as it was in the UNFCCC. Recalling that the principle of SCRC had been developed particularly for ICAO, the Delegate of the United States underscored that it differed from the principle of CBDR in that special treatment was accorded to States simply on the basis of their status as developing countries, even when their airlines were better, more effective and more successful than airlines from developed countries. That was the problem: it was a competitive issue that was at the core. The United States therefore opposed new paragraph p) presented in WP/426, even with the amendment proposed by the Delegate of Singapore which enhanced the text.

39. Voicing support for WP/426, the Delegate of Egypt affirmed that the inclusion of the principle of CBDR in proposed new paragraph p) would facilitate the achievement of developing States' objectives in the field of international civil aviation.

40. In also speaking in favour of paragraph p), the Delegate of Peru maintained that there was no incompatibility between the principle of CBDR and the principle of non-discrimination. He emphasized that, on the contrary, the inclusion of the principle of CBDR in paragraph p) would strengthen draft Resolution 17/2 and provide it with the necessary consistency and coherency with the agreements and work being developed by States at the international level under the UNFCCC.

41. Noting that the results of previous discussions, both in the Assembly and the Council, on the compatibility of the principle of CBDR with the Chicago Convention were reflected in the draft text of

Resolution 17/2 as originally presented by the Council in WP/34 and subsequently amended by the Chairperson of the Executive Committee in WP/378 in light of the views expressed, the Delegate of Belgium emphasized that the Committee should build upon the delicate balance achieved in the latter paper and move forward rather than upset that balance and go around in circles.

42. In light of the views expressed, the Chairperson of the Executive Committee proposed the following changes to draft Resolution 17/2 contained in WP/378: that paragraph 18 be amended by adding, at the end, the words “taking into account the work called for in paragraph 19”; that the first sentence of paragraph 19 be amended by adding, after the words “Requests the Council”, the words “with the support of Member States”; and that the first sentence of paragraph 19 a) be amended by adding, after the words “global MBM scheme”, the words “including on its feasibility and practicability”.

43. At the invitation of the Chairperson, the Observer from IATA presented the views of the collective worldwide aviation industry, represented at the Assembly by Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO), IATA, the International Business Aviation Council (IBAC) and the International Coordinating Council of Aerospace Industries Associations (ICCAIA). Drawing attention to the collective agreement by industry on a global MBM scheme, presented in WP/68 Revision No. 3 (EX/4), he underscored that it had been necessary for industry stakeholders to overcome their differences and accept some very uneasy compromises in order to reach consensus. It was unprecedented for an entire industry to come together behind a common climate change position but that was exactly what the aviation industry had done.

44. The Observer from IATA recalled that the authors of the Chicago Convention, in 1944, had agreed on certain principles and arrangements in order that “international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically” (cf. Preambular Clause 3). It was in the same spirit that the aviation industry had worked towards the development of a single global MBM scheme that preserved equal opportunities and fair competition and respected the special circumstances and respective capabilities of States. The aviation industry looked to ICAO to be the body which safeguarded the harmonized global system of Standards which enabled it to provide air services in a safe, secure and reliable manner. Those services were the backbone of today’s world economy, offering connectivity for communities, trade and tourism for both developed and developing States around the globe. ICAO’s continued leadership on the issue of developing a global MBM scheme was crucial to the aviation industry. It believed that a single global MBM scheme for international aviation should be viewed as a necessary complementary measure to its efforts to improve on technological, operational and infrastructure advancements. Getting the modalities of such a scheme right in order to ensure environmental integrity and administrative simplicity and, above all, to minimize competitive and market distortion was extremely delicate. The aviation industry therefore stood united in urging States to make a clear and unequivocal commitment to request the ICAO Council to develop a global MBM scheme for international aviation that would be presented to the next Assembly in 2016.

45. In order to facilitate the Council’s work in bringing forward the best possible proposal for such a global MBM scheme, the aviation industry urged States not to try to impose limitations and conditions on that work at this very early stage. It therefore appealed for support of the Chairperson’s proposed text of paragraphs 18 and 19 of draft Resolution 17/2 (cf. paragraph 42 above). The aviation industry was very concerned that failure to provide the Council with clear direction, unfettered by political conditions, or even worse, no direction at all, risked condemning passengers and air service operators around the world, in both developed and developing States, with a patchwork of taxes, charges and conflicting measures that would certainly impede the future sustainable growth of aviation.

46. The Observer from IATA underscored that aviation was a force for good, due to all of the hard work that had been done in ICAO for many decades. It was also an indispensable driver of sustainable growth and development around the world. Aviation's license to grow and its continuing ability to bring social and economic benefits to the global community depended on its ability to properly address its environmental impact. Emphasizing that this was an historic moment, and stressing that the global aviation industry needed ICAO's help and support, the Observer from IATA urged Delegates to take a bold step forward, as industry had done, to secure a successful and environmentally sustainable aviation industry for the future.

47. It was agreed to resume consideration of this Agenda Item at the next meeting.

48. The meeting adjourned at 1700 hours.

Minutes of the Eleventh Meeting
(Thursday, 3 October 2013 at 1830 hours)

SUBJECTS DISCUSSED

1. Agenda Item 17: Environmental protection

- Approval of draft text for Report to the Plenary
(*Section on Climate change*)

SUMMARY OF DISCUSSIONS

Agenda Item 17: Environmental protection
(*Section on Climate change*)

Approval of draft text for Report to the Plenary

1. The Executive Committee resumed (EX/7, EX/8, EX/9 and EX/10) and completed its consideration of this Agenda Item, based on WP/378 and related WPs/424, /425, /426, /427 and /432.

2. The Chairperson of the Executive Committee recalled that at the end of the previous meeting, he had proposed that paragraphs 18 and 19 a) of draft Resolution 17/2 contained in WP/378 be amended to read as follows:

“18. *Decides* to develop a global MBM scheme for international aviation, taking into account the work called for in paragraph 19;

“19. *Requests* the Council, with the support of Member States, to:

- a) finalize the work on the technical aspects, environmental and economic impacts and modalities of the possible options for a global MBM scheme, including on its feasibility and practicability, taking into account the need for development of international aviation, the proposal of the aviation industry and other international developments, as appropriate, and without prejudice to the negotiations under the UNFCCC;”.

Referring to the Committee’s previous (EX/10) discussion of WP/426, he then invited additional proposals for a new paragraph p) to be incorporated into the Annex to the said Resolution which set forth the guiding principles for the design and implementation of market-based measures (MBMs) for international aviation.

3. The Delegate of Singapore observed that a few Delegates were uncomfortable with the compromise text for paragraph p) which he had suggested earlier (EX/10) which made reference to both common but differentiated responsibilities (CBDR) and non-discrimination, for many reasons, among them the political sensitivity of CBDR. In the spirit of avoiding greater division and trying to achieve greater consensus so that there was unity, he suggested an alternative compromise text along the lines of “MBMs should take into account the special circumstances and respective capabilities of developing States while minimizing market distortion;”. The Delegate of the United States endorsed this second proposal.

4. Noting that the informal discussions which had taken place following the adjournment of the previous meeting had focussed on the three principles of CBDR, SCRC of developing States and non-discrimination, the Delegate of India expressed surprise at this proposal. He underscored that introduction of the principle of CBDR into new paragraph p) did not mean the non-acceptance by States of their obligations under the Chicago Convention and Assembly Resolutions. The Delegate of India emphasized that CBDR covered an important concept that was not covered by the other two said principles, that of voluntariness. He recalled that certain Delegates had insisted on the inclusion of the concept of mutual agreement in paragraph 16 of draft Resolution 17/2 as they had wished to introduce that same concept of voluntariness for the implementation of MBMs. It was his understanding of the informal discussions that proposed paragraph p) contained in WP/426 should be amended by: replacing the words “abide by” with the words “take into account”; adding, after the words “common but differentiated responsibilities”, the words “and respective capabilities”, and adding, after the words “developing countries”, the words “and the principle of non-discrimination and equal and fair opportunities”. New paragraph p) would therefore read “MBMs should take into account the principle of common but differentiated responsibilities and respective capabilities, the special circumstances and respective capabilities of developing States, and the principle of non-discrimination and equal and fair opportunities.”.

5. In offering clarifications regarding the concept of SCRC of States, the Delegate of Japan noted that it had been introduced by ICAO as a solution to the conflict between the principle of CBDR of the United Nations Framework Convention on Climate Change (UNFCCC) and the principle of non-discrimination of the Chicago Convention. While it was his understanding of the Council’s discussions that Council Members were not opposed to the applicability of SCRC, in particular to developing States, he emphasized that that concept also applied to developed States. It was for that reason that paragraph 20 of draft Resolution 17/2 indicated that “an MBM should take into account the special circumstances and respective capabilities of States, in particular developing States, while minimizing market distortion;”. The Delegate of Japan considered that an additional description of SCRC in new paragraph p) of the Annex was therefore unnecessary and that it would be redundant. However, if the majority of Delegates supported the proposal made by the Delegate of Singapore, then he would agree that the current text of paragraph 20 as contained in WP/378 be used for new paragraph p).

6. The Delegate of the Russian Federation was prepared to accept the proposed texts of paragraphs 18 and 19 of draft Resolution 17/2, which was in line with his State’s position. Referring to new paragraph p) of the Annex, he indicated that while the reference made therein to the principle of SCRC was not very satisfactory, at least to the Russian Federation, his State considered that it was an acceptable compromise at this stage. The Russian Federation was ready to agree to the proposed text in order to protect the interests of developing States and appealed to other States to do the same to enable the Committee to move forward.

7. Recalling that the Executive Committee had already reached agreement on the principle of voluntariness for the implementation of MBMs, the Delegate of the Russian Federation underscored that it was a major achievement which had brought Delegates’ positions closer together. He urged the Committee to go even further and accept the Chairperson’s proposal for new paragraph p). While he had great sympathy for the proposal by the Delegate of Singapore, he wished to hear the views thereon of developing States. If the latter were satisfied with it, then the Russian Federation would also accept it.

8. In endorsing the proposal by the Delegate of India, the Delegate of China encouraged developed States to follow the example set by the Russian Federation and to be flexible and supportive of developing States and also agree to the proposal.

9. Observing that the text proposed by the Delegate of Singapore was similar to that used in paragraph 20 of draft Resolution 17/2, the Delegate of Saudi Arabia maintained that it did not meet the aspirations of developing States. He could accept the proposal by the Delegate of India as a compromise.

10. On the basis of his proposed changes to paragraphs 18 and 19 a) of draft Resolution 17/2 and the Committee's discussions, the Chairperson suggested, as a compromise, that new paragraph p) of the Annex read: "MBMs should take into account the principle of common but differentiated responsibilities and respective capabilities, the special circumstances and respective capabilities, and the principle of non-discrimination and equal and fair opportunities;", and that the Committee approve its draft Report to the Plenary on Agenda Item 17 (Section of Climate change) set forth in WP/378 subject to those amendments. The Delegates of Mexico, India, South Africa, Saudi Arabia, the Russian Federation, China, Burkina Faso, Peru, Congo, Colombia, Egypt, Cuba, Argentina, Venezuela (Bolivarian Republic of), the United Arab Emirates, Sudan, and Lithuania [on behalf of the Member States of the European Union (EU) and the European Civil Aviation Conference (ECAC)] endorsed this proposed course of action.

11. The Delegate of Nigeria expressed concern that a number of decisions had been taken on draft Resolution 17/2 by roll-call vote, which had not been the practice of the Organization for a long time. While it was the prerogative of Delegates, under the Standing Rules of Procedure of the Assembly (Doc 7600), to make motions and counter-motions for such a vote, it was not the tradition of ICAO to do so, for good reason. In affirming that the Organization's good tradition of reaching decisions by consensus should be maintained, the Delegate of Nigeria emphasized that while unanimity was not always achieved, consensus represented the majority's conclusion. Underscoring that much work lay ahead of the Council in implementing the Resolution, he emphasized that the States which had recently been elected to the Council, many of whom had taken part in the discussions on Resolution 17/2, were expected to advance not only their own interests but also the interests of all ICAO Member States in the Council.

12. Noting that his State had abstained in two of the roll-call votes which had taken place on draft Resolution 17/2 out of concern over the process, the Delegate of Nigeria expected that they would be the last ones to be held thereon. He urged the Committee to adopt its draft Report contained in WP/378, subject to the amendments to the said Resolution proposed by the Chairperson, and to submit it to the Plenary for approval.

13. While supporting proposed new paragraph p), the Delegate of Mexico spoke in favour of changing the order in which the three principles were listed so that the principle of non-discrimination enshrined in ICAO's constitutional instrument, the Chicago Convention, was mentioned before CBDR and SCRC.

14. In light of the comments made by the Delegate of Nigeria, the Delegate of India agreed to the Chairperson's proposal in a genuine spirit of compromise. He recalled that he had already compromised on WP/424, of which India was a co-sponsor, and had not pressed for the action proposed in WP/427 to be taken as India has serious reservations with regard thereto, despite being one of the co-sponsors.

15. In likewise supporting the Chairperson's proposal, the Delegate of Saudi Arabia withdrew the request he had previously (EX/10) made under Rule 46 of the Standing Rules of Procedure of the Assembly (Doc 7600) for a roll-call vote on WP/426.

16. While still having concerns regarding the Chairperson's suggested text for paragraphs 18 and 19 a) of draft Resolution 17/2, the Delegate of China accepted his proposal for those paragraphs and new paragraph p) in a spirit of compromise in order to make progress. He urged other Delegates to do the same.

17. The Delegate of Burkina Faso commended the Executive Committee and all its Members for this prevailing spirit of consensus, which demonstrated good will and the spirit of community. He noted that he had abstained during one of the said roll-call votes which had been held on draft Resolution 17/2 as he considered that such voting was not only divisive but also a means of imposing one's will on the very united aviation community. The Delegate of Burkina Faso wished that, with the wonderful spirit of compromise which had returned to ICAO, Delegates would avoid falling into division again as such division saddened him.

18. While not having been consulted on the drafting of paragraphs 18 and 19 a) during the said informal discussions, and while having his own views on the proposed text thereof, the Delegate of Cuba supported it, as well as the proposed text for new paragraph p), in a constructive spirit.

19. The Delegate of Argentina recalled that during the last two Council sessions his State had committed to promoting a consensus on this very thorny issue and that it had reiterated that commitment during the general statement made at the Second Meeting of the Plenary (P/2) on 24 September 2013. He was personally pleased to say that Argentina had honoured its commitment and promoted consensus on draft Resolution 17/2 despite the issues which it had with the latter. The Delegate of Argentina thus supported the Chairperson's initiative.

20. Although the Delegate of Venezuela (Bolivarian Republic of) had concerns regarding the proposed text of paragraphs 18 and 19 a), he accepted them, and new paragraph p), in a spirit of cooperation and with the desire to move forward.

21. Expressing pleasure that consensus had been achieved on draft Resolution 17/2, the Delegate of Sudan indicated that he did not regret that the said roll-call votes thereon had taken place as each successive vote had paved the way. In a spirit of compromise, he supported the Chairperson's proposal, which represented a compromise on the part of all developing States.

22. Speaking on behalf of all EU and ECAC Member States, the Delegate of Lithuania welcomed the agreement reached on draft Resolution 17/2. He hoped that the Assembly's adoption thereof would be a good start for negotiations leading to the successful adoption of a global MBM scheme at the next Assembly in 2016, which would be a big achievement for all ICAO Member States.

23. The Chairperson of the Executive Committee observed that an overwhelming majority of States had expressed support for the compromise texts which he had proposed for paragraphs 18 and 19 a) of draft Resolution 17/2 and new paragraph p) of its Annex. He therefore concluded that the Committee approved draft Resolution 17/2, as so amended, as well as the draft text of its Report on Agenda Item 17 (Section on Climate change) contained in WP/378, for submission to the Plenary.

24. Noting that they still had concerns regarding paragraph 7 of draft Resolution 17/2 relating to a global aspirational goal of carbon neutral growth, the Delegates of China, Brazil and Saudi Arabia indicated that they would express reservations thereto during the Plenary's consideration of the latter.

25. The Delegates of Nigeria, Mexico, Saudi Arabia, Egypt, China and Brazil voiced appreciation for the Chairperson's efforts to achieve agreement on draft Resolution 17/2.

Minute of silence and condolences

26. Further to a proposal by the Delegate of Sudan, the Executive Committee observed a minute of silence in honour of those who had lost their lives in the air accident which had occurred earlier that day in Lagos, Nigeria. The Delegate of Nigeria voiced appreciation for the expressions of sympathy made by the

Delegates of the United States and China during the previous (EX/10) meeting, and to those made during the present meeting by the Delegates of South Africa, Saudi Arabia, the Russian Federation, Burkina Faso, Peru, Colombia, Egypt, Cuba, Argentina, Venezuela (Bolivarian Republic of), the United Arab Emirates, Sudan, and Lithuania (on behalf of the EU and ECAC Member States).

***Delegation of authority to the President of the Assembly
for the approval of minutes of the Executive Committee***

27. The Executive Committee delegated to the President of the Assembly, as its Chairperson, authority to approve the minutes of its meetings.

28. The meeting adjourned at 1940 hours.

APPENDIX

LIST OF WORKING PAPERS CONSIDERED BY THE EXECUTIVE COMMITTEE

Item 10: Contributions in arrears

A38-WP/43 FINANCIAL ASPECTS OF THE QUESTION OF CONTRIBUTIONS IN
EX/30; AD/4 ARREARS (14/08/2013)

A38-WP/43
Revision No. 1 FINANCIAL ASPECTS OF THE QUESTION OF CONTRIBUTIONS IN
EX/30; AD/4 ARREARS (20/09/2013)

A38-WP/43
Revision No. 1 FINANCIAL ASPECTS OF THE QUESTION OF CONTRIBUTIONS IN
Addendum No. 1 ARREARS (24/09/2013)
EX/30; AD/4

Item 11: Annual Reports of the Council to the Assembly for 2010, 2011 and 2012

A38-WP/373 DRAFT TEXT FOR THE REPORT ON AGENDA ITEMS 11, 18 AND 19
EX/126 (26/09/2013)

Item 12: Technical Cooperation - Policy and activities on technical cooperation and assistance

A38-WP/19 POLICY ON TECHNICAL ASSISTANCE AND TECHNICAL CO-OPERATION
EX/14 AND ACTIVITIES IN TECHNICAL CO-OPERATION DURING THE PERIOD
2010 – 2012
(30/05/2013)

A38-WP/19 POLICY ON TECHNICAL ASSISTANCE AND TECHNICAL CO-OPERATION
Revised AND ACTIVITIES IN TECHNICAL CO-OPERATION DURING THE PERIOD
EX/14 2010 – 2012
(14/08/2013)

A38-WP/134 NEW APPROACHES IN THE IMPLEMENTATION OF ICAO-IAC PROJECT
EX/51 RER/01/901 (COSCAP-CIS) (21/08/2013)

A38-WP/171 POLICY ON TECHNICAL ASSISTANCE AND TECHNICAL COOPERATION
EX/65 (26/08/2013)

A38-WP/171
Corrigendum No. 1 POLICY ON TECHNICAL ASSISTANCE AND TECHNICAL COOPERATION
EX/65 (16/09/2013)

A38-WP/334 JAPAN'S COOPERATION AND TECHNOLOGY IN THE AIRPORT SECTOR
EX/115 INCLUDING ECO-AIRPORT (16/09/2013)

A38-WP/372 DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 12
EX/125 (26/09/2013)

Item 13: Aviation Security —Policy

A38-WP/12
EX/7 OUTCOMES OF THE HIGH-LEVEL CONFERENCE ON AVIATION SECURITY (HLCAS) (22/05/2013)

A38-WP/13
EX/8 DECLARATION ON AVIATION SECURITY AND THE ICAO COMPREHENSIVE AVIATION SECURITY STRATEGY (ICASS) (30/05/2013)

A38-WP/14
EX/9 CONSOLIDATED STATEMENT ON THE CONTINUING ICAO POLICIES RELATED TO THE SAFEGUARDING OF INTERNATIONAL CIVIL AVIATION AGAINST ACTS OF UNLAWFUL INTERFERENCE (31/05/2013)

A38-WP/64
EX/32 PROPOSALS FOR WORK PRIORITIES IN AVIATION SECURITY (22/07/2013)

A38-WP/104
EX/40 RISK-BASED SECURITY (13/08/2013)

A38-WP/124
EX/45 LASER BASED DIRECTIONAL INFRA-RED COUNTERMEASURES SYSTEM (DIRCMS) INSTALLED ON ISRAEL REGISTERED COMMERCIAL FLEET (19/08/2013)

A38-WP/128
EX/46 AVIATION SECURITY FOR THE NEXT TRIENNIUM (20/08/2013)

A38-WP/129
EX/47 PRINCIPLES GOVERNING INTERNATIONAL COOPERATION IN AVIATION SECURITY – NEXT STEPS (20/08/2013)

A38-WP/133
EX/50 PROPOSED ROADMAP TO STRENGTHEN GLOBAL AIR CARGO SECURITY (20/08/2013)

A38-WP/136
EX/52 IMPLEMENTATION OF LIQUIDS, AEROSOLS AND GELS SCREENING (19/08/2013)

A38-WP/138
EX/53 DEVELOPMENT OF GUIDANCE MATERIAL FOR IMPLEMENTING A RESULTS-BASED APPROACH TO AVIATION SECURITY (17/08/2013)

A38-WP/158
EX/56 AIR CARGO AND MAIL SECURITY (20/08/2013)

A38-WP/159
EX/57 THREAT AWARENESS PROGRAM IMPLEMENTATION (20/08/2013)

A38-WP/172
EX/56 ILLICIT TRAFFICKING OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES BY AIR (22/08/2013)

A38-WP/178
EX/69 CARGO SECURITY (20/08/2013)

A38-WP/197
EX/73 ICAO AVIATION SECURITY POINT OF CONTACT IN THE RUSSIAN FEDERATION (20/08/2013)

A38-WP/235
EX/80 PROPOSAL TO DEVELOP AVIATION SECURITY VIRTUAL TRAINING INITIATIVES (E-LEARNING) (20/08/2013)

A38-WP/273 EX/93	THREAT RESPONSE SYSTEM USING STATE OF THE ART INFORMATION TECHNOLOGIES IN THE REPUBLIC OF KOREA (09/09/2013)
A38-WP/276 EX/95	INNOVATION IN SECURITY – DEVELOPMENT OF NEXT GENERATION SECURITY AND ENGAGEMENT WITH INDUSTRY (10/09/2013)
A38-WP/345 EX/118	AVIATION SECURITY DEVELOPMENTS IN VIET NAM (16/09/2013)
A38-WP/385 EX/131	DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 13 (27/09/2013)

Item 14: Universal Security Audit Programme (USAP)

A38-WP/15 EX/10	UNIVERSAL SECURITY AUDIT PROGRAMME (USAP): TRANSITION TO A CONTINUOUS MONITORING APPROACH (31/05/2013)
A38-WP/15 Revision No. 1 EX/10	UNIVERSAL SECURITY AUDIT PROGRAMME (USAP): TRANSITION TO A CONTINUOUS MONITORING APPROACH (08/07/2013)
A38-WP/16 EX/11	UNIVERSAL SECURITY AUDIT PROGRAMME (USAP) (12/07/2013)
A38-WP/168 EX/64	AVSEC QUALITY CONTROL – THE EXPERIENCE OF THE DOMINICAN REPUBLIC (20/08/2013)
A38-WP/230 EX/78	EVOLUTIONARY DEVELOPMENT OF THE UNIVERSAL SECURITY AUDIT PROGRAMME (USAP) (09/09/2013)
A38-WP/230 Corrigendum No. 1 EX/78	EVOLUTIONARY DEVELOPMENT OF THE UNIVERSAL SECURITY AUDIT PROGRAMME (USAP) (25/09/2013)
A38-WP/328 EX/114; TE/145	CARIBBEAN AVIATION SAFETY AND SECURITY OVERSIGHT SYSTEM (CASSOS) REPORT OF ACTIVITIES AND PROGRESS SINCE THE 37TH GENERAL ASSEMBLY (17/09/2013)
A38-WP/392 EX/134	DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 14 (27/09/2013)

Item 15: Aviation Security —Implementation Support

A38-WP/20 EX/15	AVIATION SECURITY ASSISTANCE AND CAPACITY BUILDING STRATEGY (10/06/2013)
A38-WP/21 EX/16	IMPLEMENTATION SUPPORT AND DEVELOPMENT — SECURITY (ISD-SEC) PROGRAMME (07/06/2013)
A38-WP/107 EX/43	AVIATION SECURITY ASSISTANCE AND CAPACITY BUILDING STRATEGY (21/08/2013)

A38-WP/130 EX/48	CAPACITY BUILDING STRATEGY SPECIFIC TO AIR CARGO SECURITY (21/08/2013)
A38-WP/152 EX/54	PRESENTATION OF THE SCHOOL OF CIVIL AVIATION SECURITY (ESAC), ICAO REGIONAL TRAINING CENTRE, ASTC/ESAC (20/08/2013)
A38-WP/160 EX/58	PROTECTION OF SECURITY RESTRICTED AREA (20/08/2013)
A38-WP/217 EX/74	INTERNATIONAL CONFERENCE "AVIATION SECURITY: 40 YEARS OF SERVICE IN CIVIL AVIATION OF RUSSIA" (27/08/2013)
A38-WP/299 EX/102	AVIATION SECURITY TRAINING AND OTHER RELATED ACTIVITIES FOR CAPACITY BUILDING OF DEVELOPING COUNTRIES LED BY THE REPUBLIC OF KOREA (11/09/2013)
A38-WP/313 EX/107	LE PROGRAMME DES AUDITS/INSPECTIONS DE L'UNION ECONOMIQUE ET MONÉTAIRE OUEST AFRICAINE (UEMOA) (11/09/2013)
A38-WP/313 Revision EX/107	LE PROGRAMME DES AUDITS/INSPECTIONS DE L'UNION ECONOMIQUE ET MONÉTAIRE OUEST AFRICAINE (UEMOA) (20/09/2013)
A38-WP/320 EX/111	DECISIONES AVSEC/FAL PROMULGADAS POR LA CLAC (11/09/2013)
A38-WP/320 Revised EX/111	AVSEC/FAL DECISIONS FORMULATED BY LACAC (19/09/2013)
A38-WP/396 EX/135	DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 15 (27/09/2013)

Item 16: Facilitation and Machine Readable Travel Documents

A38-WP/3 EX/1	DEVELOPMENTS PERTAINING TO ANNEX 9 – <i>FACILITATION</i> AND PROPOSED WORK PROGRAMME FOR THE NEXT TRIENNIUM (26/02/2013)
A38-WP/4 EX/2	DEVELOPMENTS PERTAINING TO THE MACHINE READABLE TRAVEL DOCUMENTS (MRTD) PROGRAMME AND THE PUBLIC KEY DIRECTORY (PKD) (06/05/2013)
A38-WP/11 EX/6	PROPOSAL FOR AN ICAO TRAVELLER IDENTIFICATION PROGRAMME (ICAO TRIP) STRATEGY (17/05/2013)
A38-WP/23 EX/18	CONSOLIDATED STATEMENT OF CONTINUING ICAO POLICIES AND PRACTICES RELATED TO FACILITATION (20/06/2013)
A38-WP/94 EX/39	PASSENGER DATA AND BORDER CONTROL (07/08/2013)
A38-WP/94 Rev.No.1, EX/39	PASSENGER DATA AND BORDER CONTROL (03/09/2013)

A38-WP/105 EX/41	DEVELOPMENT PERTAINING TO THE MACHINE READABLE TRAVEL DOCUMENTS (MRTD) PROGRAMME AND PUBLIC KEY DIRECTORY (PKD) (21/08/2013)
A38-WP/161 EX/59	TRUSTED TRAVELLER PROGRAM (20/08/2013)
A38-WP/180 EX/71	UPDATE OF PROGRESS IN FACILITATION AND ePASSPORTS IN CHINA (20/08/2013)
A38-WP/246 EX/82	VISA FACILITATION AS MEANS TO STIMULATE TOURISM GROWTH (09/09/2013)
A38-WP/254 EX/84	A GLOBAL FRAMEWORK FOR THE COLLECTION AND USAGE OF PASSENGER NAME RECORD (PNR) DATA (17/09/2013)
A38-WP/267 EX/87	A PROPOSAL FOR ICAO STANDARDS AND RECOMMENDED PRACTICES ON THE AUTOMATED IMMIGRATION CLEARANCE SYSTEM (17/09/2013)
A38-WP/269 EX/89	EFFECT OF AUTOMATED IMMIGRATION CLEARANCE SERVICE (11/09/2013)
A38-WP/322 EX/112	REPORT ON ACTIVITIES UNDERTAKEN BY CHILE IN RELATION TO MACHINE READABLE TRAVEL DOCUMENTS (11/09/2013)
A38-WP/397 EX/136	DRAFT TEXT FOR THE REPORT ON AGENDA ITEM 16 (27/09/2013)

Item 17: Environmental Protection

A38-WP/25 EX/20	DEVELOPMENTS IN CIVIL AVIATION AND THE ENVIRONMENT (18/07/2013)
A38-WP/26 EX/21	PRESENT AND FUTURE TRENDS IN AIRCRAFT NOISE AND EMISSIONS (18/07/2013)
A38-WP/27 EX/22	CONSOLIDATED STATEMENT OF CONTINUING ICAO POLICIES AND PRACTICES RELATED TO ENVIRONMENTAL PROTECTION – GENERAL PROVISIONS, NOISE AND LOCAL AIR QUALITY (18/07/2013)
A38-WP/28 EX/23	SUSTAINABLE ALTERNATIVE FUELS FOR AVIATION (18/07/2013)
A38-WP/29 EX/24	MARKET-BASED MEASURES (MBMs) (04/09/2013)
A38-WP/30 EX/25	STATES' ACTION PLANS FOR CO ₂ EMISSIONS REDUCTION ACTIVITIES (23/07/2013)
A38-WP/31 EX/26	ASSISTANCE TO STATES – AVIATION AND CLIMATE CHANGE (18/07/2013)
A38-WP/32 EX/27	ENVIRONMENTAL PROTECTION – DEVELOPMENTS IN OTHER UNITED NATIONS BODIES AND INTERNATIONAL ORGANIZATIONS (18/07/2013)

A38-WP/33 EX/28	UNITED NATIONS CLIMATE NEUTRAL INITIATIVE (02/07/2013)
A38-WP/34 EX/29	CONSOLIDATED STATEMENT OF CONTINUING ICAO POLICIES AND PRACTICES RELATED TO ENVIRONMENTAL PROTECTION – CLIMATE CHANGE (04/09/2013)
A38-WP/68 EX/33	ADDRESSING CO ₂ EMISSIONS FROM AVIATION (24/07/2013)
A38-WP/68 Revision No. 1 EX/33	ADDRESSING CO ₂ EMISSIONS FROM AVIATION (20/08/2013)
A38-WP/68 Revision No. 2 EX/33	ADDRESSING CO ₂ EMISSIONS FROM AVIATION (03/09/2013)
A38-WP/68 Revision No. 3 EX/33	ADDRESSING CO ₂ EMISSIONS FROM AVIATION (17/09/2013)
A38-WP/70 EX/34	EUROPEAN VIEWS ON THE LOCAL ENVIRONMENTAL IMPACTS OF AVIATION (25/07/2013)
A38-WP/83 EX/38	A COMPREHENSIVE APPROACH TO REDUCING THE CLIMATE IMPACTS OF INTERNATIONAL AVIATION (31/07/2013)
A38-WP/83 Revision No. 1 EX/38	A COMPREHENSIVE APPROACH TO REDUCING THE CLIMATE IMPACTS OF INTERNATIONAL AVIATION (25/09/2013)
A38-WP/106 EX/42	ADDRESSING AIRCRAFT NOISE AND LOCAL AIR QUALITY IMPACTS (20/08/2013)
A38-WP/108 EX/44	SUSTAINABLE ALTERNATIVE JET FUELS (20/08/2013)
A38-WP/131 EX/49	DOMINICAN REPUBLIC — ACTION PLAN FOR REDUCING CO ₂ EMISSIONS FROM INTERNATIONAL CIVIL AVIATION (20/08/2013)
A38-WP/163 EX/60	ICAO POLICIES ON NOISE-RELATED OPERATING RESTRICTIONS (20/08/2013)
A38-WP/163 Rev. No.1, EX/60	ICAO POLICIES ON NOISE-RELATED OPERATING RESTRICTIONS (03/09/2013)
A38-WP/164 EX/61	INDONESIA GREEN AVIATION INITIATIVES FOR SUSTAINABLE DEVELOPMENT: ALTERNATIVE FUEL FOR AIRCRAFT OPERATIONS (20/08/2013)
A38-WP/165 EX/62	INDONESIA GREEN AVIATION INITIATIVES FOR SUSTAINABLE DEVELOPMENT: RENEWABLE ENERGY FOR AIRPORT OPERATIONS

(20/08/2013)

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GREEN AVIATION INITIATIVES FOR SUSTAINABLE DEVELOPMENT: INTERNATIONAL GREEN AVIATION CONFERENCE 2013 (IGAC-2013) (20/08/2013)
- A38-WP/176
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EXPECTATIONS AND DESIRABLE OBJECTIVES OF THE 38TH SESSION OF THE ASSEMBLY RELATING TO INTERNATIONAL AVIATION AND CLIMATE CHANGE — PERSPECTIVE OF THE KINGDOM OF SAUDI ARABIA (20/08/2013)
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- A38-WP/222
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- A38-WP/250
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- A38-WP/258
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- A38-WP/268
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- A38-WP/270
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- A38-WP/271
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- A38-WP/272
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A38-WP/279 EX/97	ACTION PLAN OF CENTRAL AMERICA TO REDUCE EMISSIONS FROM INTERNATIONAL CIVIL AVIATION (CAAPER) (10/09/2013)
A38-WP/288 EX/100	EFFECTIVE MARKET-BASED MEASURES TO ADDRESS GREENHOUSE GAS EMISSIONS FROM INTERNATIONAL AVIATION (12/09/2013)
A38-WP/289 EX/101	TRANSPARENCY AND PROCESS ON ENVIRONMENTAL ISSUES (12/09/2013)
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